

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

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ABRA BOARD MEETING :

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January 15, 2014

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

PRESENT:

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HECTOR RODRIGUEZ, Member

JAMES SHORT, Member

MICHAEL SILVERSTEIN, Member

1 P-R-O-C-E-E-D-I-N-G-S

2 (3:43 p.m.)

3 CHAIRPERSON MILLER: Okay, the
4 Board is back on the record to do its agenda
5 for January 15th, 2014. First item on the
6 agenda is an application for a new license for
7 Terminal Alley located at 3701 Benning Road
8 NE, license number 93983.

9 I move that we hold our fact-
10 finding hearing on this application. Do I
11 have a second?

12 MEMBER SILVERSTEIN: Second.

13 CHAIRPERSON MILLER: Mr.
14 Silverstein seconded the motion. All those in
15 favor say aye.

16 (Chorus of ayes)

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? Motion passes
19 6-0-0.

20 Next is an application for
21 substantial change to include seating capacity
22 for Maple, located at 33418 11th Street NW,

1 license number 82211. I move that we placard
2 this application. Do I have a second?

3 MEMBER SHORT: Second.

4 CHAIRPERSON MILLER: Mr. Short has
5 seconded the motion. All those in favor say
6 aye.

7 (Chorus of ayes)

8 CHAIRPERSON MILLER: All those
9 opposed? All those abstaining? Motion passes
10 6-0-0.

11 Number 3 is a request for change
12 of hours to include Sunday operations, and
13 this is for Peacock Liquors located at 1625
14 New York Avenue NE, license number 78305. And
15 I move that we deny this application because
16 it is in conflict with the settlement
17 agreement in this case which restricts hours.

18 MEMBER SILVERSTEIN: Second.

19 CHAIRPERSON MILLER: Mr.
20 Silverstein seconded the motion. All those in
21 favor say aye.

22 (Chorus of ayes)

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? Motion passes
3 6-0-0.

4 Number 4 is an application for an
5 entertainment endorsement for the Tap House
6 located at 901 9th Street NW, license number
7 93546. I move that we placard this
8 application. Do I have a second?

9 MEMBER RODRIGUEZ: I second it.

10 CHAIRPERSON MILLER: Mr. Rodriguez
11 has seconded the motion. All those in favor
12 say aye.

13 (Chorus of ayes.)

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? Motion passes
16 6-0-0.

17 Number 5 is also an application
18 for an entertainment endorsement, and this is
19 for Sweet Mango Cafe located at 3701 New
20 Hampshire Avenue NW, license number 72512. I
21 move that we placard this application. Do I
22 have a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Mr.

3 Silverstein seconded the motion. All those in
4 favor say aye.

5 (Chorus of ayes)

6 CHAIRPERSON MILLER: All those
7 opposed? All those abstaining? Motion passes
8 6-0-0.

9 I'm going to skip down to Number
10 14, and that is a settlement agreement dated
11 December 19, 2013 between ANC 2E, Citizens of
12 Georgetown, and William Moroney and Gypsy
13 Sally's Acoustic Tavern.

14 Gypsy Sally's located at 3401 K
15 Street NW, license number 090582. I move that
16 we approve this settlement agreement. Do I
17 have a second?

18 MEMBER SILVERSTEIN: Second.

19 CHAIRPERSON MILLER: Mr.

20 Silverstein seconded the motion. All those in
21 favor say aye.

22 (Chorus of ayes)

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? Motion passes
3 6-0-0.

4 Number 6 is a request for a
5 license change from CR to CT in Georgetown
6 Moratorium Zone. And this is for Gypsy Sally
7 located at 3401 K Street NW, license number
8 090582. The same establishment that we just
9 voted on in Number 14.

10 I move that we placard this
11 request or application. Do I have a second?

12 MEMBER BROOKS: Second.

13 CHAIRPERSON MILLER: Mr. Brooks
14 has seconded the motion. All those in favor
15 say aye.

16 (Chorus of ayes)

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? Motion passes
19 6-0-0.

20 Number 7 is a request for New
21 Retailer Grocery B License. This is for
22 Safeway located at 3830 Georgia Avenue NW,

1 license number 93822. I move that we refer to
2 licensing again in order to get some more
3 information. Do I have a second?

4 MALE PARTICIPANT: Second.

5 CHAIRPERSON MILLER: Any comments?

6 Okay, all those in favor then referring to
7 licensing say aye.

8 (Chorus of ayes)

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? Motion passes
11 6-0-0.

