

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

A.B.R.A. Agenda

Agenda
Hearing

May 21, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

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

(5:46 p.m.)

CHAIRPERSON MILLER: Okay. We're back on the record for today's agendas. Okay. I think we should start with the Licensing Agendas. Okay.

Reading from the Licensing Agenda, No. 1 is a request for change of address to amend the license for Joe's Seafood, Prime, Steak and Stone Crab located at 740 15th Street, N.W., License No. 093894.

I move that we grant this request. Do I have a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON MILLER: Mr. Silverstein seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON MILLER: All those opposed? All those abstaining? The motion passes 6-0-0.

No. 2 is a request for a storage

1 permit for Capital Eagle, Inc. located at 2815
2 V Street, N.E., License No. 026023.

3 I move that we grant this request.
4 Do I have a second?

5 MEMBER RODRIGUEZ: Mr. Rodriguez
6 has seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? The motion
11 passes, I guess, 7-0-0.

12 No. 3 is a request to extend
13 license in safekeeping since March 2013. This
14 is for Sangria Cafe located at 3636 16th
15 Street, N.W., License No. 090781.

16 The licensee is asking for an 18-
17 month extension related to renovation. We
18 usually or we often review in six month
19 increments. Though in this case, I would
20 recommend that we review in a year, since it
21 sounds like the renovations will take at least
22 a year. He is asking for 18 months. But

1 that's my recommendation. Does anyone have a
2 second for this?

3 MEMBER SILVERSTEIN: Second.

4 CHAIRPERSON MILLER: Mr.
5 Silverstein seconded the motion. Any
6 comments?

7 All those in then favor say aye.

8 MEMBER SILVERSTEIN: Aye.

9 CHAIRPERSON MILLER: Aye.

10 MEMBER RODRIGUEZ: Aye.

11 MEMBER BROOKS: Aye.

12 MEMBER ALBERTI: Aye.

13 MEMBER SHORT: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed?

16 MEMBER JONES: Opposed.

17 CHAIRPERSON MILLER: All those
18 abstaining? The motion passes 6-1-0 with
19 Jones opposing for a one-year --

20 MEMBER ALBERTI: May I ask, can
21 you repeat the motion? I'm sorry. I didn't
22 hear it. I don't know if I voted on the right

1 motion.

2 CHAIRPERSON MILLER: The motion
3 was, the motion that has been voted on was to
4 grant an extension to the license in
5 safekeeping for one year.

6 MEMBER ALBERTI: Oh.

7 CHAIRPERSON MILLER: And this is
8 Sangria Cafe.

9 MEMBER ALBERTI: Okay. I'm sorry,
10 I misunderstood that. I will -- I'm opposed
11 to that motion.

12 CHAIRPERSON MILLER: So the vote
13 is 5-2-0 with Jones and Alberti in dissent.
14 Okay.

15 No. 4 is a request to extend the
16 license in safekeeping since December 2013.
17 This is for an establishment called Al
18 Crostino/Davali, LLC located at 2122
19 Massachusetts Avenue, N.W.

20 I move that we grant this
21 extension for a six month period. As
22 basically he --

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: -- is
3 requesting it within that time period. Okay.
4 Mr. Brooks has seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 7-0-0.

10 No. 5 is an application request to
11 place a license in safekeeping. This is for
12 Ancora located at 600 New Hampshire Avenue,
13 N.W., License No. 0913121.

14 I move that we grant safekeeping
15 for a period of six months. Do I have a
16 second?

17 MEMBER SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: Mr.
19 Silverstein has seconded the motion.

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining?

2 MEMBER JONES: Abstain.

3 CHAIRPERSON MILLER: The motion
4 passes 6-0-1. Okay.

5 No. 6 is a change of hours
6 application for Avenue Supermarket located at
7 5010 New Hampshire Avenue, N.W., changing the
8 hours to operate Sunday to Saturday 7:00 a.m.
9 to 11:59 p.m.

10 I move that we approve. Do I have
11 a second?

12 MEMBER SILVERSTEIN: Second.

13 CHAIRPERSON MILLER: Mr.
14 Silverstein seconded the motion.

15 All those in favor say aye.

16 ALL: Aye.

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

20 No. 7 is a change of hours
21 application for Capital Supermarket located at
22 1231 11th Street, N.W., License No. 001688.

1 There is a settlement agreement in this case
2 and the change of hours would be consistent
3 with that, so I move that we approve. Do I
4 have a second?

5 MEMBER RODRIGUEZ: Second.

6 CHAIRPERSON MILLER: Mr. Rodriguez
7 has seconded the motion.

8 All those in favor say aye.

9 ALL: Aye.

10 CHAIRPERSON MILLER: All those
11 opposed? All those abstaining? The motion
12 passes 7-0-0.

13 And No. 9 is an application for a
14 manager's license for Anthony Raul Reyes-
15 Matute, ABRA-095201.

16 I move that we approve. Do I have
17 a second?

18 MEMBER SILVERSTEIN: Second.

19 CHAIRPERSON MILLER: Mr.

20 Silverstein has seconded the motion.

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The motion
3 passes 7-0-0.

4 Next, we have a Supplemental
5 Licensing Agenda.

6 No. 1 is reviewing additional
7 documentation supporting a request for new
8 Retailer Class B Full-Service Grocery for
9 Harris Teeter Riverfront located at 401 M
10 Street, S.E., License No. 095112.

