

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION

ADMINISTRATION BOARD

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IN THE MATTER OF:

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A.B.R.A. AGENDA

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APRIL 4, 2012

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control

Hearing Room, Reeves Building, 2000 14th Street, N.W., 4th Floor, Washington, D.C. 20009.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

CALVIN NOPHLIN, Member

MICHAEL SILVERSTEIN, Member

JEANNETTE MOBLEY, Member

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

4:45 p.m.

CHAIRPERSON MILLER: Okay. We're back on the record for the agenda for April 4th, 2012.

Okay. The first item on the agenda is a review of manager's application of Juanita L. Wood. I'm going to abstain from this one. So, I'm going to let someone else make a motion.

MEMBER ALBERTI: Madam Chair, I move that we approve the manager's license for Juanita L. Wood.

CHAIRPERSON MILLER: Okay. Is there a second?

MEMBER BROOKS: Second.

CHAIRPERSON MILLER: Any comments? Okay. All those in favor say aye.

(Ayes.)

CHAIRPERSON MILLER: All those opposed? All those abstaining? And the vote --

1 MEMBER MOBLEY: Mobley abstains.

2 CHAIRPERSON MILLER: Two abstains.

3 Okay. Then the vote is 5-0-2 to approve.

4 The second item on our agenda is a
5 review of a manager's application of Jonathan
6 W. Taub. I move that we approve this
7 application.

8 MEMBER SILVERSTEIN: Second.

9 CHAIRPERSON MILLER: Any comments?

10 All those in favor say aye.

11 (Ayes.)

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The vote's
14 seven 7-0-0.

15 The third item on the agenda is a
16 review of house application to change hours of
17 operation and hours of alcoholic beverage
18 sales and this is for Silverman's Liquors at
19 2033 Benning Road, N.E., License Number 14341.
20 Changing hours from 9:00 a.m. -- Monday
21 through Saturday 9:00 a.m. to 10:00 a.m. to
22 Monday through Saturday 9:00 a.m. to 12:00

1 a.m. and there's no voluntary agreement.

2 I would move to approve. Do we
3 have second?

4 MEMBER MOBLEY: Second.

5 CHAIRPERSON MILLER: Comments?

6 All those in favor say aye.

7 (Ayes.)

8 CHAIRPERSON MILLER: All those
9 opposed? All those abstaining? The vote is
10 7-0-0 to approve.

11 Number four on the agenda is the
12 review of hours application to change hours of
13 operation and hours of alcoholic beverage
14 sales for Washington Wine & Liquors, 1200 E
15 Street, N.W., License 15724. Hours changed
16 Monday through Thursday 9:00 a.m. to 7:00 --
17 from the current hours 9:00 a.m. to 7:00 p.m.
18 Monday through Thursday, Friday 9:00 a.m. to
19 8:00 p.m. and Saturday 10:00 a.m. to 7:00 p.m.
20 to change to Monday through Friday 9:00 a.m.
21 to 9:00 p.m., Saturday 10:00 a.m. to 9:00 p.m.
22 and there's no voluntary agreement here.

1 I would move to approve. Do I
2 have a second?

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: Comments?
5 All those in favor say aye.

6 (Ayes.)

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The vote is
9 7-0-0.

10 Number five on our agenda is
11 another review of a change of hours
12 application to change hours of operation and
13 hours of alcoholic beverage sales for Barmy
14 Wines and Liquors located at 1912 L Street,
15 N.W., License Number 23822. Current hours are
16 Monday through Saturday 10:00 a.m. to 10:00
17 p.m. Proposed hours are Monday through
18 Saturday 9:00 a.m. to 12:00 a.m.

19 I'd move that we approve this
20 application. Do we have a second?

21 MEMBER MOBLEY: Second.

22 CHAIRPERSON MILLER: Comments?

1 All those in favor say aye.

2 (Ayes.)