12 MEMBER BROOKS: Madam Chair,
13 there's seven of us.

14 CHAIRPERSON MILLER: Oh my
15 goodness. Well, it's a good thing you stopped
16 me now. All right, this is the first time
17 we've had seven, and we have a full complement
18 now. So I'm going to ask if there's consensus
19 then if I change all the numbers so far that
20 we voted on to 7-0-0 from 6-0-0.

21 Do I have the Board's consensus
22 that that would be an accurate change?

1 MEMBER BROOKS: Without objection
2 you can do that.

3 CHAIRPERSON MILLER: Okay, I'm
4 doing that now. Thank you, Mr. Brooks.

5 MEMBER BROOKS: You're welcome.

6 MALE PARTICIPANT: What does that say about
7 the rest of us? We're not paying attention.

8 CHAIRPERSON MILLER: Right, I
9 haven't had to count past five. All right.
10 Now, next is Number 8 on the agenda. An
11 application for Manager's License for Jae Ho
12 Shin, ABRA-093918. I move that we approve
13 this application. Do I have a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks
16 has seconded the motion. All those in favor
17 say aye.

18 (Chorus of ayes)

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining? Motion passes
21 7-0-0.

22 Number 9 is another Manager's

1 License application and this is for Joseph
2 Gartrell, ABRA-093683. I move that we approve
3 this application. Do I have a second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks
6 has seconded the motion. All those in favor
7 say aye.

8 (Chorus of ayes)

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? Motion passes
11 7-0-0.

12 Number 10 is another Manager's
13 License application and that's for Elguja
14 Kharabadze, ABRA Number 093838. I move that
15 we approve this application. Do I have a
16 second?

17 MEMBER BROOKS: Second.

18 CHAIRPERSON MILLER: Mr. Brooks
19 has seconded the motion. All those in favor
20 say aye.

21 (Chorus of ayes)

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? Motion passes
2 7-0-0.

3 Number 11 is an application for
4 Manager's License for Haseebullah Frahmand,
5 ABRA-093649. I move that we refer this
6 application to licensing. Do I have a second?

7 MEMBER SILVERSTEIN: Second.

8 CHAIRPERSON MILLER: Mr.
9 Silverstein seconded the motion. All those in
10 favor say aye.

11 (Chorus of ayes)

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? Motion passes
14 7-0-0.

15 Number 12 is an application for
16 Manager's License for Rachel R. Marshman,
17 ABRA-094016. I move we approve this
18 application. Do I have a second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks
21 has seconded the motion. All those in favor
22 say aye.

1 (Chorus of ayes)

2 CHAIRPERSON MILLER: All those
3 opposed? All those abstaining? Motion passes
4 7-0-0.

5 Number 13 is a settlement
6 agreement dated January 6, 2014 between Dupont
7 Circle Citizens Association and The Fab
8 Lounge. The Fab Lounge is located at 1805
9 Connecticut Avenue NW, license number 070719.

10 I move that we approve this
11 settlement agreement with modifications, and
12 they would be to Paragraph 2, deleting the
13 last two lines, and Paragraph 5, deleting the
14 last line of that paragraph. Do I have a
15 second?

16 MEMBER BROOKS: Second.

17 CHAIRPERSON MILLER: Who was that?
18 Who seconded it?

19 MEMBER BROOKS: I did.

20 CHAIRPERSON MILLER: Brooks? Mr.
21 Brooks? Okay, Mr. Brooks has seconded the
22 motion. Any comments?

1 Okay, then all those in favor say
2 aye.

3 (Chorus of ayes)

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? Motion passes
6 7-0-0.

7 Okay, we have some supplemental
8 agenda items. Okay, I'm reading from now, it
9 says Notice of Meeting Supplemental Agenda.
10 It has seven items on that.

11 The first item is identified as a
12 letter of support for stipulated and full
13 license dated January 9, 2014 from ANC 2B.
14 It's for Joe's Seafood, Fine Steak and Stone
15 Crab located at 740 15th Street NW, license
16 number 093894.

17 And with that letter of support
18 from the ANC is the underlying request for a
19 stipulated license for a sidewalk cafe from
20 the applicant, dated 1-9-14. And that's a
21 letter from Andrew Klein, counsel for the
22 applicant. So I move that we approve the

1 request for stipulated license that is
2 supported by the ANC. Do I have a second?

3 MEMBER SILVERSTEIN: Second.

4 CHAIRPERSON MILLER: Mr.

5 silverstein seconded the motion. All those in
6 favor say aye.