11 I move that we refer this to
12 licensing. Do I have a second?

13 MEMBER SILVERSTEIN: Second.

14 CHAIRPERSON MILLER: Mr.
15 Silverstein has seconded the motion.

16 All those in favor say aye.

17 ALL: Aye.

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

21 And No. 2 is an application for a
22 new Multipurpose License for Capital Fringe

1 located at 607 New York Avenue, N.W., License
2 No. 095309.

3 I move that we placard this
4 application. Do I have a second?

5 MEMBER SILVERSTEIN: Second.

6 CHAIRPERSON MILLER: Mr.
7 Silverstein has seconded the motion.

8 All those in favor say aye.

9 ALL: Aye.

10 CHAIRPERSON MILLER: All those
11 opposed? All those abstaining? The motion
12 passes 7-0-0.

13 Okay. That concludes the
14 Licensing Agenda and we have several Legal
15 Agendas.

16 MEMBER BROOKS: On the Licensing
17 Agenda?

18 CHAIRPERSON MILLER: Yes?

19 MEMBER BROOKS: I'm sorry, Madam
20 Chair. We have a list of cancellations, if
21 that's part of the Licensing Agenda?

22 CHAIRPERSON MILLER: What?

1 MEMBER BROOKS: Cancellations.

2 CHAIRPERSON MILLER: We do? Do
3 you have that?

4 MEMBER BROOKS: Yes, here's a
5 copy.

6 CHAIRPERSON MILLER: Okay. Thank
7 you.

8 MEMBER RODRIGUEZ: Yes,
9 cancellations.

10 CHAIRPERSON MILLER: Thank you.
11 It says the 28th of May. Is this the 28th?
12 Okay. I'm going to hold on this for a minute.

13 MEMBER BROOKS: Yes, okay.

14 CHAIRPERSON MILLER: Okay. Maybe
15 we will come to this last.

16 Okay. So let's turn to the Legal
17 Agenda. We have, No. 1 on the Legal Agenda,
18 a request to reinstate the protest from Will
19 Stephens, Chairman of ANC-2B, related to the
20 1819 Club protest at 1819 M Street, N.W.,
21 License No. 71088.

22 The applicant consents to the

1 request, so I move that we approve. Do I have
2 a second?

3 MEMBER SILVERSTEIN: Second.

4 CHAIRPERSON MILLER: Mr.

5 Silverstein has seconded the motion.

6 All those in favor say aye.

7 ALL: Aye.

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

11 All right. No. 2 on the Legal
12 Agenda is a letter dated May 2, 2014 from
13 Barbara Schauer, identifying herself as an
14 abutting property owner and the establishment
15 that this is related to is The American
16 located at 1209-1213 10th Street, N.W.,
17 License No. 92766.

18 Okay. We have some pleadings in
19 opposition to this as well. I just want to
20 bring your attention, number one, on the
21 Second Supplemental Legal Agenda is a letter
22 dated May 20, 2014 from the protestant group

1 to Risa Hirao related to The Blagden.

2 I think we may have one more on
3 the Supplemental Legal Agenda, No. 1, okay,
4 which is a review of a response to letter from
5 Barbara Schauer again. Okay. A different
6 letter, a response.

7 Okay. Yes, Mr. Silverstein?

8 MEMBER SILVERSTEIN: I would like
9 to move that we continue to recognize the
10 protestants as a Group of Five or more.

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Okay. Mr.
13 Silverstein has moved to recognize the
14 protestants as a Group of Five or more. Are
15 there any comments?

16 MEMBER ALBERTI: I'll just comment
17 that that was the original filing that that
18 filed as a Group of Five or more and we are
19 responding to Ms. Schauer's request to be
20 viewed as a group of abutting property owners.
21 So we want to maintain the original filing
22 status.

1 CHAIRPERSON MILLER: Okay. I
2 would like to speak in opposition to the
3 motion. I believe the underlying reason is --
4 behind the motion is that if the ANC settles
5 with the applicant, then a Group of Five would
6 be -- protest would be dismissed and an
7 abutting property owner's protest would not be
8 dismissed.

9 And this group is made up of some
10 abutting property owners as represented by Ms.
11 Schauer in her letter. And I think that they
12 are seeking a clarification, as I read it, but
13 they would still be considered abutting
14 property owners, even though they are part of
15 this Group of Five.

16 And my view is that the abutting
17 property owners should be allowed to stay in
18 with the protestant, because they filed in a
19 timely way and manner and they are -- as they
20 are actually abutting. I think that the law
21 was intended to let them maintain their
22 protest.

1 MEMBER SILVERSTEIN: Madam Chair?

2 MEMBER ALBERTI: Yes, go ahead,
3 Mike.

4 CHAIRPERSON MILLER: Mr.
5 Silverstein?

6 MEMBER SILVERSTEIN: Madam Chair?

7 CHAIRPERSON MILLER: Yes?

8 MEMBER SILVERSTEIN: I believe
9 that the precedent that we set in a case
10 involving the protest in Watergate made it
11 clear the dangers and difficulties of having
12 people change sides or change teams or
13 reassemble the protesting groups. And that,
14 to me, would be the dispositive factor here.

15 CHAIRPERSON MILLER: Okay. I
16 would just say in answer to that that I don't
17 think anybody is changing teams, but, in fact,
18 certain protestants would have to drop off
19 because they wouldn't be abutting, but they
20 would be changing labels that they came in
21 with, yes.