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

6 Number six is a letter from
7 Emanuel Mpras on behalf of Mr. and Mrs.
8 Mashovitis, landlords of 2147 P Street, N.W.
9 requesting an involuntary transfer of the
10 license pursuant to a security interest
11 granted in the license per the lease agreement
12 and a court judgment. The restaurant is
13 Marrakesh Palace Pasha Lounge, 2147 P Street,
14 N.W.

15 I would recommend that we deny the
16 request.

17 MEMBER BROOKS: Second.

18 CHAIRPERSON MILLER: Any comments?
19 Okay. All those in favor of the motion to
20 deny say aye.

21 (Ayes.)

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? The vote is
2 7-0-0.

3 Number seven is an entertainment
4 endorsement application to have entertainment
5 including live music in the form of a DJ.
6 This is for Kushi Izakaya at 465 K Street,
7 N.W., License Number 82439. The current hours
8 of operation are Monday through Thursday 11:00
9 a.m. to 2:00 a.m. and Friday and Saturday
10 11:00 a.m. to 3:00 a.m. and Sunday 11:00 a.m.
11 to 12:00 a.m. and proposed are Monday through
12 Thursday 6:00 p.m. to 2:00 a.m., Friday and
13 Saturday 6:00 p.m. to 3:00 a.m. and Sunday
14 6:00 p.m. to 12:00 a.m. There's no voluntary
15 agreement.

16 In this case, I would move that we
17 approve. Do I have a second?

18 MEMBER BROOKS: Second.

19 CHAIRPERSON MILLER: Any comments?

20 All those in favor say aye.

21 (Ayes.)

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? The vote is
2 7-0-0 to approve.

3 Number eight on our agenda is a
4 summer garden and sidewalk caf, application
5 for a total of 16 seats (eight summer garden
6 seats and eight sidewalk caf, seats).

7 Proposed hours of operation and hours of
8 alcoholic beverage sales/service Monday
9 through Sunday 10:00 a.m. to 1:30 a.m. This
10 is for Pupuseria San Miguel at 3110 Mount
11 Pleasant Street, N.W., License Number 74630.

12 I would move that we placard this
13 application.

14 MEMBER MOBLEY: Second.

15 CHAIRPERSON MILLER: Okay. Any
16 comments? All those in favor say aye.

17 (Ayes.)

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

21 Number nine is a review of change
22 of hours application to change hours of

1 operations and hours of alcoholic beverage
2 sales for Chinatown Liquors at 602 H Street,
3 N.W., License Number 73058. The current hours
4 are Monday through Saturday 5:30 a.m. to 10:00
5 p.m. and alcoholic beverage sales Monday
6 through Saturday 9:00 a.m. to 10:00 p.m. The
7 proposed hours would Monday through Saturday
8 for operations 5:30 a.m. to 12:00 a.m. and for
9 alcoholic beverage sales Monday through
10 Saturday 9:00 a.m. to 12:00 a.m. and no
11 voluntary agreement in this case.

12 I would move that we approve. Do
13 I have a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Any comments?

16 All those in favor say aye.

17 (Ayes.)

18 CHAIRPERSON MILLER: All those
19 opposed? Those abstaining? The vote passes
20 7-0-0.

21 Next is a caf, application for the
22 Madison Hotel located at 1177 15th Street,

1 N.W., License Number is 86306. It's for 32
2 seats on 15th Street. Proposed hours of
3 operation and hours of alcoholic beverages
4 sales/service are Monday through Saturday 9:00
5 a.m. to 2:00 a.m., Sunday 10:00 a.m. to 2:00
6 a.m. Again, no voluntary agreement in this
7 case.

8 I would move that we approve. Do
9 I have a second?

10 MEMBER BROOKS: Second.

11 CHAIRPERSON MILLER: All those in
12 favor say aye.

13 (Ayes.)

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? The vote is
16 7-0-0 to approve.

