

Capital Reporting Company
In the Matter of: ABRA Agenda 09-19-2012

DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
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A.B.R.A. AGENDA :
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September 19, 2012

The Alcoholic Beverage Control

Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT

- RUTHANNE MILLER, Chairperson
- NICK ALBERTI, Member
- DONALD BROOKS, Member
- HERMAN JONES, Member
- CALVIN NOPHLIN, Member
- MIKE SILVERSTEIN, Member

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<p style="text-align: right;">2</p> <p>1 P R O C E E D I N G S</p> <p>2 6:06 p.m.</p> <p>3 CHAIRPERSON MILLER: Okay. We're back on the</p> <p>4 record to do the agenda for September 19th, 2012. First</p> <p>5 item on the agenda is a review of a manager's</p> <p>6 application for Akindele Akerejah. I would move to</p> <p>7 deny -- no. Would somebody like to move -- I'm not in</p> <p>8 support of this application but this -- the others who</p> <p>9 are in support might want to make a motion to approve it.</p> <p>10 MR. SILVERSTEIN: I'd like to move that we</p> <p>11 approve the nomination, Madam Chair.</p> <p>12 CHAIRPERSON MILLER: Okay. Is there a</p> <p>13 second?</p> <p>14 MR. NOPHLIN: Second.</p> <p>15 CHAIRPERSON MILLER: All right. All those in</p> <p>16 favor, say aye?</p> <p>17 (Chorus of ayes.)</p> <p>18 CHAIRPERSON MILLER: All those opposed?</p> <p>19 Opposed. All those abstaining?</p> <p>20 (No audible response.)</p> <p>21 CHAIRPERSON MILLER: And then the vote is 4-1-0</p> <p>22 to approve.</p>	<p style="text-align: right;">4</p> <p>1 CHAIRPERSON MILLER: The vote is 5-0-0. No.</p> <p>2 4 is a manager's application for Emily Wener. I move</p> <p>3 that we approve this application.</p> <p>4 Is there a second?</p> <p>5 MR. NOPHLIN: Second.</p> <p>6 CHAIRPERSON MILLER: Motion's been seconded</p> <p>7 by Mr. Nophlin. All those in favor, say aye?</p> <p>8 (Chorus of ayes.)</p> <p>9 CHAIRPERSON MILLER: All those opposed?</p> <p>10 (No audible response.)</p> <p>11 CHAIRPERSON MILLER: All those abstaining?</p> <p>12 (No audible response.)</p> <p>13 CHAIRPERSON MILLER: Then the motion passes</p> <p>14 by a vote of 5-0-0.</p> <p>15 Next is a review of a change of hours</p> <p>16 application. And this is for Montmartre/7th Hill,</p> <p>17 located at 327 7th Street, S.E. This would involve --</p> <p>18 closed on Monday. The hours of operation are Tuesday</p> <p>19 through Saturday, 11:30 to 10:30 p.m. and this is for</p> <p>20 sales and services as well, and Sunday, 11:30 a.m. to</p> <p>21 9:30 p.m.</p> <p>22 The proposed hours are Sunday, 10:30 a.m. to</p>
<p style="text-align: right;">3</p> <p>1 Next is another manager's application and</p> <p>2 that is for Mayra Sorto. I would move that we approve</p> <p>3 this application. Is there a second?</p> <p>4 MR. SILVERSTEIN: Second.</p> <p>5 CHAIRPERSON MILLER: All those in favor, say</p> <p>6 aye?</p> <p>7 (Chorus of ayes.)</p> <p>8 CHAIRPERSON MILLER: All those opposed?</p> <p>9 (No audible response.)</p> <p>10 CHAIRPERSON MILLER: The motion passes 5-0.</p> <p>11 Next is a manager's application for Brian</p> <p>12 Janney. I move that we approve this application.</p> <p>13 Is there a second?</p> <p>14 MR. SILVERSTEIN: Second.</p> <p>15 CHAIRPERSON MILLER: There's a motion that's</p> <p>16 been seconded by Mr. Silverstein. All those in favor,</p> <p>17 say aye?</p> <p>18 (Chorus of ayes.)</p> <p>19 CHAIRPERSON MILLER: All those opposed?</p> <p>20 (No audible response.)</p> <p>21 CHAIRPERSON MILLER: All those abstaining?</p> <p>22 (No audible response.)</p>	<p style="text-align: right;">5</p> <p>1 10:30 p.m.; Monday through Thursday, 11:30 a.m. through</p> <p>2 11:00 p.m.; Friday, 11:30 a.m. through 11:30 p.m.;</p> <p>3 Saturday, 10:30 a.m. to 11:30 p.m.; and Sunday, 10:30</p> <p>4 a.m. to 10:30 p.m. No pending investigative matters</p> <p>5 and no fines outstanding and no voluntary agreement. So</p> <p>6 I would move that we approve this application.</p> <p>7 Is there a second?</p> <p>8 MR. NOPHLIN: Second.</p> <p>9 CHAIRPERSON MILLER: Motion's been seconded</p> <p>10 by Mr. Nophlin. Any comments?</p> <p>11 (No audible response.)</p> <p>12 CHAIRPERSON MILLER: All those in favor of</p> <p>13 the motion that's been seconded, say aye?</p> <p>14 (Chorus of ayes.)</p> <p>15 CHAIRPERSON MILLER: All those opposed?</p> <p>16 (No audible response.)</p> <p>17 CHAIRPERSON MILLER: All those abstaining?</p> <p>18 (No audible response.)</p> <p>19 CHAIRPERSON MILLER: Motion passes 5-0-0.</p> <p>20 Next is a request from Andrew Kline on behalf of the</p> <p>21 Licensee to increase occupancy from 99 to 115 pursuant</p> <p>22 to the issuance of a final Certificate of Occupancy. No</p>