22 MEMBER ALBERTI: I would just say

1 that --

2 CHAIRPERSON MILLER: Mr. Silver --
3 I mean, Mr. Alberti?

4 MEMBER ALBERTI: -- the Board has
5 consistently set the protest group by the
6 original Protest Letter and then subsequently
7 the -- who was given standing at Roll Call.
8 That sets the protestant group. It is unfair
9 to the licensee to have that as a moving
10 target, that somewhere down the road that
11 group morphs into some other group and that is
12 what is happening here.

13 I think that we must maintain that
14 standard of at Roll Call, depending on who was
15 on the original Protest Letter and who was
16 given standing at the Roll Call, that sets the
17 group and it should not -- that group should
18 not be allowed to change as things move
19 forward.

20 The licensee has a right to know
21 who they are negotiating with.

22 CHAIRPERSON MILLER: Others?

1 Okay. I would just say that often in these
2 cases we have neighbors who are not all that
3 savvy about these distinctions. And if they
4 were, they would have come in originally as
5 two groups, I would think. And maybe in the
6 future, that will be the case.

7 All right. Then there is a motion
8 by Mr. Silverstein that has been seconded.

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? Opposed.

13 All those abstaining? So the
14 motion passes 6-1-0 with Miller dissenting and
15 the motion is to continue to recognize the
16 group as a Group of Five. Is that right? I'm
17 just writing it down now. Okay.

18 MEMBER SILVERSTEIN: Continue to
19 recognize the protestants as a Group of Five
20 or more.

21 CHAIRPERSON MILLER: Protestants,
22 thank you. Okay.

1 No. 3 is a motion to reopen a Show
2 Cause case. It's dated April 30, 2014 from
3 Charles Britton Swan, Jr., President of
4 Woodward Brothers, Inc. And the case is
5 related to Rhino Bar & Pumphouse located at
6 3295 M Street, N.W., License No. 00523.

7 I move that we deny this motion
8 based on the arguments in the Office of the
9 Attorney General's brief and, basically, they
10 did not make out a case under the rules for
11 reopening the record. Is there a second?

12 MEMBER SILVERSTEIN: Second.

13 CHAIRPERSON MILLER: Mr.
14 Silverstein has seconded the motion.

15 All those in favor say aye.

16 ALL: Aye.

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

20 No. 4 is a request from E & J
21 Gallo to provide retailers with products
22 valued at more \$50 and less than \$500.

1 I move that we approve this
2 request. Do I have a second?

3 MEMBER RODRIGUEZ: Second.

4 CHAIRPERSON MILLER: Mr. Rodriguez
5 has seconded the motion.

6 All those in favor say aye.

7 ALL: Aye.

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

11 Okay. Next, we have a Second
12 Supplemental Legal Agenda.

13 The first item on the Supplemental
14 Legal Agenda is a response to the letter from
15 Barbara Schauer that was related to No. 2 on
16 the Legal Agenda. We just ruled on that with
17 respect to The American. So that's moot.

18 No. 2 is the District of
19 Columbia's Memorandum of Points and
20 Authorities in opposition to the respondent's
21 motion to reopen the Show Cause Hearing dated
22 May 13, 2014 related to The Rhino Bar &

1 Pumphouse that we just discussed and I made
2 reference to this memorandum. This is moot.
3 That motion was denied.

4 No. 3 and No. 4 are proposed
5 amendments to voluntary agreements. The first
6 one relates to Dirty Martini Bar. The second
7 one relates to Midtown. And I move that we
8 postpone consideration of each of these
9 amendments for one week. Do I have a second?

10 MEMBER SILVERSTEIN: Second.

11 CHAIRPERSON MILLER: Mr.
12 Silverstein has seconded the motion.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? The motion
17 passes 7-0-0.

18 We have a Second Supplemental
19 Legal Agenda. The first item on the agenda is
20 a letter from the protestant group related to
21 The American that we have already ruled on on
22 the Legal Agenda, so this is moot.

1 No. 2 is an amendment to a
2 voluntary agreement and an application for
3 change of operating hours and holiday hours
4 dated May 20, 2014 between Dacha Beer Garden
5 and ANC-6E. Dacha Beer Garden is located at
6 1600 7th Street, N.W., License No. 92773.

7 I move that we approve the
8 amendment to the settlement agreement and we
9 approve the application for change of
10 operating hours and holiday hours. Do I have
11 a second?

12 MEMBER BROOKS: Second.

13 CHAIRPERSON MILLER: Mr. Brooks
14 has seconded the motion.

15 All those in favor say aye.

16 ALL: Aye.

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

20 And No. 3 is a letter and motion
21 to intervene in Qualification Hearings for
22 applicant, Melles Hospitality Group, LLC dated

1 May 20, 2014 from Scott Goldschmidt, Assistant
2 General Counsel for The Catholic University of
3 America. The establishment is The Alibi
4 Restaurant & Lounge located at 237 2nd Street,
5 N.W., License No. 93491.

6 I move that we grant this motion.
7 Do I have a second?

8 MEMBER BROOKS: Second.

9 CHAIRPERSON MILLER: Mr. Brooks
10 has seconded the motion.

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 7-0-0.

16 Okay. We have a Third
17 Supplemental Legal Agenda. And on that Third
18 Supplemental Legal Agenda is a review of a
19 motion for reconsideration and request for
20 expedited hearing dated May 20, 2014. This
21 concerns the establishment Twelve Restaurant
22 & Lounge located at 1123 H Street, N.E.,

1 License No. 76366.

2 Before we consider that motion, I
3 believe a Board Member may have a sua sponte
4 Motion to Reconsider our Order of last week
5 related to a cease and desist for this
6 establishment.