17 Number 11 is a sidewalk caf,
18 application for 30 seats on M Street, N.W.
19 Again by the Madison Hotel. Proposed hours of
20 operations and hours of alcoholic beverage
21 sales/service are Monday through Saturday 9:00
22 a.m. to 12:00 a.m., Sunday 10:00 a.m. to 12:00

1 a.m. and there's no voluntary agreement in
2 this case.

3 I would move that we approve. Do
4 I have a second?

5 MEMBER BROOKS: Second.

6 CHAIRPERSON MILLER: Comments?

7 All those in favor say aye.

8 (Ayes.)

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? The vote is
11 7-0-0.

12 Number 12 on our agenda is a
13 change of hours application to change of hours
14 of operation and hours of alcoholic beverage
15 sales from Monday through Saturday 9:00 a.m.
16 to 10:00 p.m. to Monday through Thursday 9:00
17 a.m. to 11:00 p.m., Friday and Saturday 9:00
18 a.m. to 12:00 a.m. This is for Uncle Lee's
19 Seafood at 1100 Eastern Avenue, N.E., License
20 Number 85918.

21 I would that we approve. Do I
22 have a second?

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Comments?

3 MEMBER SILVERSTEIN: Madam Chair?

4 CHAIRPERSON MILLER: Yes.

5 MEMBER SILVERSTEIN: We recently
6 approved this licensee and turned down a
7 neighborhood protest and since that there have
8 been -- since then there have been multiple
9 citations including a go-cup violation last
10 week and that's why I'll be voting no.

11 CHAIRPERSON MILLER: Okay. Any
12 other comments? Okay. So, I believe that I
13 -- there was a vote that was seconded.
14 Correct?

15 MEMBER SILVERSTEIN: Yes.

16 CHAIRPERSON MILLER: All right.
17 All those in favor say aye.

18 (Ayes.)

19 CHAIRPERSON MILLER: All those
20 opposed?

21 MEMBER SILVERSTEIN: No.

22 CHAIRPERSON MILLER: All those

1 abstaining? Then the vote is 6-1-0.

2 The next item on our agenda is the
3 review of voluntary agreement dated January
4 12th, 2012 between Chicken Tortilla and ANC
5 6A, License Number 88102 located at 1324 H
6 Street, N.E.

7 I would move that we postpone this
8 consideration until the placarding period
9 ends. So, this is premature.

10 Do I have a second?

11 MEMBER NOPHLIN: Second.

12 CHAIRPERSON MILLER: All those in
13 favor of postponing say aye.

14 (Ayes.)

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? The vote is
17 7-0-0 to postpone.

18 Number 14 is a review of a
19 voluntary agreement dated March 2nd, 2012
20 between Black & Orange and it's located at
21 1931 14th Street, N.W., License Number 88273.
22 It's a voluntary agreement between Black &

1 Orange and ANC 1B and ANC 2B.

2 I would move that we approve this
3 voluntary agreement.

4 MEMBER MOBLEY: Second.

5 CHAIRPERSON MILLER: Comments?

6 All those in favor say aye.

7 (Ayes.)

8 CHAIRPERSON MILLER: All those
9 opposed? All those abstaining. The vote is
10 7-0-0.

11 The next item on our agenda is a
12 review of a voluntary agreement dated March
13 21st, 2012 between The Howard Theatre and ANC
14 1B. The Howard Theatre is located at 620 T
15 Street, N.W. It's License Number is 88646.

16 I would move that we approve this
17 voluntary agreement. Do I have a second?

18 MEMBER MOBLEY: I second.

19 CHAIRPERSON MILLER: Comments?

20 Okay. All those in favor say aye.

21 (Ayes.)

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? The vote is
2 7-0-0 to approve.

3 Number 16 is a review of a
4 voluntary agreement amendment dated March 12,
5 2012 between Patriot II and ANC 6D. Patriot
6 II is located at 100 Potomac Avenue, S.E.,
7 License Number 84405.