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<p style="text-align: right;">6</p> <p>1 pending investigative matters, no outstanding citations 2 or fines, and no voluntary agreement. It's in ANC 1A. 3 The establishment is Chucho-Cocina Superior, 3313 11th 4 Street, N.W., License No. 85471. I move that we 5 approve this application. 6 Do I have a second? 7 MR. SILVERSTEIN: Second. 8 CHAIRPERSON MILLER: The motion's been 9 seconded by Mr. Silverstein. Any comments? 10 (No audible response.) 11 CHAIRPERSON MILLER: All those in favor of 12 the motion, say aye? 13 (Chorus of ayes.) 14 CHAIRPERSON MILLER: All those opposed? 15 (No audible response.) 16 CHAIRPERSON MILLER: All those abstaining? 17 (No audible response.) 18 CHAIRPERSON MILLER: The motion passes 5-0-0. 19 Next is a request to extend safekeeping 20 period to March 31st, 2013 to continue talks with 21 potential buyers of the property. It's in ANC 2E. The 22 establishment is Papa Razzi, located at 1064-1066</p>	<p style="text-align: right;">8</p> <p>1 to March 19th. 2 Do I have a second? 3 MR. NOPHLIN: Second. 4 CHAIRPERSON MILLER: Any comments? 5 (No audible response.) 6 CHAIRPERSON MILLER: Okay. All those in 7 favor, say aye? 8 (Chorus of ayes.) 9 CHAIRPERSON MILLER: All those opposed? 10 (No audible response.) 11 CHAIRPERSON MILLER: All those abstaining? 12 (No audible response.) 13 CHAIRPERSON MILLER: Then the motion passes 14 by a vote of 5-0-0. 15 No. 9 is also a request to put a license in 16 safekeeping until early 2013 to allow for repair of 17 structural damage. This is in ANC 2E. The 18 establishment is La Madeleine, 3000 M Street, N.W., 19 License No. 23994. I would move that we grant this 20 request and also put this one for six months. Okay. So 21 that would be for six months, which would take them 22 into early 2013. Again, that would be March 19th.</p>
<p style="text-align: right;">7</p> <p>1 Wisconsin Avenue, N.W., License No. 20054. I would 2 move that we approve this application -- I mean, 3 approve this request to extend the safekeeping. 4 Do I have a second? 5 MR. NOPHLIN: Second. 6 CHAIRPERSON MILLER: Comments? 7 (No audible response.) 8 CHAIRPERSON MILLER: Okay. All those in 9 favor, say aye? 10 (Chorus of ayes.) 11 CHAIRPERSON MILLER: All those opposed? 12 (No audible response.) 13 CHAIRPERSON MILLER: Those abstaining? 14 (No audible response.) 15 CHAIRPERSON MILLER: The motion passes 5-0-0. 16 No. 8 is a safekeeping application to allow 17 for renovation of the building after a fire. It's in 18 ANC 4C. The establishment is Sweet Mango Cafe, 3701 New 19 Hampshire Avenue, N.W. Okay. No specific time was 20 requested. I would move that we grant the request to 21 keep the license in safekeeping for six months, which 22 is a standard set forth in 25-791. That would take it</p>	<p style="text-align: right;">9</p> <p>1 Do I have a second? 2 MR. SILVERSTEIN: Second. 3 CHAIRPERSON MILLER: Okay. Any comments? 4 (No audible response.) 5 CHAIRPERSON MILLER: All those in favor of 6 the motion that's been seconded, say aye? 7 (Chorus of ayes.) 8 CHAIRPERSON MILLER: All those opposed? 9 (No audible response.) 10 CHAIRPERSON MILLER: All those abstaining? 11 (No audible response.) 12 CHAIRPERSON MILLER: The vote is 5-0-0 to 13 approve the motion. 14 No. 10 is a request from Michael Hibey on 15 behalf of the landlord to extend the safekeeping period 16 to October 1, 2012 to allow for completion of transfer 17 application. The establishment is Garrett's Restaurant 18 at 3003 M Street, N.W., License No. 15721 in ANC 2E. 19 And they requested 30 days. I move that we approve 20 this request to extend the safekeeping period for 30 21 days. 22 Do I have a second?</p>