7 And I also want to put on the
8 record that, unless you do, Mr. Alberti, you
9 are recused from this matter. Okay.

10 MEMBER ALBERTI: The Board needs
11 to vote on that. I'm not recusing myself.

12 CHAIRPERSON MILLER: Oh, you're
13 not recusing yourself?

14 MEMBER ALBERTI: The Board can
15 recuse me if they like.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER ALBERTI: It will be a
18 Board action.

19 CHAIRPERSON MILLER: Mr. Alberti--

20 MEMBER ALBERTI: And I will make
21 my arguments for why I should not be recused.

22 CHAIRPERSON MILLER: Okay. Mr.

1 Alberti recused himself on this matter last
2 week when we voted on a cease and desist.
3 Before I go any further, I'm going to let Mr.
4 Alberti explain why he will not be recusing
5 himself on a motion to reconsider that order
6 that he recused himself on and didn't
7 participate in --

8 MEMBER ALBERTI: Is there a
9 motion?

10 CHAIRPERSON MILLER: -- the order.

11 MEMBER ALBERTI: Is there a motion
12 from the Board to -- for me to recuse myself?

13 CHAIRPERSON MILLER: I will move
14 that Mr. Alberti be recused from participating
15 in any motion to reconsider the order related
16 to Twelve Restaurant & Lounge that we issued
17 last week in posing a cease and desist on the
18 establishment in which he recused himself on
19 the dias from voting on. Is there a second?

20 MEMBER BROOKS: Second.

21 CHAIRPERSON MILLER: Mr. Brooks
22 has seconded the motion. Any comments or

1 questions? Okay. Then there is a motion that
2 has been seconded.

3 All those in favor say aye.

4 MEMBER SILVERSTEIN: Wait. Allow
5 Mr. Alberti --

6 MEMBER ALBERTI: Well, then I -- I
7 get to speak, don't I? Okay.

8 CHAIRPERSON MILLER: I wasn't sure
9 what you were asking me to do.

10 MEMBER ALBERTI: Yes, no. I get
11 to speak.

12 CHAIRPERSON MILLER: I thought you
13 wanted us to vote on it.

14 MEMBER ALBERTI: I want to speak
15 to the motion.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER ALBERTI: There is a motion
18 on the floor. I get to speak to the motion.

19 CHAIRPERSON MILLER: There is a
20 motion that has been seconded.

21 MEMBER ALBERTI: Okay. All right.
22 The history here on this case is that Twelve

1 was dismissed from their renewal application
2 because they failed to appear at a Protest
3 (Status) Hearing and that was December 11,
4 2013.

5 The Board on January 15, 2014
6 denied that request for reinstatement and so
7 the licensee reapplied.

8 Now, as has been the Board's
9 practice, the licensee was allowed to remain
10 in operation while he reapplied. On -- there
11 was a subsequent protest filed and in that
12 protest, the licensee failed to appear at the
13 Roll Call. The Board subsequently dismissed
14 the licensee for failure to appear at the Roll
15 Call. And the licensee did not request
16 reinstatement.

17 Now, this goes quite outside the
18 bounds of what the Board has dealt with in the
19 past. The Board has dealt with in the past
20 licensee's failure to appear at one hearing in
21 the renewal cycle.

22 CHAIRPERSON MILLER: Mr. Alberti,

1 I --

2 MEMBER ALBERTI: And --

3 CHAIRPERSON MILLER: Mr. Alberti?

4 I just want to object, because the issue is
5 whether you are recused from accepting this --

6 MEMBER ALBERTI: Well, I am
7 explaining why -- okay. Well, let me preface
8 this. I will interject here. I don't believe
9 there is -- let me -- okay.

10 I will come back to this. I
11 should have started here to begin with. In
12 protest matters, I as, Chair of the ANC, to
13 avoid any appearance, of the ANC that is
14 involved here, of conflict of interest, I have
15 recused myself.

16 I don't believe there is a protest
17 in this matter, at this current -- I don't
18 believe there is currently a protest standing
19 here, so I see no reason to recuse myself,
20 because there is no protest.

21 So but as I was saying, the
22 Board --

1 CHAIRPERSON MILLER: Well, just
2 before you address the merits of this case
3 though, the Board needs to rule.

4 MEMBER ALBERTI: Well, I want to
5 explain why --

6 CHAIRPERSON MILLER: Vote on the
7 issues here.

8 MEMBER ALBERTI: -- I think there
9 is no protest. I want -- it matters why.

10 CHAIRPERSON MILLER: That's not
11 the standard.

12 MEMBER ALBERTI: It matters why I
13 believe there is no protest present. All
14 right? So now we have an applicant who has
15 failed in the same renewal cycle to appear
16 twice. And I believe that that second failure
17 to appear and the fact that the licensee did
18 not ask for reinstatement, that made the
19 license invalid and, therefore, the protest
20 was vacated. There is no current -- currently
21 no protest by ANC-6A.

22 So since there is no protest by

1 ANC-6A, I see no conflict of interest in
2 weighing in on this matter.

3 CHAIRPERSON MILLER: Mr. Alberti,
4 you recused yourself last week on this Order
5 and you did not participate in it. So how is
6 it that the Board should find that you
7 shouldn't be recused on the same issue today
8 when we reconsider --

9 MEMBER ALBERTI: Oh, because --
10 well, because I have thought more about it and
11 decided that I don't need to recuse myself and
12 I just gave you those reasons.