7 (Chorus of ayes)

8 CHAIRPERSON MILLER: All those
9 opposed? All those abstaining? Motion passes
10 7-0-0.

11 Number 2 is a request to withdraw
12 settlement agreement dated December 20, 2013
13 between ANC 6B and Mi Vecindad Restaurant.
14 The establishment is Il Capo Di Capitol Hill
15 located at 1129 Pennsylvania Avenue SE,
16 license number 084571.

17 And I move that we deny this
18 request because the other party to the
19 agreement has not responded to it and is not
20 on record with respect to it.

21 MEMBER SILVERSTEIN: Second.

22 CHAIRPERSON MILLER: Mr.

1 Silverstein has seconded the motion. All
2 those in favor say aye.

3 (Chorus of ayes)

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? The motion to
6 deny passes by a vote of 7-0-0.

7 Number 3 is request to postpone a
8 protest hearing dated January 10, 2014 from
9 Paul Pascal, counsel for JC 7, LLC. The
10 establishment is NY NY Diva, 2406-2408 18th
11 Street NW, license number 092380. I move that
12 we approve this request for postponement. Do
13 I have a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks
16 has seconded the motion. All those in favor
17 say aye.

18 (Chorus of ayes)

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining?

21 MEMBER ALBERTI: Abstaining. You
22 said that was 4?

1 CHAIRPERSON MILLER: 3.

2 MEMBER ALBERTI: Oh, I'm sorry. I
3 approve.

4 CHAIRPERSON MILLER: Okay.

5 MEMBER ALBERTI: Just on 3.

6 CHAIRPERSON MILLER: Okay. The
7 motion to approve passes by a vote of 7-0-0.

8 Number 4 is a motion to dismiss
9 status hearing and show cause hearing dated
10 September 12, 2013 from Matthew LaFande,
11 counsel for BEG Investments.

12 The establishment is Twelve
13 Restaurant and Lounge, 1123 8th Street NE,
14 license number 076366. The following items,
15 5, 6 and 7 are all items related to that
16 pleading.

17 Number 5 is the District's
18 response. Number 6 is the licensee's reply to
19 the response, and Number 7 is the District's
20 response again to the reply. In any event, we
21 decided this motion already in hearing this
22 morning, but I guess we can confirm and do it

1 again. And that would be to deny the motion
2 to dismiss which is Number 4. Is there a
3 second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks
6 has seconded the motion. All those in favor
7 say aye.

8 (Chorus of ayes)

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining?

11 MEMBER ALBERTI: I'm abstaining as
12 I already recused myself from this case.

13 CHAIRPERSON MILLER: Okay. Then
14 the vote then is 6-0-1.

15 Number 5, 6 and 7, we can call
16 them moot. They were related to the motion
17 and that has been voted on twice today, this
18 morning and in here. Okay, so that completes
19 that supplemental agenda.

20 And we have one more supplemental
21 agenda and that's titled Licensing
22 Supplemental Agenda. The first item on the

1 Licensing Supplemental Agenda is a request and
2 letter of support for a stipulated license
3 dated January 13, 2014 from ANC 6C.

4 The establishment is Event
5 Concepts, 444 North Capitol Street NW, license
6 number 93583. Okay, again this has an
7 underlying request with it for the stipulated
8 license from the applicant.

9 So I would move that we approve
10 the request for stipulated license. Do I have
11 a second?

12 MEMBER BROOKS: Second.

13 CHAIRPERSON MILLER: Mr. Brooks
14 has seconded the motion. All those in favor
15 say aye.

16 (Chorus of ayes)

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? Motion passes
19 7-0-0.

20 Number 2 is a request and letter
21 of support for stipulated license dated
22 January 13, 2014 from ANC 6B. The

1 establishment is Le Pain Quotidian located 443
2 Mass. Avenue NW, license number 93865.

3 The applicant in this case has
4 submitted a letter requesting a stipulated
5 license dated January 15, 2014. I move that
6 we approve. Do I have a second?

7 MEMBER SHORT: Second.

8 CHAIRPERSON MILLER: Mr. Short has
9 seconded the motion. All those in favor say
10 aye.

11 (Chorus of ayes)

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? Motion passes
14 7-0-0.

15 And finally, Number 3 is a review
16 of an email request dated January 10, 2014 to
17 provide items for a licensee's special event.
18 Winebow and its Wholesaler A, license number
19 72284. I move that we approve this request.
20 Do I have a second?

21 MEMBER SILVERSTEIN: Second.

22 CHAIRPERSON MILLER: Mr.

1 Silverstein has seconded the motion. All
2 those in favor say aye.

3 (Chorus of ayes)

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? Motion passes
6 7-0-0.