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10	<p>1 MR. ALBERTI: Second.</p> <p>2 CHAIRPERSON MILLER: All those in favor, say</p> <p>3 aye?</p> <p>4 (Chorus of ayes.)</p> <p>5 CHAIRPERSON MILLER: All those opposed?</p> <p>6 (No audible response.)</p> <p>7 CHAIRPERSON MILLER: All those abstaining?</p> <p>8 (No audible response.)</p> <p>9 CHAIRPERSON MILLER: Then the motion passes</p> <p>10 by a vote of 5-0-0.</p> <p>11 No. 11 is a review of safekeeping application</p> <p>12 for 15 months to allow for reconstruction of premises</p> <p>13 by the landlord. The establishment is Coppi's Pizza,</p> <p>14 located at 1414 U Street, N.W., License No. 19629. I</p> <p>15 would move that we approve this request for a period of</p> <p>16 six months to be reviewed at that time to extend it if</p> <p>17 necessary because that's the guidance given in the</p> <p>18 statute 25-791.</p> <p>19 Do I have a second?</p> <p>20 MR. NOPHLIN: Second.</p> <p>21 CHAIRPERSON MILLER: Okay. Discussion?</p> <p>22 MR. ALBERTI: Yes, Madam Chair. The Board</p>	12
11	<p>1 has a -- has the ability to grant safekeeping for</p> <p>2 longer than six months. And this Licensee has clearly</p> <p>3 indicated that the time estimate they've been given by</p> <p>4 their landlord, who really is controlling when the work</p> <p>5 will be done, is 15 months. So I -- it would be my</p> <p>6 preference to grant safekeeping for 12 months so that -</p> <p>7 - we can certainly take a look at it in six months. But</p> <p>8 it would leave this Licensee with the burden of having</p> <p>9 to come in and fill out another application in six</p> <p>10 months.</p> <p>11 CHAIRPERSON MILLER: Okay. Well, I would be</p> <p>12 amenable to amending my amendment -- I mean, amending</p> <p>13 my motion to grant it for 12 months but have them come</p> <p>14 in in six months for a review. Okay. So that's my</p> <p>15 motion as amended. Any other comments?</p> <p>16 (No audible response.)</p> <p>17 CHAIRPERSON MILLER: Okay. Then the motion</p> <p>18 is to grant them safekeeping -- their license be put in</p> <p>19 safekeeping for 12 months and we'll schedule a review</p> <p>20 within -- at the end of six months.</p> <p>21 MR. SILVERSTEIN: Madam Chair?</p> <p>22 CHAIRPERSON MILLER: Yes.</p>	13
10	<p>1 MR. SILVERSTEIN: I would like to move that</p> <p>2 we not require them to come in in six months, but</p> <p>3 simply advise us in writing or some other way as to the</p> <p>4 progress of the case.</p> <p>5 MR. ALBERTI: And I'll just comment that we</p> <p>6 could --</p> <p>7 CHAIRPERSON MILLER: Okay.</p> <p>8 MR. ALBERTI: -- we could simply send out an</p> <p>9 investigator to take a look at the -- at the premise.</p> <p>10 CHAIRPERSON MILLER: Why don't we say,</p> <p>11 "Subject to review in six months" --</p> <p>12 MR. ALBERTI: Yeah.</p> <p>13 CHAIRPERSON MILLER: -- but not specify maybe--</p> <p>14 MR. ALBERTI: All right. Yeah.</p> <p>15 CHAIRPERSON MILLER: -- exactly what kind.</p> <p>16 MR. ALBERTI: Absolutely.</p> <p>17 CHAIRPERSON MILLER: Okay. So 12 months,</p> <p>18 subject to six months review. Okay. All right. Any</p> <p>19 further discussion?</p> <p>20 (No audible response.)</p> <p>21 CHAIRPERSON MILLER: All right. All right.</p> <p>22 All those in favor then of the motion as amended, say</p>	12
11	<p>1 aye?</p> <p>2 (Chorus of ayes.)</p> <p>3 CHAIRPERSON MILLER: All those opposed?</p> <p>4 (No audible response.)</p> <p>5 CHAIRPERSON MILLER: Those abstaining?</p> <p>6 (No audible response.)</p> <p>7 CHAIRPERSON MILLER: The motion passes by a</p> <p>8 vote of 5-0-0.</p> <p>9 We next have a change of hours application to</p> <p>10 change Sunday hours of alcoholic beverage sales/service</p> <p>11 for premises and sidewalk cafe. This is for Barcode,</p> <p>12 1101 17th Street, N.W. The current Sunday hours of</p> <p>13 alcoholic beverage sales/service for premises and</p> <p>14 sidewalk cafe are 10:00 a.m. to 2:00 a.m. Proposed</p> <p>15 Sunday hours of alcoholic beverage sales/service for</p> <p>16 premises and sidewalk cafe are 8:00 a.m. to 2:00 a.m.,</p> <p>17 so two hours earlier in the morning.</p> <p>18 Okay. There's no voluntary agreement. There</p> <p>19 is some type of pending fine but in my (inaudible) to</p> <p>20 influence me with respect to the two hours earlier</p> <p>21 application. So I'm not really aware of what that is.</p> <p>22 Okay. So any -- I would move to approve this change of</p>	13