13 CHAIRPERSON MILLER: Okay. Well,
14 this is an Order that is going to be
15 reconsidered and you didn't participate in it,
16 so you should not be participating now in
17 reconsidering an order that you were not a
18 part of, regardless of your --

19 MEMBER ALBERTI: Oh, you actually
20 have --

21 CHAIRPERSON MILLER: -- recusal --

22 MEMBER ALBERTI: -- you have --

1 you actually have a point. So when we get to
2 the decision itself, then I'll speak. Okay.
3 Go ahead. Very good.

4 CHAIRPERSON MILLER: Okay.

5 MEMBER ALBERTI: Very good. I
6 withdraw my participation from this Motion to
7 Reconsider the motion, the original motion.
8 I'm sort of ahead of myself here.

9 CHAIRPERSON MILLER: All right.
10 Well, there is a motion to recuse Mr. Alberti
11 in general from discussing this issue and I
12 would like --

13 MEMBER ALBERTI: What issue?

14 CHAIRPERSON MILLER: -- to speak
15 to --

16 MEMBER ALBERTI: What the issue of
17 reconsideration? I'm recused automatically,
18 because I have -- I didn't participate in that
19 motion.

20 CHAIRPERSON MILLER: Okay. Well--

21 MEMBER ALBERTI: So it's a moot
22 point.

1 MEMBER JONES: It's moot.

2 MEMBER ALBERTI: It's moot.

3 CHAIRPERSON MILLER: Yes, Mr.

4 Jones?

5 MEMBER JONES: Point of
6 clarification.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER JONES: Can you, please,
9 restate the order? I mean, the motion that's
10 on the table -- on the floor?

11 CHAIRPERSON MILLER: Mr. Alberti
12 asked for a motion that he be recused from
13 participating. My motion that -- setting a
14 motion that he be recused from participating
15 in considering the motion for reconsideration
16 that a Board Member is going to be bringing
17 forth on our decision last week and posing a
18 cease and desist.

19 MEMBER JONES: Point of
20 clarification. What's the -- is that wording
21 or approximately summarizing the wording of
22 the actual motion? What is the motion?

1 CHAIRPERSON MILLER: That's what
2 it --

3 MEMBER JONES: You were giving me
4 a summary description of your rationale. What
5 is the actual motion?

6 CHAIRPERSON MILLER: The motion
7 was that Mr. Alberti be recused from
8 participating in discussion on a motion for
9 reconsideration.

10 MEMBER JONES: Okay.

11 CHAIRPERSON MILLER: Involving
12 Twelve Restaurant & Lounge.

13 MEMBER JONES: Thank you.

14 CHAIRPERSON MILLER: Okay. There
15 is a motion that has been seconded.

16 All those in favor say aye.

17 MEMBER SILVERSTEIN: Aye.

18 CHAIRPERSON MILLER: Aye.

19 MEMBER BROOKS: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed?

22 MEMBER JONES: Opposed.

1 MEMBER ALBERTI: Opposed.

2 CHAIRPERSON MILLER: All those
3 abstaining?

4 MEMBER SHORT: Abstain.

5 CHAIRPERSON MILLER: So the vote
6 is 3-2-1. The motion passes. Okay. Mr.
7 Short, do you have a motion for
8 reconsideration?

9 MEMBER SHORT: Yes, Madam Chair.

10 CHAIRPERSON MILLER: Okay.

11 MEMBER SHORT: I make a motion
12 that the Board rescind the Board Order to
13 cease and desist the canceling license ordered
14 on May 14, 2014 for the club Twelve Bar &
15 Restaurant at 1123 H Street, N.E.

16 MEMBER ALBERTI: Reconsideration.

17 CHAIRPERSON MILLER: Okay.

18 MEMBER ALBERTI: Point of order.
19 There is no motion for reconsideration.

20 CHAIRPERSON MILLER: Excuse me.

21 Excuse me. You are not --

22 MEMBER ALBERTI: I'm not

1 deliberating.

2 CHAIRPERSON MILLER: --
3 participating in this.

4 MEMBER ALBERTI: It's a point of
5 order. It's a point of order.

6 CHAIRPERSON MILLER: You are not
7 participating in this deliberation.

8 MEMBER SHORT: I hadn't finished
9 my motion.

10 CHAIRPERSON MILLER: Okay.

11 MEMBER SHORT: Okay. That the
12 Board Order to cease and desist canceling the
13 license of May 14, 2014 for the Twelve
14 Restaurant Bar -- I mean, Lounge at 1123 H
15 Street, N.E., be rescinded pending the hearing
16 of a third renewal application.

17 CHAIRPERSON MILLER: Yes, Mr.
18 Jones?

19 MEMBER JONES: Point of
20 clarification on the motion. Board Member
21 Short, would you accept a friendly amendment
22 to your motion in which the motion would be a

1 motion for reconsideration of the matter to
2 which you referenced?

3 MEMBER SHORT: I accept that as a
4 friendly amendment, yes.

5 CHAIRPERSON MILLER: Could you
6 explain that? It sounds very different from
7 what Mr. Short said, so could you explain
8 that, Mr. Jones?

9 MEMBER JONES: Well, Mr. Short
10 accepted a friendly amendment to his motion,
11 that amendment being simply at the inclusion
12 or the replacement of recension of the order
13 to a friendly -- a motion for reconsideration.