7 Okay, that completes our agenda
8 for January 15, 2014, and all that remains is
9 our votes on closing some of our meetings for
10 next week.

11 As chairperson of the Alcoholic
12 Beverage Control Board for the District of
13 Columbia and in accordance with D.C. Official
14 Code Section 2-574(b) of the Open Meetings
15 Act, I move that the ABC Board hold a closed
16 meeting on January 22nd, 2014 for the purpose
17 of seeking legal advice from our counsel on
18 the matters identified on the Board's agenda
19 for January 22nd, 2014 as published in the
20 D.C. Register on January 17, 2014. Is there
21 a second?

22 MEMBER SILVERSTEIN: Second.

1 CHAIRPERSON MILLER: Mr.
2 Silverstein seconded the motion. I'll now
3 take a roll call vote on the motion now that
4 it's been seconded. Mr. Brooks?
5 MEMBER BROOKS: I agree.
6 CHAIRPERSON MILLER: Mr. Alberti?
7 MEMBER ALBERTI: I agree.
8 CHAIRPERSON MILLER: Mr.
9 Rodriguez?
10 MEMBER RODRIGUEZ: I agree.
11 CHAIRPERSON MILLER: Ms. Miller
12 agrees. Mr. Silverstein?
13 MEMBER SILVERSTEIN: I agree.
14 CHAIRPERSON MILLER: Mr. Short?
15 MEMBER SHORT: I agree.
16 CHAIRPERSON MILLER: It appears
17 that the motion has passed by a vote of 6-0-0.
18 I hereby give notice that the ABC Board will
19 hold this aforementioned closed meeting
20 pursuant to the Open Meetings Act.
21 Notice will also be posted on the
22 ABC Hearing Room bulletin board, placed on the

1 electronic calendar on ABRA's website and
2 published in the D.C. Register in as timely a
3 manner as practicable.

4 As chairperson of the Alcoholic
5 Beverage Control Board for the District of
6 Columbia and in accordance with D.C. Official
7 Code Section 2-574(b) on 2-574 of the Open
8 Meetings Act, I move that the ABC Board hold
9 a closed meeting on January 22nd, 2014 for the
10 purpose of discussing and hearing reports
11 concerning ongoing or planned investigations
12 of alleged criminal or civil misconduct or
13 violations of law or regulations on seeking
14 legal advice from our counsel in the Board's
15 investigative agenda for January 22nd, 2014,
16 as published in the D.C. Register on January
17 17, 2014. Is there a second?

18 MEMBER BROOKS: Second.

19 CHAIRPERSON MILLER: Mr. Brooks
20 has seconded the motion. I'll now take a roll
21 call vote on the motion now that it's been
22 seconded. Mr. Brooks?

1 MEMBER BROOKS: I agree.

2 CHAIRPERSON MILLER: Mr. Alberti?

3 MEMBER ALBERTI: I agree.

4 CHAIRPERSON MILLER: Mr.

5 Rodriguez?

6 MEMBER RODRIGUEZ: I agree.

7 CHAIRPERSON MILLER: Ms. Miller

8 agrees. Mr. Silverstein?

9 MEMBER SILVERSTEIN: I agree.

10 CHAIRPERSON MILLER: Mr. Short?

11 MEMBER SHORT: I agree.

12 CHAIRPERSON MILLER: It appears
13 that the motion has passed by a vote of 6-0-0.
14 I hereby give notice that the ABC Board will
15 hold this aforementioned closed meeting
16 pursuant to the Open Meetings Act.

17 Notice will also be posted on the
18 ABC Board Hearing Room bulletin board, placed
19 on the electronic calendar on ABRA's website,
20 and published in the D.C. Register in as
21 timely a manner as practicable.

22 And that concludes our business

1 for January 15, 2014, and we are adjourned.