8 I would move that we postpone
9 consideration of this voluntary agreement
10 until April 11th, 2012. Do I have a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: All those in
13 favor say aye.

14 (Ayes.)

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? The motion
17 passes to postpone it by a vote of 7-0-0.

18 Next item on our agenda is a
19 review of a voluntary agreement amendment
20 dated April 1, 2012 between Sav-on Liquors and
21 ANC 2F. Sav-on Liquors is located at 1414
22 14th Street, N.W., License Number 178. Yes,

1 this -- okay.

2 MEMBER MOBLEY: Madam Chair, we
3 said we would approve pending modification to
4 Section 3, 6, 7 and 8c.

5 CHAIRPERSON MILLER: That's
6 correct. That's correct. I just wanted to
7 review one provision we agreed to modify.
8 Okay. All right. All right.

9 I would move to approve with
10 modifications if they are consistent with the
11 policy taken by this Board with respect to
12 those provisions.

13 MEMBER BROOKS: Second.

14 CHAIRPERSON MILLER: Any comments?
15 All those in favor say aye.

16 (Ayes.)

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The vote is
19 7-0-0.

20 Number 18 is a review of a
21 voluntary agreement dated March 24th, 2012
22 between The Casbah and ANC 6A. The Casbah is

1 located at 1128 H Street, N.E. It's License
2 Number 88779.

3 This is also one that I would move
4 approval with modifications to Sections 2i,
5 2j, 3d as consistent with the -- again with
6 the position the Board has taken to issues
7 raised in those provisions.

8 So, do I have a second?

9 MEMBER BROOKS: Second.

10 CHAIRPERSON MILLER: Any comments?

11 All those in favor say aye.

12 (Ayes.)

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining?

15 MEMBER ALBERTI: This is 16 or --

16 CHAIRPERSON MILLER: Eighteen.

17 MEMBER ALBERTI: I'm sorry. I
18 wasn't paying attention. I'm recusing myself.
19 I'm recusing myself from that one. Number 18.

20 CHAIRPERSON MILLER: Okay. So --

21 MEMBER ALBERTI: Why aren't we
22 postponing this one until we --

1 MEMBER MOBLEY: Pending
2 modifications to three sections.

3 MEMBER ALBERTI: Oh, I thought we
4 postponed the other one for --

5 CHAIRPERSON MILLER: Which one?

6 MEMBER ALBERTI: -- for 6A?

7 MEMBER BROOKS: We did. This one,
8 too.

9 CHAIRPERSON MILLER: We postponed
10 this?

11 MEMBER BROOKS: Not postpone.

12 CHAIRPERSON MILLER: No, I believe
13 that we had a discussion about number four in
14 the supplemental agenda which raises the same
15 issues.

16 MEMBER ALBERTI: Yes, but we
17 postponed number 13. Right? Oh, I see.
18 Okay. Never mind. We postponed that for a
19 different reason. I'm sorry. Excuse me. I
20 will recuse myself from this one. I apologize
21 for the confusion.

22 CHAIRPERSON MILLER: Okay. Okay.

1 And the vote is 6-0-1 on this to approve with
2 modifications.

3 MEMBER ALBERTI: Mr. Alberti
4 recuses.

5 CHAIRPERSON MILLER: Recusing as
6 in abstaining.

7 MEMBER ALBERTI: I'm recusing
8 myself from that.

9 CHAIRPERSON MILLER: Oh. Okay.
10 So, it's actually 6-0-0. We won't even
11 consider you abstaining from that.

12 MEMBER ALBERTI: Right.

13 CHAIRPERSON MILLER: All right.
14 That concludes our regular agenda.

15 So, we're going to take a quick
16 recess and then come back and do our
17 supplemental agenda.

18 (Whereupon, at 5:03 p.m., a recess
19 was taken until 5:23 p.m.)