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14	<p>1 hours.</p> <p>2 Do I have a second?</p> <p>3 MR. SILVERSTEIN: Second.</p> <p>4 CHAIRPERSON MILLER: Discussion?</p> <p>5 MR. ALBERTI: I would recommend -- my</p> <p>6 preference would be for a fact finding, since they were</p> <p>7 asking for a closing at 4:00 a.m., which is an hour</p> <p>8 past the legal hours --</p> <p>9 CHAIRPERSON MILLER: Do (inaudible) --</p> <p>10 MR. ALBERTI: -- in which alcohol service can</p> <p>11 be --</p> <p>12 CHAIRPERSON MILLER: I don't think you're on</p> <p>13 the right one.</p> <p>14 MR. ALBERTI: Which one are we on?</p> <p>15 CHAIRPERSON MILLER: Twelve. It's two hour --</p> <p>16 MR. ALBERTI: Oh, I'm sorry.</p> <p>17 CHAIRPERSON MILLER: It's -- they want to</p> <p>18 open two hours earlier.</p> <p>19 MR. ALBERTI: Excuse me. I take that back.</p> <p>20 This is -- this is Barcode?</p> <p>21 CHAIRPERSON MILLER: Barcode, two hours</p> <p>22 earlier in the --</p>	16
15	<p>1 MR. ALBERTI: I am in total agreement but I'm</p> <p>2 sorry.</p> <p>3 CHAIRPERSON MILLER: Okay. That -- okay.</p> <p>4 MR. ALBERTI: I got ahead of myself.</p> <p>5 CHAIRPERSON MILLER: Okay. Any other</p> <p>6 comments?</p> <p>7 (No audible response.)</p> <p>8 CHAIRPERSON MILLER: All right, then. I</p> <p>9 would move to approve the change of hours request.</p> <p>10 Is there a second?</p> <p>11 MR. NOPHLIN: Second.</p> <p>12 CHAIRPERSON MILLER: Any other comments?</p> <p>13 (No audible response.)</p> <p>14 CHAIRPERSON MILLER: All those in favor then,</p> <p>15 say aye?</p> <p>16 (Chorus of ayes.)</p> <p>17 CHAIRPERSON MILLER: All those opposed?</p> <p>18 (No audible response.)</p> <p>19 CHAIRPERSON MILLER: Those abstaining?</p> <p>20 (No audible response.)</p> <p>21 CHAIRPERSON MILLER: Okay. The motion passes</p> <p>22 5-0-0.</p> <p>No. 13, change of hours application to change</p>	17
14	<p>1 the hours of operation and hours of alcoholic beverage</p> <p>2 sales/services. Their current operation and sales</p> <p>3 service are Sunday through Thursday, 9:00 a.m. to 2:00</p> <p>4 a.m.; Friday and Saturday, 9:00 a.m. to 3:00 a.m. The</p> <p>5 proposed hours of operation will be 8:00 a.m. to 3:00</p> <p>6 a.m.; Monday through Thursday, 9:00 a.m. to 3:00 a.m.;</p> <p>7 Friday and Saturday, 9:00 a.m. to 4:00 a.m.</p> <p>8 The proposed hours of alcoholic beverage</p> <p>9 sales/service would be 8:00 a.m. to 2:00 a.m. on</p> <p>10 Sunday; Monday through Thursday, 9:00 a.m. to 2:00</p> <p>11 a.m.; Friday and Saturday, 9:00 a.m. to 3:00 a.m.</p> <p>12 There's no pending fines or citations. There is some</p> <p>13 type of pending investigative matter that we're not</p> <p>14 privy to at this point. And there's no voluntary</p> <p>15 agreement. This is Ultrabar/Chroma, 911 F Street, N.W.</p> <p>16 Okay. I would move approval of this application.</p> <p>17 Do I have a second?</p> <p>18 MR. NOPHLIN: Second.</p> <p>19 CHAIRPERSON MILLER: Okay. The motion's been</p> <p>20 seconded by Mr. Nophlin. Discussion?</p> <p>21 MR. ALBERTI: This is the one, Madam Chair,</p> <p>22 where they're asking for -- to be open at -- until 4:00</p>	17