14 MEMBER SHORT: That's correct.

15 CHAIRPERSON MILLER: Okay. Let me
16 see if I can clarify and certainly if this
17 isn't clarifying, let me know if I'm wrong.
18 That it's a motion to reconsider the Board's
19 Order last week imposing a cease and desist on
20 the establishment.

21 MEMBER SHORT: That is correct.

22 CHAIRPERSON MILLER: Is that it?

1 MEMBER SHORT: Yes.

2 CHAIRPERSON MILLER: All right.

3 Oh?

4 MEMBER JONES: Just a point of
5 clarification. It's a motion for
6 reconsideration of the Board's actions taken
7 on the matter related to the cease and desist
8 order --

9 MEMBER SHORT: To cancel the
10 license.

11 MEMBER JONES: -- of Twelve, the
12 licensee in question.

13 CHAIRPERSON MILLER: I don't
14 understand that. The Board's actions related
15 to. I mean, the Board issued an order
16 imposing a cease and desist. And that's what
17 we would need to get at, reconsider.

18 MEMBER SHORT: Can I restate my --
19 could I restate it again?

20 CHAIRPERSON MILLER: Okay.

21 MEMBER SHORT: Okay.

22 CHAIRPERSON MILLER: We're tired.

1 So okay.

2 MEMBER SHORT: My motion is that
3 this Board reconsider the Board's Order to
4 cease and desist and cancel the license of May
5 14, 2014 of the club.

6 CHAIRPERSON MILLER: Okay. So we
7 need to reconsider that order.

8 MEMBER SHORT: Yes.

9 CHAIRPERSON MILLER: It's very
10 simple. We issued an order last week. We're
11 going to reconsider it. Mr. Jones?

12 MEMBER JONES: Just a
13 clarification. Is it a cancellation or a
14 cease and desist order?

15 CHAIRPERSON MILLER: It's a --

16 MEMBER SHORT: Cease and desist
17 order.

18 MEMBER JONES: Thank you.

19 CHAIRPERSON MILLER: Okay. There
20 is a -- should we double check that?

21 MEMBER SHORT: It's the very last
22 page of the --

1 CHAIRPERSON MILLER: Is it both?
2 It's both. It was a cease and desist and
3 cancellation of the license.

4 MEMBER SHORT: Yes.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER SHORT: Reconsider.

7 CHAIRPERSON MILLER: Okay. Is
8 that clear to everyone what we are doing? We
9 are reconsidering the order. All right. Any
10 comments, at this point? All right.

11 MEMBER JONES: Just to be clear, I
12 do not believe the motion has been properly
13 seconded.

14 MEMBER SILVERSTEIN: I second it.

15 MEMBER JONES: Thank you.

16 CHAIRPERSON MILLER: Mr.

17 Silverstein has seconded the motion.

18 All those in favor, unless there
19 is comments on it right now, say aye.

20 MEMBER JONES: Aye.

21 MEMBER SHORT: Aye.

22 CHAIRPERSON MILLER: Aye.

1 MEMBER SILVERSTEIN: Aye.

2 MEMBER RODRIGUEZ: Aye.

3 CHAIRPERSON MILLER: All those
4 opposed?

5 MEMBER BROOKS: Oppose.

6 CHAIRPERSON MILLER: Opposed. So
7 those in favor, who was in favor? Jones,
8 Short, are you in favor, Mr. Silverstein?

9 MEMBER SILVERSTEIN: Yes.

10 CHAIRPERSON MILLER: To
11 reconsider? Okay. I am, Miller. One, two,
12 three, four, five. Rodriguez.

13 MEMBER RODRIGUEZ: Um-hum.

14 CHAIRPERSON MILLER: And Mr.
15 Brooks is opposed. Is that correct?

16 MEMBER BROOKS: That's correct.

17 CHAIRPERSON MILLER: Okay. So the
18 vote is 5-1-0 to reconsider the vote --
19 reconsider the order issued last week. Okay.

20 Now, now that we are reconsidering
21 it, is there a motion with respect to action
22 on the reconsideration?

1 MEMBER ALBERTI: I --

2 CHAIRPERSON MILLER: No.

3 MEMBER ALBERTI: -- just a point
4 of order. I'm not recusing myself. I have
5 not been recused from this motion by the
6 Board.

7 CHAIRPERSON MILLER: Is that
8 right?

9 MEMBER ALBERTI: That's right.

10 MEMBER JONES: Correct.

11 CHAIRPERSON MILLER: You can't --

12 MEMBER ALBERTI: I was recused
13 from the last motion. And rightfully so,
14 because I was not party to that vote.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER ALBERTI: So --

17 CHAIRPERSON MILLER: Then I am
18 going to move --

19 MEMBER ALBERTI: -- but --

20 CHAIRPERSON MILLER: -- that you
21 be recused from this --

22 MEMBER ALBERTI: Okay.

1 CHAIRPERSON MILLER: -- motion on
2 the grounds that Mr. Alberti has a conflict of
3 interest as Chair of ANC-6A and as a Board
4 Member. And last week he participated in the
5 deliberations in the closed meeting and then
6 came out here and said he was recused. And
7 now, he is saying he shouldn't be recused.
8 And I don't think that kind of flip-flopping
9 is appropriate for our decisions.

10 And I don't think that his
11 delineation with respect to whether it is a
12 protest or something else, for me, doesn't
13 clear up the conflict of interest issue. Do
14 others?

15 Therefore, I would move that Mr.
16 Alberti be recused from participating in this
17 deliberation regarding Twelve. Is there a
18 second?