2 (Whereupon, the foregoing matter
3 went off the record at 4:03 p.m.)
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A	appears 20:16 22:12	8:14,15 9:4,5,17 9:18 10:19,20 11:16,19,20,21,21 14:14,15 16:4,5 17:12,13 20:4,5 21:18,19,22 22:1	17:16 18:11 19:3	dismiss 15:8 16:2 District 1:1 19:12 21:5 District's 15:17,19 Diva 14:10 doing 8:4 DONALD 1:19 Dupont 11:6
ABC 19:15 20:18 20:22 21:8 22:14 22:18	applicant 12:20,22 17:8 18:3	Building 1:14	Circle 11:7	District 1:1 19:12 21:5 District's 15:17,19 Diva 14:10 doing 8:4 DONALD 1:19 Dupont 11:6
ABRA 1:6 9:14	application 2:6,10 2:20 3:2,15 4:4,8 4:17,21 6:11 8:11 8:13 9:1,3,13,15 10:3,6,15,18	bulletin 20:22 22:18	Citizens 5:11 11:7	electronic 21:1 22:19
ABRA's 21:1 22:19	approve 5:16 8:12 9:2,15 10:17 11:10 12:22 14:12 15:3,7 17:9 18:6 18:19	business 22:22	civil 21:12	Elguja 9:13
ABRA-093649 10:5	Association 11:7		closed 19:15 20:19 21:9 22:15	email 18:16
ABRA-093683 9:2	attention 8:7	C	closing 19:9	endorsement 4:5 4:18
ABRA-093918 8:12	Avenue 3:14 4:20 6:22 11:9 13:15 18:2	cafe 4:19 12:19	Code 19:14 21:7	entertainment 4:5 4:18
ABRA-094016 10:17	aye 2:15 3:6,21 4:12 5:4,21 6:15 7:7 8:17 9:7,20 10:10,22 12:2 13:6 14:2,17 16:7 17:15 18:10 19:2	calendar 21:1 22:19	Columbia 1:1 19:13 21:6	establishment 6:8 13:14 14:10 15:12 17:4 18:1
abstaining 2:18 3:9 4:2,15 5:7 6:2,18 7:10 8:20 9:10 10:1,13 11:3 12:5 13:9 14:5,20,21 16:10,11 17:18 18:13 19:5	eyes 2:16 3:7,22 4:13 5:5,22 6:16 7:8 8:18 9:8,21 10:11 11:1 12:3 13:7 14:3,18 16:8 17:16 18:11 19:3	call 16:15 20:3 21:21	comments 7:5 11:22	event 15:20 17:4 18:17
accurate 7:22	B 6:21	capacity 2:21	complement 7:17	F
Acoustic 5:13	back 2:4	Capitol 13:14 17:5	completes 16:18 19:7	Fab 11:7,8
Act 19:15 20:20 21:8 22:16	BEG 15:11	Capo 13:14	Concepts 17:5	fact 2:9
adjourned 23:1	Benning 2:7	case 3:17 16:12 18:3	concerning 21:11	far 7:19
advice 19:17 21:14	Beverage 1:2,13,13 19:12 21:5	cause 15:9	concludes 22:22	favor 2:15 3:5,21 4:11 5:4,21 6:14 7:6 8:16 9:6,19 10:10,21 12:1 13:6 14:2,16 16:6 17:14 18:9 19:2
aforementioned 20:19 22:15	board 1:2,6,13 2:4 19:12,15 20:18,22 21:5,8 22:14,18 22:18	Chair 7:12	confirm 15:22	finally 18:15
agenda 2:4,6 8:10 12:8,9 16:19,21 16:22 17:1 19:7 19:18 21:15	Board's 7:21 19:18 21:14	chairperson 1:14 1:17 2:3,13,17 3:4 3:8,19 4:1,10,14 5:2,6,19 6:1,13,17 7:5,9,14 8:3,8,15 8:19 9:5,9,18,22 10:8,12,20 11:2 11:17,20 12:4 13:4,8,22 14:4,15 14:19 15:1,4,6 16:5,9,13 17:13 17:17 18:8,12,22 19:4,11 20:1,6,8 20:11,14,16 21:4 21:19 22:2,4,7,10 22:12	Connecticut 11:9	finding 2:10
agree 20:5,7,10,13 20:15 22:1,3,6,9 22:11	Brooks 1:19 6:12 6:13 7:12 8:1,4,5	change 2:21 3:11 6:5 7:19,22	consensus 7:18,21	Fine 12:14
agreement 3:17 5:10,16 11:6,11 13:12,19		Chorus 2:16 3:7,22 4:13 5:5,22 6:16 7:8 8:18 9:8,21 10:11 11:1 12:3 13:7 14:3,18 16:8	Control 1:2,13,13 19:12 21:5	first 2:5 7:16 12:11 16:22
agrees 20:12 22:8			counsel 12:21 14:9 15:11 19:17 21:14	five 8:9
Alberti 1:18 14:21 15:2,5 16:11 20:6 20:7 22:2,3			count 8:9	following 15:14
Alcoholic 1:2,13,13 19:11 21:4			CR 6:5	foregoing 23:2
alleged 21:12			Crab 12:15	Frahmand 10:4
Alley 2:7			criminal 21:12	full 7:17 12:12
ANC 5:11 12:13,18 13:2,13 17:3,22			CT 6:5	G
Andrew 12:21			D	Gartrell 9:2 Georgetown 5:12
			D.C 1:14 19:13,20 21:2,6,16 22:20	
			dated 5:10 11:6 12:13,20 13:12 14:8 15:9 17:3,21 18:5,16	
			December 5:11 13:12	
			decided 15:21	
			deleting 11:12,13	
			deny 3:15 13:17 14:6 16:1	
			Di 13:14	
			discussing 21:10	