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<p style="text-align: right;">18</p> <p>1 and let's set this for fact finding to be determined by 2 legal counsel if they have a chance to look at the 3 calendar. 4 MR. ALBERTI: Thank you. 5 CHAIRPERSON MILLER: Okay. Okay. So that's 6 the motion, to schedule a fact finding of this. All 7 those in favor -- has it been seconded after? 8 MR. NOPHLIN: It hasn't. We need a second. 9 CHAIRPERSON MILLER: Mr. Nophlin seconded. 10 Okay. All those in favor, say aye? 11 (Chorus of ayes.) 12 CHAIRPERSON MILLER: All those opposed? 13 (No audible response.) 14 CHAIRPERSON MILLER: All those abstaining? 15 (No audible response.) 16 CHAIRPERSON MILLER: The vote is 5-0-0 for 17 fact finding. 18 No. 14 is a sidewalk cafe application to add 19 six seats. Proposed hours of operation are Monday 20 through Sunday, 11:00 a.m. to 11:00 p.m. Proposed 21 hours of alcoholic beverage sales/service is Monday 22 through Sunday, 11:00 a.m. to 10:00 p.m. Okay. Some</p>	<p style="text-align: right;">20</p> <p>1 from Adam Williamowsky requesting a disposal permit, 2 which will allow Zola to sell its remaining inventory. 3 The establishment is International Spy Museum/Zola, 800 4 F Street, N.W., License No. 60573. I move that we 5 approve this application. 6 Do I have a second? 7 MR. NOPHLIN: Second. 8 CHAIRPERSON MILLER: The motion's been 9 seconded by Mr. Nophlin. Any comments? 10 (No audible response.) 11 CHAIRPERSON MILLER: All those in favor the 12 motion, say aye? 13 (Chorus of ayes.) 14 CHAIRPERSON MILLER: All those opposed? 15 (No audible response.) 16 CHAIRPERSON MILLER: All those abstaining? 17 (No audible response.) 18 CHAIRPERSON MILLER: The motion passes 5-0-0. 19 No. 16 is a motion for a continuance dated 20 August 31, 2012 from Paul Pascal for the protest 21 hearing scheduled on December 5th, 2012 at 1:30 p.m. 22 The establishment is Duchess and the Queen, located at</p>
<p style="text-align: right;">19</p> <p>1 pending investigative matter, no pending fines or 2 citations, no voluntary agreement. This is in ANC 2E. 3 The establishment is Paul Bakery, 1078 Wisconsin 4 Avenue, N.W., License No. 84926. I would move that we 5 approve this application to add six seats. 6 Do I have a second? 7 MR. SILVERSTEIN: Second. 8 CHAIRPERSON MILLER: Any -- 9 MR. NOPHLIN: Second. 10 CHAIRPERSON MILLER: The motion's been 11 seconded by Mr. Silverstein. Any comments? 12 (No audible response.) 13 CHAIRPERSON MILLER: Okay. All those in 14 favor of the motion then, say aye? 15 (Chorus of ayes.) 16 CHAIRPERSON MILLER: All those opposed? 17 (No audible response.) 18 CHAIRPERSON MILLER: All those abstaining? 19 (No audible response.) 20 CHAIRPERSON MILLER: The motion passes by a 21 vote of 5-0-0. 22 No. 15 is a letter dated September 4th, 2012</p>	<p style="text-align: right;">21</p> <p>1 1202 18th Street, N.W., License No. 89545. Okay. And 2 I believe that the protestants do not object to this 3 motion for continuance, as long as it doesn't unduly 4 delay the case. 5 I would move that we grant the motion for 6 continuance and then have our legal staff look at the 7 calendar to determine what date might be available and 8 maybe consult with the parties at the same time to see 9 when they're available. Okay. So the motion would be 10 to grant the continuance. 11 Do I have a second? 12 MR. NOPHLIN: Second. 13 CHAIRPERSON MILLER: Who was that, Mr. 14 Nophlin? 15 MR. NOPHLIN: Yeah. 16 CHAIRPERSON MILLER: Okay. Motion's been 17 seconded by Mr. Nophlin. Any comments? 18 (No audible response.) 19 CHAIRPERSON MILLER: Okay. Then all those in 20 favor of the motion to grant the continuance, say aye? 21 (Chorus of ayes.) 22 CHAIRPERSON MILLER: All those opposed?</p>