20 CHAIRPERSON MILLER: Okay. We're
21 back on the agenda for our supplement agenda.

22 The first item is the review of a

1 letter from Paul Pascal on behalf of licensee
2 requesting that the renewal application and
3 final approval of the transfer application for
4 a Wholesaler Class A license be approved
5 without the issuance of a certificate of
6 occupancy. This is Roanoke Valley, 1344 4th
7 Street, N.E., License Number 88238.

8 I move that we postpone
9 consideration of this request until next week.
10 Do I have a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Any comments?

13 All those in favor say aye.

14 (Ayes.)

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? The vote's 7-
17 0-0.

18 The second is a review of a
19 stipulated license request for a sidewalk caf,
20 endorsement and ANC 1D resolution of approval.
21 There's no conflict in the voluntary
22 agreement. This is in ANC 1D. Pupuseria San

1 Miguel, 3110 Mount Pleasant Street, N.W.,
2 License Number 74630.

3 I move that we approve this.

4 MEMBER MOBLEY: Second.

5 CHAIRPERSON MILLER: Any comments?

6 All those in favor say aye.

7 (Ayes.)

8 CHAIRPERSON MILLER: All those
9 opposed? All those abstaining? The vote is
10 7-0-0 to approve.

11 Number 3 is a letter dated March
12 12, 2012 from Jeremy Mazal requesting
13 permission to store original invoices in the
14 establishment's New York City office. He's
15 also requesting permission to keep copies of
16 the invoices at the restaurant which is P.J.
17 Clarke's and SideCar, 1600 K Street, N.W.,
18 License Number 84688.

19 I would move that we approve the
20 request. Do I have a second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Comments?

1 MEMBER ALBERTI: Just a question.
2 So, this is with the understanding that they
3 will have copies on-site?

4 CHAIRPERSON MILLER: Yes.

5 MEMBER ALBERTI: Okay. Then I
6 will approve it.

7 CHAIRPERSON MILLER: Okay. Any
8 other comments or questions? All those in
9 favor -- did I have second?

10 MEMBER ALBERTI: Yes, you did.

11 MEMBER BROOKS: Yes.

12 CHAIRPERSON MILLER: Okay. All
13 those in favor of the motion to approve say
14 aye.

15 (Ayes.)

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The vote is
18 7-0-0.

19 Okay. Number four is a letter
20 dated March 9th, 2012 from ANC 6A requesting
21 clarification and examples of appropriate
22 language for voluntary agreement modifications

1 requested by the Board.

2 They have proposed new language
3 for 3d. I would move -- I'm going to deal
4 with this separately. Oh, all right. Okay.
5 Well, there's a -- okay. You want to read 3d.

6 MEMBER SILVERSTEIN: This is an
7 FYI.

8 CHAIRPERSON MILLER: This isn't an
9 FYI.

10 MEMBER SILVERSTEIN: To review the
11 letter, we don't have to do any --

12 CHAIRPERSON MILLER: Oh. Okay.

13 MEMBER ALBERTI: Madam Chair, I
14 assume that the Board has agreed to -- I'm
15 recusing myself from this issue, but I would
16 assume that the Board has agreed to respond to
17 the ANC.

18 MEMBER MOBLEY: Yes, we did.

19 MEMBER ALBERTI: Okay.

20 CHAIRPERSON MILLER: My
21 understanding is our response is in the form
22 of accepting their proposed language for 3d.

1 We had stricken certain language and they're
2 asking us to consider that new language
3 instead and I believe that that was acceptable
4 to Board Members. That was 3d. Do you want
5 to look at that again?

6 MEMBER MOBLEY: I -- yes, Madam
7 Chair. I thought we said that we would
8 suggest proposed new language for 3d and that
9 2J --

10 MEMBER ALBERTI: We denied their
11 language.

12 MEMBER MOBLEY: We did not. We
13 denied that language and we were going to
14 propose new language.

15 MEMBER ALBERTI: Not at all.

16 MEMBER MOBLEY: No? Okay. I'm
17 sorry.

18 CHAIRPERSON MILLER: No. Okay.
19 We can revisit this. My understanding is
20 there are different provisions. In one
21 provision, they -- it was 3d. That they
22 proposed language that was acceptable to us

1 and then the other provisions dealing with the
2 reimbursable detail which had been stricken
3 were to remain stricken as not authorized by
4 the statute. In my view, that was the reason
5 that they were being stricken.