6:5 Georgia 6:22 give 20:18 22:14 going 5:9 7:18 good 7:15 goodness 7:15 Grocery 6:21 guess 15:22 Gypsy 5:12,14 6:6	Joe's 12:14 Joseph 9:1	matter 1:5 23:2 matters 19:18 Matthew 15:10 meeting 1:3,6 12:9 19:16 20:19 21:9 22:15 meetings 19:9,14 20:20 21:8 22:16 Member 1:18,19,20 1:21,22 2:12 3:3 3:18 4:9 5:1,18 6:12 7:12 8:1,5,14 9:4,17 10:7,19 11:16,19 13:3,21 14:14,21 15:2,5 16:4,11 17:12 18:7,21 19:22 20:5,7,10,13,15 21:18 22:1,3,6,9 22:11	3:9,20 4:2,11,15 5:3,7,20 6:2,14,18 7:10 8:16,20 9:6 9:10,19 10:1,9,13 10:21 11:3,22 12:5 13:5,9 14:1,5 14:16 15:7,8,21 16:1,6,16 17:14 17:18 18:9,13 19:1,5 20:2,3,17 21:20,21 22:13 move 2:9 3:1,15 4:7 4:21 5:15 6:10 7:1 8:12 9:2,14 10:5 10:17 11:10 12:22 13:17 14:11 17:9 18:5,19 19:15 21:8	Oh 7:14 15:2 Okay 2:3 7:6 8:3 11:21 12:1,7,8 15:4,6 16:13,18 17:6 19:7 ongoing 21:11 Open 19:14 20:20 21:7 22:16 operations 3:12 opposed 2:18 3:9 4:2,15 5:7 6:2,18 7:10 8:20 9:10 10:1,13 11:3 12:5 13:9 14:5,20 16:10 17:18 18:13 19:5 order 7:2
<hr/> H <hr/> Hampshire 4:20 Haseebullah 10:4 hearing 1:14 2:10 14:8 15:9,9,21 20:22 21:10 22:18 HECTOR 1:20 Hill 13:14 Ho 8:11 hold 2:9 19:15 20:19 21:8 22:15 hours 3:12,17 House 4:5	<hr/> K <hr/> K 5:14 6:7 Kharabadze 9:14 Klein 12:21	<hr/> L <hr/> LaFande 15:10 law 21:13 Le 18:1 legal 19:17 21:14 letter 12:12,17,21 17:2,20 18:4 license 2:6,8 3:1,14 4:6,20 5:15 6:5,7 6:21 7:1 8:11 9:1 9:13 10:4,16 11:9 12:13,15,19 13:1 13:16 14:11 15:14 17:2,5,8,10,21 18:2,5,18 licensee's 15:18 18:17 licensing 7:2,7 10:6 16:21 17:1 line 11:14 lines 11:13 Liquors 3:13 LLC 14:9 located 2:7,22 3:13 4:6,19 5:14 6:7,22 11:8 12:15 13:15 18:1 Lounge 11:8,8 15:13	<hr/> N <hr/> N.W 1:14 NE 2:8 3:14 15:13 new 2:6 3:14 4:19 6:20 NICK 1:18 North 17:5 notice 12:9 20:18 20:21 22:14,17 number 2:8 3:1,11 3:14 4:4,6,17,20 5:9,15 6:4,7,9,20 7:1 8:10,22 9:12 9:14 10:3,15 11:5 11:9 12:16 13:11 13:16 14:7,11 15:8,14,17,18,19 16:2,15 17:6,20 18:2,15,18 numbers 7:19 NW 2:22 4:6,20 5:15 6:7,22 11:9 12:15 14:11 17:5 18:2 NY 14:10,10	<hr/> P <hr/> P-R-O-C-E-E-D... 2:1 p.m 2:2 23:3 Pain 18:1 paragraph 11:12 11:13,14 PARTICIPANT 7:4 8:6 party 13:18 Pascal 14:9 passed 20:17 22:13 passes 2:18 3:9 4:2 4:15 5:7 6:2,18 7:10 8:20 9:10 10:1,13 11:3 12:5 13:9 14:6 15:7 17:18 18:13 19:5 Paul 14:9 paying 8:7 Peacock 3:13 Pennsylvania 13:15 placard 3:1 4:7,21 6:10 placed 20:22 22:18 planned 21:11 pleading 15:16 posted 20:21 22:17 postpone 14:7
<hr/> I <hr/> identified 12:11 19:18 II 13:14 include 2:21 3:12 information 7:3 investigations 21:11 investigative 21:15 Investments 15:11 item 2:5 12:11 16:22 items 12:8,10 15:14 15:15 18:17	<hr/> M <hr/> Madam 7:12 MALE 7:4 8:6 Manager's 8:11,22 9:12 10:4,16 Mango 4:19 manner 21:3 22:21 Maple 2:22 Marshman 10:16 Mass 18:2	met 1:13 Mi 13:13 MICHAEL 1:22 Miller 1:15,17 2:3 2:13,17 3:4,8,19 4:1,10,14 5:2,6,19 6:1,13,17 7:5,9,14 8:3,8,15,19 9:5,9 9:18,22 10:8,12 10:20 11:2,17,20 12:4 13:4,8,22 14:4,15,19 15:1,4 15:6 16:5,9,13 17:13,17 18:8,12 18:22 19:4 20:1,6 20:8,11,11,14,16 21:19 22:2,4,7,7 22:10,12 misconduct 21:12 modifications 11:11 moot 16:16 Moratorium 6:6 morning 15:22 16:18 Moroney 5:12 motion 2:14,18 3:5	<hr/> O <hr/> objection 8:1 Official 19:13 21:6	
<hr/> J <hr/> Jae 8:11 JAMES 1:21 January 1:12 2:5 11:6 12:13 14:8 17:3,22 18:5,16 19:8,16,19,20 21:9,15,16 23:1 JC 14:9				