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22	<p>1 (No audible response.)</p> <p>2 CHAIRPERSON MILLER: All those abstaining?</p> <p>3 (No audible response.)</p> <p>4 CHAIRPERSON MILLER: The vote is 5-0-0 to</p> <p>5 grant the motion.</p> <p>6 No. 17 is a letter dated August 30th, 2012</p> <p>7 from the Restaurant Association Metropolitan Washington</p> <p>8 opposing the proposed amendment to 23 DCMR 807 that</p> <p>9 expands the definition of, "egregious." I would move</p> <p>10 that we postpone consideration of this letter until</p> <p>11 October 3rd, when we will be considering the proposed</p> <p>12 amendment.</p> <p>13 Have a second?</p> <p>14 MR. NOPHLIN: Second.</p> <p>15 CHAIRPERSON MILLER: Any comments?</p> <p>16 (No audible response.)</p> <p>17 CHAIRPERSON MILLER: All those in favor of</p> <p>18 the motion to postpone consideration, say aye?</p> <p>19 (Chorus of ayes.)</p> <p>20 CHAIRPERSON MILLER: All those opposed?</p> <p>21 (No audible response.)</p> <p>22 CHAIRPERSON MILLER: All those abstaining?</p>	24	<p>1 a supplemental agenda.</p> <p>2 Okay. No. 1 on our supplemental agenda is a</p> <p>3 letter dated September 18th, 2012 from Stephen O'Brien</p> <p>4 informing the Board that Hill Country Summer Barbecue's</p> <p>5 application will be amended to require the cessation of</p> <p>6 live entertainment at 9:00 p.m. on weekdays and 11:00</p> <p>7 p.m. on weekends, and the email dated September 18th,</p> <p>8 2012 from Sally Fallon Morell (Group of Five or More</p> <p>9 Protestants) withdrawing the protest subject to the</p> <p>10 amended application.</p> <p>11 I would move that we agree that the</p> <p>12 application can be amended accordingly and, therefore -</p> <p>13 - yeah, okay - - that it be amended accordingly. All</p> <p>14 right.</p> <p>15 Do I have a second?</p> <p>16 MR. NOPHLIN: Second.</p> <p>17 CHAIRPERSON MILLER: Any discussion?</p> <p>18 MR. ALBERTI: Need to (inaudible) --</p> <p>19 CHAIRPERSON MILLER: Yeah, we're just going</p> <p>20 to --</p> <p>21 MR. ALBERTI: -- even if it's just an FYI to</p> <p>22 tell them if they're going to -- they have every right</p>
23	<p>1 (No audible response.)</p> <p>2 CHAIRPERSON MILLER: The motion passes 5-0-0.</p> <p>3 No. 18 is a review of a Metropolitan Police</p> <p>4 Department Reimbursable Detail Officer Emergency</p> <p>5 Rulemaking. These are proposed rules, which would</p> <p>6 allow reimbursement under the program for hours worked</p> <p>7 on District or Federal holidays, in addition to those</p> <p>8 worked by MPD officers on Friday and Saturday nights. I</p> <p>9 move that we approve the proposed rule -- rulemaking.</p> <p>10 Do we have -- do I have a second?</p> <p>11 MR. NOPHLIN: Second.</p> <p>12 CHAIRPERSON MILLER: Any comments?</p> <p>13 (No audible response.)</p> <p>14 CHAIRPERSON MILLER: Okay. All those in</p> <p>15 favor, say aye?</p> <p>16 (Chorus of ayes.)</p> <p>17 CHAIRPERSON MILLER: All those opposed?</p> <p>18 (No audible response.)</p> <p>19 CHAIRPERSON MILLER: All those abstaining?</p> <p>20 (No audible response.)</p> <p>21 CHAIRPERSON MILLER: The motion passes by a</p> <p>22 vote of 5-0-0. Okay. That's our agenda. Then we have</p>	25	<p>1 to amend their application.</p> <p>2 CHAIRPERSON MILLER: Well, I think that the</p> <p>3 application is here in the process. It needs to be</p> <p>4 amended. I don't know exactly --</p> <p>5 MR. ALBERTI: They have every right to do it,</p> <p>6 whether we tell them they can or not. That's the</p> <p>7 point. It's their right to amend the --</p> <p>8 CHAIRPERSON MILLER: (Inaudible) their right --</p> <p>9 MR. ALBERTI: We haven't -- we haven't</p> <p>10 approved the -- we have not approved the application.</p> <p>11 So they -- it's an application which they can amend at</p> <p>12 any time. We haven't reviewed it yet.</p> <p>13 CHAIRPERSON MILLER: Well, I don't know.</p> <p>14 That's not necessarily true. Sometimes the Board</p> <p>15 doesn't let parties amend things sometimes.</p> <p>16 MR. ALBERTI: After we approve them, after we</p> <p>17 consider them, but we haven't even got --</p> <p>18 CHAIRPERSON MILLER: Uh-huh.</p> <p>19 MR. ALBERTI: This hasn't come before us yet.</p> <p>20 CHAIRPERSON MILLER: Okay. Well, I don't</p> <p>21 think that -- I don't see any harm in approving it.</p> <p>22 MR. ALBERTI: Fine.</p>