19 MEMBER RODRIGUEZ: I second the
20 motion.

21 CHAIRPERSON MILLER: Okay. Mr.
22 Rodriguez has seconded the motion. I think

1 that the integrity and transparency of this
2 Board is at stake. And when we have Board
3 Members playing dual roles without getting an
4 opinion from BEGA, which is readily available,
5 it casts doubt on our integrity.

6 MEMBER ALBERTI: May I speak to
7 the motion?

8 CHAIRPERSON MILLER: Um-hum.

9 MEMBER ALBERTI: This is -- this
10 case is new ground for the Board and it is my
11 opinion that when the licensee failed to ask
12 for reinstatement and then the Board canceled
13 -- failed to ask for reinstatement that, at
14 that point, the original decision by the Board
15 which was to dismiss their renewal, meant --
16 means that their license is no longer valid.

17 And since their license is no
18 longer valid, there is nothing to protest.
19 And I have made it very clear that I will
20 recuse myself from protest matters and
21 settlement agreement matters, because I have
22 to represent the ANC. But not enforcement

1 matters, because this is just like any other
2 licensee in my ANC or any other licensee in
3 the city.

4 And so I haven't -- you know, and
5 the Board has agreed with me that I should not
6 have to recuse myself on enforcement matters.
7 To me, this is like an enforcement matter.
8 There is no protest pending. Technically,
9 there is no protest. The ANC has no standing
10 to speak to this matter.

11 And that's important. The ANC has
12 no standing to speak to this matter,
13 otherwise, you would have a hearing with them
14 here. And since they have no role in speaking
15 to this, I'm not representing them. And so
16 that was my decision last week when I
17 participated and that's my assessment now that
18 there is no conflict of interest, because we
19 are not dealing with a protest matter in which
20 I, as figurative head of the ANC, have to
21 represent their interests.

22 However, I will say, let me say

1 this, I will respect the opinion of my fellow
2 Board Members if they choose to recuse me on
3 this one.

4 CHAIRPERSON MILLER: Comments? I
5 want to state for the record that to the best
6 of my knowledge, the Board has not agreed that
7 you should not be recused on enforcement
8 matters. I don't believe there is any record
9 of that.

10 MEMBER JONES: Well, point of
11 clarification?

12 CHAIRPERSON MILLER: Yes, Mr.
13 Jones?

14 MEMBER JONES: I would like to
15 respectfully disagree with that --

16 CHAIRPERSON MILLER: Do you have a
17 Board vote on that?

18 MEMBER JONES: -- respected
19 opinion, that I believe that the Board has
20 indicated that enforcement matters do -- based
21 on our practice have not enforced -- if that
22 is the practice, that we have not enforced

1 that he not participate.

2 MEMBER ALBERTI: Can I speak to
3 that also? We also have another ANC Member
4 here, Mike Silverstein and it has never been
5 the practice for that Member to recuse himself
6 on enforcement matters for licensees in his
7 ANC. And I don't think the Board has ever
8 expressed an opinion that he should.

9 MEMBER JONES: Just to make sure I
10 was clear --

11 MEMBER ALBERTI: And no one
12 before this has ever expressed an opinion that
13 I should recuse myself from enforcement
14 matters for establishments in my ANC.

15 CHAIRPERSON MILLER: Well, I
16 think --

17 MEMBER JONES: This is related
18 specifically -- just to make sure the record
19 is clear. This is for enforcement matters
20 which are significantly different than protest
21 matters. So I think there have been a
22 plethora of enforcement matters that both of

1 our present ANC representatives, Commissioners
2 and participants have participated in.

3 And if that is the case, then I
4 would like to revisit the record across all of
5 our previous rulings and judgments for matters
6 that were enforcement matters in which those
7 Members participated.

8 MEMBER ALBERTI: I would like to
9 add that ANCs are not party to enforcement
10 matters. And so there really is no conflict
11 of interest there for ANCs.

12 CHAIRPERSON MILLER: This case is
13 related to the applicant's behavior in a
14 protest case. And the issue, I think, is
15 somewhat gray whether it is enforcement or a
16 protest-related. However, in any event, I
17 think the fact that Mr. Alberti participated
18 last week and then came out on the dias and
19 said he was recused and now is coming forward
20 saying I shouldn't be recused, shows that
21 there is a big question mark over his
22 participation and I would urge the Board to

1 vote that he should be recused on this case.

2 MEMBER ALBERTI: Ms. Miller,
3 actually, I have to agree with you on your
4 assessment that this the gray area. And this
5 is why I have been in a quandary. And so I
6 ask the indulgence of my fellow Board Members
7 if it appears I have flip-flopped, this is a
8 very difficult decision.

9 I mean, this is brand new
10 territory for the Board. I am not aware that
11 this Board's current Board or past Boards have
12 been faced with a situation like this. So
13 there is no precedent for whether this is an
14 enforcement matter or a protest matter.

15 CHAIRPERSON MILLER: And there is
16 no opinion that I know of that specifically
17 states that an ANC Chair who is a Member of
18 the Board can draw that line at that place.
19 I know you have drawn it, but I don't know any
20 authority for that.