<p>postponement 14:12</p> <p>practicable 21:3 22:21</p> <p>PRESENT 1:16</p> <p>presiding 1:15</p> <p>protest 14:8</p> <p>provide 18:17</p> <p>published 19:19 21:2,16 22:20</p> <p>purpose 19:16 21:10</p> <p>pursuant 20:20 22:16</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>Quotidian 18:1</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R 10:16</p> <p>Rachel 10:16</p> <p>reading 12:8</p> <p>record 2:4 13:20 23:3</p> <p>recused 16:12</p> <p>Reeves 1:14</p> <p>refer 7:1 10:5</p> <p>referring 7:6</p> <p>Register 19:20 21:2 21:16 22:20</p> <p>regulations 21:13</p> <p>related 15:15 16:16</p> <p>remains 19:8</p> <p>reply 15:18,20</p> <p>reports 21:10</p> <p>request 3:11 6:4,11 6:20 12:18 13:1 13:11,18 14:7,12 17:1,7,10,20 18:16,19</p> <p>requesting 18:4</p> <p>respect 13:20</p> <p>responded 13:19</p> <p>response 15:18,19 15:20</p> <p>rest 8:7</p> <p>Restaurant 13:13 15:13</p>	<p>restricts 3:17</p> <p>Retailer 6:21</p> <p>review 18:15</p> <p>right 7:16 8:8,9</p> <p>Road 2:7</p> <p>Rodriguez 1:20 4:9 4:10 20:9,10 22:5 22:6</p> <p>roll 20:3 21:20</p> <p>Room 1:14 20:22 22:18</p> <p>Ruthanne 1:15,17</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>Safeway 6:22</p> <p>Sally 6:6</p> <p>Sally's 5:13,14</p> <p>says 12:9</p> <p>SE 13:15</p> <p>Seafood 12:14</p> <p>seating 2:21</p> <p>second 2:11,12 3:2 3:3,18 4:8,9,22 5:1,17,18 6:11,12 7:3,4 8:13,14 9:3 9:4,16,17 10:6,7 10:18,19 11:15,16 13:2,3,21 14:13 14:14 16:3,4 17:11,12 18:6,7 18:20,21 19:21,22 21:17,18</p> <p>seconded 2:14 3:5 3:20 4:11 5:3,20 6:14 8:16 9:6,19 10:9,21 11:18,21 13:5 14:1,16 16:6 17:14 18:9 19:1 20:2,4 21:20,22</p> <p>Section 19:14 21:7</p> <p>seeking 19:17 21:13</p> <p>September 15:10</p> <p>settlement 3:16 5:10,16 11:5,11 13:12</p> <p>seven 7:13,17 12:10</p>	<p>Shin 8:12</p> <p>Short 1:21 3:3,4 18:7,8 20:14,15 22:10,11</p> <p>show 15:9</p> <p>sidewalk 12:19</p> <p>Silverstein 1:22 2:12,14 3:18,20 5:1,3,18,20 10:7,9 13:3,5,21 14:1 18:21 19:1,22 20:2,12,13 22:8,9</p> <p>skip 5:9</p> <p>sorry 15:2</p> <p>special 18:17</p> <p>status 15:9</p> <p>Steak 12:14</p> <p>stipulated 12:12,19 13:1 17:2,7,10,21 18:4</p> <p>Stone 12:14</p> <p>stopped 7:15</p> <p>Street 1:14 2:22 4:6 5:15 6:7 12:15 14:11 15:13 17:5</p> <p>submitted 18:4</p> <p>substantial 2:21</p> <p>Sunday 3:12</p> <p>supplemental 12:7 12:9 16:19,20,22 17:1</p> <p>support 12:12,17 17:2,21</p> <p>supported 13:2</p> <p>Sweet 4:19</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>take 