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<p style="text-align: right;">26</p> <p>1 CHAIRPERSON MILLER: Okay. Do I have a 2 second? 3 MR. ALBERTI: Just making a point. 4 CHAIRPERSON MILLER: No, I know. I hear you. 5 I mean, maybe then we don't -- they didn't need to ask 6 us but I think on the safe side, we can approve it. 7 Okay. 8 To approve -- do I have a second? 9 MR. SILVERSTEIN: Second. 10 CHAIRPERSON MILLER: Okay. All those in 11 favor, say aye? 12 (Chorus of ayes.) 13 CHAIRPERSON MILLER: All those opposed? 14 (No audible response.) 15 CHAIRPERSON MILLER: All those abstaining? 16 MR. ALBERTI: I abstain. 17 CHAIRPERSON MILLER: Okay. The vote passes 4 18 -- the motion passes 4-0-1. 19 No. 2 is a letter dated September 5th, 2012 20 from Mary Evan Condon requesting the Board's 21 reconsideration of its license cancellation. The 22 license was deemed abandoned via Board Order No. 2012-</p>	<p style="text-align: right;">28</p> <p>1 dated August 17th, 2012 and a letter of support from 2 ANC 1B. The establishment is Marvin, 2007 14th Street, 3 N.W., License No. 76166. I move that we approve this 4 application. 5 Do I have a second? 6 MR. SILVERSTEIN: Second. 7 CHAIRPERSON MILLER: Any comments? 8 (No audible response.) 9 CHAIRPERSON MILLER: All those in favor, say 10 aye? 11 (Chorus of ayes.) 12 CHAIRPERSON MILLER: All those opposed? 13 (No audible response.) 14 CHAIRPERSON MILLER: All those abstaining? 15 (No audible response.) 16 CHAIRPERSON MILLER: The vote is 5-0-0. 17 No. 4 is a request for a stipulated license 18 dated September 18th, 2012 and a letter of support from 19 ANC 6C. The establishment is Hampton Inn - DC 20 Convention Center, 901 6th Street, N.W., License No. 21 90214. I move that we grant this request. 22 Do I have a second?</p>
<p style="text-align: right;">27</p> <p>1 308, Margarita's Mexican Cafe, 2317 Wisconsin Avenue, 2 N.W., License No. 16488. This letter sets forth their 3 arguments as to why there was good cause that they 4 didn't respond earlier to our order and asks us to 5 reconsider that order. 6 I would move that in response that we 7 postpone the cancellation and hold a fact finding 8 hearing, date to be determined by our staff. 9 Do I have a second? 10 MR. NOPHLIN: Second. 11 CHAIRPERSON MILLER: Discussion? 12 (No audible response.) 13 CHAIRPERSON MILLER: Okay. All those in 14 favor of the motion, say aye? 15 (Chorus of ayes.) 16 CHAIRPERSON MILLER: All those opposed? 17 (No audible response.) 18 CHAIRPERSON MILLER: All those abstaining? 19 (No audible response.) 20 CHAIRPERSON MILLER: And then the motion 21 passes 5-0-0. 22 No. 3 is a request for a stipulated license</p>	<p style="text-align: right;">29</p> <p>1 MR. NOPHLIN: Second. 2 CHAIRPERSON MILLER: The motion's been 3 seconded by Mr. Nophlin. Any comments? 4 (No audible response.) 5 CHAIRPERSON MILLER: All those in favor, say 6 aye? 7 (Chorus of ayes.) 8 CHAIRPERSON MILLER: All those opposed? 9 (No audible response.) 10 CHAIRPERSON MILLER: All those abstaining? 11 (No audible response.) 12 CHAIRPERSON MILLER: The vote is 5-0-0 to 13 approve. 14 That completes our supplemental agenda. 15 Finally, we have some cancellations to approve. Okay. 16 These are all from the -- the ones I'm going to read 17 are all from the Licensee. I want to -- maybe we can 18 vote on all four of them at once. 19 It's from Twelve, Sweet Spot, Twelve Thai 20 Cuisine, and Cho's Market. I move that we approve 21 these cancellations. 22 Do I have a second?</p>

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<p style="text-align: right;">30</p> <p>1 MR. NOPHLIN: Second.</p> <p>2 MR. ALBERTI: Ms. Miller, just for the</p> <p>3 record, the first one is Twelve Twelve.</p> <p>4 CHAIRPERSON MILLER: Okay. Thank you.</p> <p>5 MR. ALBERTI: Just so there is no confusion</p> <p>6 with another establishment.</p> <p>7 CHAIRPERSON MILLER: Is it CB Twelve Twelve?</p> <p>8 MR. ALBERTI: CB Twelve Twelve.</p> <p>9 CHAIRPERSON MILLER: CB Twelve Twelve.</p> <p>10 MR. ALBERTI: Yes.</p> <p>11 CHAIRPERSON MILLER: Okay. All right. I</p> <p>12 have a -- the motion's been seconded by Mr. Nophlin.</p> <p>13 Any comments other than what was just expressed?</p> <p>14 (No audible response.)</p> <p>15 CHAIRPERSON MILLER: Okay. All those in</p> <p>16 favor, say aye?</p> <p>17 (Chorus of ayes.)</p> <p>18 CHAIRPERSON MILLER: All those opposed?</p> <p>19 (No audible response.)</p> <p>20 CHAIRPERSON MILLER: All those abstaining?</p> <p>21 (No audible response.)</p> <p>22 CHAIRPERSON MILLER: Votes on all four are 5-</p>	<p style="text-align: right;">32</p> <p>1 to the Open Meetings Act. As Chairperson of the</p> <p>2 Alcoholic Beverage Control Board for the District of</p> <p>3 Columbia and in accordance with Section 405 of the Open</p> <p>4 Meetings Amendment Act of 2010, I move that the ABC</p> <p>5 Board hold a closed meeting on October 3rd, 2012 for</p> <p>6 the purpose of seeking legal advice from our counsel on</p> <p>7 the matters identified on the Board's agenda for</p> <p>8 October 3rd, 2012 as published in the DC Register on</p> <p>9 September 25th, 2012.</p> <p>10 Is there a second?</p> <p>11 MR. NOPHLIN: Second.</p> <p>12 CHAIRPERSON MILLER: I'll now take a roll</p> <p>13 call vote on the motion before us that's been seconded.</p> <p>14 Mr. Nophlin?</p> <p>15 MR. NOPHLIN: I agree.</p> <p>16 CHAIRPERSON MILLER: Mr. Brooks?</p> <p>17 MR. BROOKS: I agree.</p> <p>18 CHAIRPERSON MILLER: Mr. Alberti?</p> <p>19 MR. ALBERTI: I agree.</p> <p>20 CHAIRPERSON MILLER: Ms. Miller agrees. Mr.</p> <p>21 Silverstein?</p> <p>22 MR. SILVERSTEIN: I agree, Madam Chair.</p>
<p style="text-align: right;">31</p> <p>1 0-0.</p> <p>2 The last one is Margarita's Mexican Cafe and</p> <p>3 that is the one that we just scheduled a fact finding</p> <p>4 hearing for. So I would move that this cancellation be</p> <p>5 held in abeyance and that's it (inaudible) to be</p> <p>6 considered after the fact finding.</p> <p>7 Do I have a second?</p> <p>8 MR. NOPHLIN: Second.</p> <p>9 CHAIRPERSON MILLER: Okay. There's a motion</p> <p>10 that's been seconded by Mr. Nophlin. All those in</p> <p>11 favor, say aye?</p> <p>12 (Chorus of ayes.)</p> <p>13 CHAIRPERSON MILLER: All those opposed?</p> <p>14 (No audible response.)</p> <p>15 CHAIRPERSON MILLER: All those abstaining?</p> <p>16 (No audible response.)</p> <p>17 CHAIRPERSON MILLER: And the vote is 5-0-0 to</p> <p>18 hold this cancellation in abeyance pending the outcome</p> <p>19 of the fact finding. Okay. That completes the agenda</p> <p>20 and cancellation and all matters before the Board for</p> <p>21 September 19th, 2012.</p> <p>22 And I will just read the instructions related</p>	<p style="text-align: right;">33</p> <p>1 CHAIRPERSON MILLER: Okay. It appears the</p> <p>2 motion has passed, I hereby give notice that the ABC</p> <p>3 Board will hold this aforementioned closed meeting</p> <p>4 pursuant to the Open Meetings Amendment Act of 2010.</p> <p>5 Notice will also be posted on the ABC Board hearing</p> <p>6 room bulletin board, placed on the electronic calendar</p> <p>7 on ABRA's website and published in the DC Register in</p> <p>8 as timely a manner as practical.</p> <p>9 As Chairperson of the Alcoholic Beverage</p> <p>10 Control Board for the District of Columbia and in</p> <p>11 accordance with Section 405 of the Open Meetings</p> <p>12 Amendment Act of 2010, I move that the ABC Board hold a</p> <p>13 closed meeting on October 3rd, 2012 for the purpose of</p> <p>14 discussing and hearing reports concerning ongoing or</p> <p>15 planned investigations of alleged criminal or civil</p> <p>16 misconduct or violations of law or regulations and</p> <p>17 seeking legal advice from our counsel on the Board's</p> <p>18 investigative agenda for October 3rd, 2012, as</p> <p>19 published in the DC Register on September 25th, 2012.</p> <p>20 Is there a second?</p> <p>21 MR. BROOKS: Second.</p> <p>22 CHAIRPERSON MILLER: I'll take a roll call</p>