6 MEMBER MOBLEY: That's correct.

7 CHAIRPERSON MILLER: Okay. But,
8 3d is in a different category.

9 MEMBER ALBERTI: Can we just treat
10 this as an FYI and the Board will be
11 responding to the ANC.

12 MEMBER JONES: I think that is
13 best because apparently there definitely seems
14 to be some confusion about what is best.

15 MEMBER ALBERTI: And I was -- our
16 response will --

17 MEMBER JONES: I know we are now.
18 So, let's just go with that.

19 MEMBER ALBERTI: Our response will
20 be a matter of public record.

21 MEMBER JONES: Correct. FYI.

22 CHAIRPERSON MILLER: It'll be a

1 matter of public record in the voluntary
2 agreement. It comes back to them. Is that
3 what you mean?

4 MEMBER JONES: Part of the agenda.

5 MEMBER ALBERTI: I can tell you
6 that the ANC will post that letter on its
7 website. So, it'll be matter of public
8 record. So, we will be sending a letter to
9 the ANC. Is that correct?

10 CHAIRPERSON MILLER: I didn't know
11 we were sending a letter to the ANC. No. I
12 think -- I mean normally our legal counsel --

13 MEMBER JONES: Either we -- let's
14 just -- if we're going to talk about this,
15 let's go on back because right now I'm kind of
16 -- I'm at a loss as to how we even got here.
17 Because we talked about this. I thought we
18 came to a conclusion in the back room. We
19 were suppose to expedite this when we got out
20 here. So, if there's still discussion to be
21 had, let's have back with legal.

22 MEMBER ALBERTI: I agree.

1 MEMBER SILVERSTEIN: Madam Chair,
2 I suggest you make this an FYI.

3 CHAIRPERSON MILLER: All right. I
4 think so. I don't think --

5 MEMBER SILVERSTEIN: We always do
6 with letters.

7 CHAIRPERSON MILLER: Okay. Yes, I
8 think -- I don't think we have to come back in
9 with a -- well, get back to the ANC on this
10 language be it through our legal counsel or a
11 letter.

12 MEMBER ALBERTI: Okay.

13 CHAIRPERSON MILLER: We don't have
14 to have a vote on this even. Do we?

15 MEMBER ALBERTI: No.

16 CHAIRPERSON MILLER: And since
17 we're not deciding how we're getting back to
18 them. But, I don't think -- I think we can
19 leave it at that for today and come back if we
20 need to.

21 Why don't we move to license
22 cancellations. We have three.

1 The first one is 079459, The
2 Market at the Colonnade at 2801 New Mexico
3 Avenue, N.W. I would move that we approve the
4 cancellation.

5 MEMBER ALBERTI: Can we do this as
6 a group?

7 CHAIRPERSON MILLER: Okay. We'll
8 do that. We have three because I would move
9 that we approve all of them for cancellation.

10 So, the next one is 083406 which
11 ACKC Cocoa Bar at 1529 14th Street, N.W. and
12 the third one is 076290, Jordan's at 523 8th
13 Street, S.E.

14 So, I move that we approve
15 cancellation of all three. Do I have a
16 second?

17 MEMBER BROOKS: Second.

18 CHAIRPERSON MILLER: Any comments?
19 Okay. All those in favor say aye.

20 (Ayes.)

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The vote is

1 7-0-0 to approve cancellation of the three
2 licenses.