20:3 21:20</p> <p>Tap 4:5</p> <p>Tavern 5:13</p> <p>Terminal 2:7</p> <p>t 1:5,10</p> <p>Thank 8:4</p> <p>thing 7:15</p> <p>time 7:16</p> <p>timely 21:2 22:21</p> <p>titled 16:21</p>	<p>today 16:17</p> <p>Twelve 15:12</p> <p>twice 16:17</p> <p>two 11:13</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>underlying 12:18 17:7</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>Vecindad 13:13</p> <p>violations 21:13</p> <p>vote 14:6 15:7 16:14 20:3,17 21:21 22:13</p> <p>voted 6:9 7:20 16:17</p> <p>votes 19:9</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>Washington 1:14</p> <p>We're 8:7</p> <p>we've 7:17</p> <p>website 21:1 22:19</p> <p>week 19:10</p> <p>welcome 8:5</p> <p>went 23:3</p> <p>Wholesaler 18:18</p> <p>William 5:12</p> <p>Winebow 18:18</p> <p>withdraw 13:11</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>York 3:14</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>Zone 6:6</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>070719 11:9</p> <p>076366 15:14</p> <p>084571 13:16</p> <p>090582 5:15 6:8</p> <p>092380 14:11</p> <p>093838 9:14</p> <p>093894 12:16</p>	<hr/> <p style="text-align: center;">1</p> <hr/> <p>1-9-14 12:20</p> <p>10 9:12 14:8 18:16</p> <p>11 10:3</p> <p>1123 15:13</p> <p>1129 13:15</p> <p>11th 2:22</p> <p>12 10:15 15:10</p> <p>13 11:5 17:3,22</p> <p>14 5:10 6:9</p> <p>14th 1:14</p> <p>15 1:12 18:5 19:8 23:1</p> <p>15th 2:5 12:15</p> <p>1625 3:13</p> <p>17 19:20 21:17</p> <p>1805 11:8</p> <p>18th 14:10</p> <p>19 5:11</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 11:12 13:11 17:20</p> <p>2-574 21:7</p> <p>2-574(b) 19:14 21:7</p> <p>20 13:12</p> <p>2000 1:14</p> <p>2013 5:11 13:12 15:10</p> <p>2014 1:12 2:5 11:6 12:13 14:8 17:3 17:22 18:5,16 19:8,16,19,20 21:9,15,17 23:1</p> <p>22nd 19:16,19 21:9 21:15</p> <p>2406-2408 14:10</p> <p>2B 12:13</p> <p>2E 5:11</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 3:11 14:7 15:1,5 18:15</p> <p>3:43 2:2</p> <p>33418 2:22</p> <p>3401 5:14 6:7</p> <p>3701 2:7 4:19</p> <p>3830 6:22</p>
--	---	---	--	--

4

4 4:4 14:22 15:8
 16:2
4:03 23:3
443 18:1
444 17:5

5

5 4:17 11:13 15:15
 15:17 16:15

6

6 6:4 11:6 15:15,18
 16:15
6-0-0 2:19 3:10 4:3
 4:16 5:8 6:3,19
 7:11,20 20:17
 22:13
6-0-1 16:14
6B 13:13 17:22
6C 17:3

7

7 6:20 14:9 15:15
 15:19 16:15
7-0-0 7:20 8:21
 9:11 10:2,14 11:4
 12:6 13:10 14:6
 15:7 17:19 18:14
 19:6
72284 18:19
72512 4:20
740 12:15
78305 3:14

8

8 8:10
82211 3:1
8th 15:13

9