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<p style="text-align: right;">34</p> <p>1 vote on the motion before us now that it's been 2 seconded. Mr. Nophlin? 3 MR. NOPHLIN: Agree. 4 CHAIRPERSON MILLER: Mr. Brooks? 5 MR. BROOKS: I agree. 6 CHAIRPERSON MILLER: Mr. Alberti? 7 MR. ALBERTI: I agree. 8 CHAIRPERSON MILLER: Ms. Miller agrees. Mr. 9 Silverstein? 10 MR. SILVERSTEIN: I agree. 11 CHAIRPERSON MILLER: As it appears that the 12 motion has passed by a vote of 5-0-0, I hereby give 13 notice that the ABC Board will hold this aforementioned 14 closed meeting pursuant to the Open Meetings Amendment 15 Act of 2010. Notice will also be posted on the ABC 16 Board hearing room bulletin board, placed on the 17 electronic calendar on ABRA's website and published in 18 the DC Register in as timely a manner as practical. 19 Thank you. And that concludes all matters on 20 our agenda today, September 19th, 2012. Thank you. 21 (WHEREUPON, at 6:36 p.m., the hearing was 22 concluded.)</p>	<p style="text-align: right;">36</p> <p>1 CERTIFICATE OF TRANSCRIPTION 2 3 I, MIRANDA PENNACHI, hereby certify that I am not 4 the Court Reporter who reported the following 5 proceeding and that I have typed the transcript of this 6 proceeding using the Court Reporter's notes and 7 recordings. The foregoing/attached transcript is a 8 true, correct and complete transcription of said 9 proceeding. 10 11 12 13 _____ 14 Date MIRANDA PENNACHI 15 Transcriptionist 16 17 18 19 20 21 22</p>
<p style="text-align: right;">35</p> <p>1 CERTIFICATE OF NOTARY PUBLIC 2 3 I, BRADLEY ANGLIN, the officer before whom the 4 foregoing hearing was taken, do hereby certify that the 5 testimony appearing in the foregoing transcript was 6 recorded by me and thereafter reduced to typewriting 7 under my direction; that said transcription is a true 8 record of the testimony given by said parties; that I 9 am neither counsel for, related to, nor employed by any 10 of the parties to the action in which this was taken; 11 and, further, that I am not a relative or employee of 12 any counsel or attorney employed by the parties hereto, 13 nor financially or otherwise interested in the outcome 14 of this action. 15 16 17 18 _____ 19 BRADLEY ANGLIN 20 Notary Public in and for the 21 District of Columbia 22</p>	

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