3 So, okay. Okay. That completes
4 our agenda for April 4th, 2012.

5 As Chairperson of the Alcoholic
6 Beverage Control Board for the District of
7 Columbia and in accordance with Section 405 of
8 the Open Meetings Amendment Act of 2010, I
9 move that the ABC Board hold a closed meeting
10 for the purpose of seeking legal advice from
11 our counsel on the agenda offerings per
12 Section 405(c)(4) of the Open Meetings
13 Amendment Act of 2010 to be considered on --
14 hold it.

15 Okay. Just scratch that for a
16 minute. I have the wrong ones. It's
17 different for -- can you just scratch the Open
18 Meeting stuff. I was reading the wrong one.
19 Okay. Here I go.

20 As Chairperson of the Alcoholic
21 Beverage Control Board for the District of
22 Columbia and in accordance with Section 405 of

1 the Open Meetings Amendment Act of 2010, I
2 move that the ABC Board hold a closed meeting
3 on April 11th, 2012 for the purpose of seeking
4 legal advice from our counsel on the matters
5 identified on the Board's agenda for April
6 11th, 2012 as published in the D.C. Register
7 on April 6th, 2012.

8 Is there a second?

9 MEMBER BROOKS: Second.

10 CHAIRPERSON MILLER: Now, that the
11 motion has been seconded, I'll take a roll
12 call vote on the motion before us.

13 Mr. Nophlin?

14 MEMBER NOPHLIN: I agree.

15 CHAIRPERSON MILLER: Mr. Brooks?

16 MEMBER BROOKS: I agree.

17 CHAIRPERSON MILLER: Mr. Alberti?

18 MEMBER ALBERTI: I agree.

19 CHAIRPERSON MILLER: Ms. Miller
20 agrees. Mr. Silverstein?

21 MEMBER SILVERSTEIN: I agree.

22 CHAIRPERSON MILLER: Ms. Mobley?

1 MEMBER MOBLEY: I agree.

2 CHAIRPERSON MILLER: Mr. Jones?

3 MEMBER JONES: I agree.

4 CHAIRPERSON MILLER: The motion
5 passes 7-0-0 to hold a closed meeting on the
6 Board's agenda on the 11th of April 2012.

7 As Chairperson of the Alcoholic
8 Beverage Control Board for the District of
9 Columbia and in accordance with Section 405 of
10 the Open Meetings Amendment Act of 2010, I
11 move that the ABC Board hold a closed meeting
12 on April 11th, 2012 for the purpose of
13 discussing and hearing reports concerning
14 ongoing or planned investigations of alleged
15 criminal or civil misconduct or violations of
16 law or regulations and seeking legal advice
17 from our counsel on the Board's investigative
18 agenda for April 11th, 2012 as published in
19 the D.C. Register on April 6, 2012.

20 Is there a second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: I'll call a

1 roll call vote on the motion now that it's
2 been seconded.

3 Mr. Nophlin?

4 MEMBER NOPHLIN: Agree.

5 CHAIRPERSON MILLER: Mr. Brooks?

6 MEMBER BROOKS: I agree.

7 CHAIRPERSON MILLER: Mr. Alberti?

8 MEMBER ALBERTI: I agree.

9 CHAIRPERSON MILLER: Ms. Miller
10 agrees. Mr. Silverstein?

11 MEMBER SILVERSTEIN: I agree.

12 CHAIRPERSON MILLER: Ms. Mobley?

13 MEMBER MOBLEY: I agree.

14 CHAIRPERSON MILLER: Mr. Jones?

15 MEMBER JONES: I agree.

16 CHAIRPERSON MILLER: Motion
17 passes. The vote is 7-0-0.

18 Pursuant to the Open Meetings
19 Amendment Act of 2010, notice will also be
20 posted on the ABC Board hearing room bulletin
21 board, placed on the electronic calendar on
22 ABRA's website and published in the D.C.

1 Register in as timely a manner as practical
2 for both the agenda and the investigative
3 agenda.

4 And that concludes all our matters
5 for today. Thank you.

6 (Whereupon, at 5:34 p.m., the
7 meeting was adjourned.)

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