21 MEMBER ALBERTI: Well, we all have
22 to draw our own lines when we --

1 CHAIRPERSON MILLER: No, we don't.

2 MEMBER ALBERTI: -- assess our
3 conflicts of interest.

4 CHAIRPERSON MILLER: No, we don't.
5 That's why we have BEGA. That's why we can
6 get an opinion and I would strongly recommend
7 that we --

8 MEMBER ALBERTI: A final decision
9 is with this --

10 CHAIRPERSON MILLER: -- do that.

11 MEMBER ALBERTI: -- Board. And
12 there is a motion to recuse me from this. So
13 the Board can vote on that.

14 CHAIRPERSON MILLER: That's
15 correct. Okay. Any other --

16 MEMBER ALBERTI: As I said, I will
17 respect the opinion of this Board.

18 MEMBER RODRIGUEZ: Madam
19 Chairperson?

20 CHAIRPERSON MILLER: Okay. Yes?

21 MEMBER RODRIGUEZ: Madam
22 Chairperson, Members of the Board, I'm new to

1 this Board.

2 CHAIRPERSON MILLER: Right.

3 MEMBER RODRIGUEZ: And there is a
4 lot of history here and a lot of procedures.
5 I can tell you that I do not question -- I did
6 second this motion. I do not question the
7 integrity nor the commitment by my fellow
8 Board Member. I have high respect for his
9 intelligence and his ability. He has proven
10 that.

11 My concern as a new Board Member
12 is that I'm completely astounded that ANC
13 members can be on this Board and make
14 decisions whether enforcement or protest,
15 doesn't matter to me. It is my own opinion
16 with no reflection on any ANC members that,
17 you know, we not -- that ANC members recused
18 themselves from any vote on enforcement or
19 protest matters, it just seems to me a
20 principle with again, may I emphasize no
21 reflection on my colleagues whom I admire and
22 respect. Thank you.

1 CHAIRPERSON MILLER: Okay.

2 Others? All right. So let's move forward.

3 There is a motion to recuse Mr. Alberti from
4 participating in consideration of this matter
5 involving Twelve Restaurant & Lounge that has
6 been seconded.

7 All those in favor say aye.

8 MEMBER BROOKS: Aye.

9 MEMBER JONES: Aye.

10 CHAIRPERSON MILLER: Aye.

11 MEMBER RODRIGUEZ: Aye.

12 MEMBER SHORT: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? So the motion
15 -- I need who voted in favor? Jones, Short,
16 Brooks, Rodriguez, Miller. Did you vote in
17 favor? Okay.

18 MEMBER SILVERSTEIN: I abstain.

19 CHAIRPERSON MILLER: You're
20 abstaining. So it's one, two, three, four,
21 five, 5-0-1. Okay. So the motion passes that
22 Mr. Alberti be recused from participating in

1 the deliberations on this case. All right.

2 Now, we can get to the merits of
3 action to be taken with respect to the motion
4 of reconsideration.

5 I don't know, Mr. Short, if you
6 have anything else you want to add with
7 respect -- did you make a motion for --

8 MEMBER SHORT: Madam Chair?

9 CHAIRPERSON MILLER: Did you make
10 a motion for action or just a motion for
11 reconsideration?

12 MEMBER SHORT: That was just a
13 motion for reconsideration.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER SHORT: Now, I further move
16 that the hearing be held about the third
17 renewal application.

18 CHAIRPERSON MILLER: No, I don't
19 think you will get a second, but we can see.
20 Go ahead.

21 MEMBER JONES: Let -- it is
22 disrespectful to interrupt a Board Member's

1 motion in the process of a motion being made.

2 There is a process for not accepting or moving
3 forward --

4 MEMBER SHORT: Also being a new
5 Board Member --

6 CHAIRPERSON MILLER: Yes, that's
7 right.

8 MEMBER SHORT: The new language --

9 CHAIRPERSON MILLER: Okay.

10 MEMBER SHORT: The language that I
11 want to use is I think that the club Twelve
12 should be allowed to have a hearing on their
13 third application.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER SILVERSTEIN: I would ask
16 my colleague if he would accept a friendly
17 amendment that the Board vacate the cease and
18 desist order and recognize that the third
19 application has been accepted and shall be
20 allowed to move forward.

21 MEMBER SHORT: I accept that as a
22 friendly.

1 CHAIRPERSON MILLER: So that -- I
2 agree with Mr. Silverstein that I would
3 support his motion. I can't remember what it
4 is being attached to and I would suggest that
5 Mr. Silverstein's motion substitute the motion
6 that --

7 MEMBER SHORT: I accept.

8 MEMBER SILVERSTEIN: It stands on
9 its own.

10 CHAIRPERSON MILLER: Okay. Okay.
11 So thank you. Because one gets into a hearing
12 and the other one doesn't. Okay. So Mr. --
13 I would second your motion, Mr. Silverstein.

14 So the motion is to vacate the
15 cease and desist order and that the renewal
16 application move forward.

17 MEMBER SHORT: Third, the third.

18 CHAIRPERSON MILLER: The third
19 renewal application move forward. Okay. Is
20 that accurate? I accurately said it right?

21 MEMBER SILVERSTEIN: Yes.

22 CHAIRPERSON MILLER: Okay. So

1 that was Mr. Silverstein's motion and I
2 seconded it. Discussion? Yes, Mr.
3 Silverstein?

4 MEMBER SILVERSTEIN: Madam Chair,
5 this has been difficult. It's been painful.
6 Our action of May 14th was unprecedented, only
7 because the actions of the former licensee
8 were also unprecedented.

9 The licensee or former licensee
10 had been granted an extension of license
11 through September 30, 2016. It was protested.
12 And at various hearings the licensee/
13 applicant failed to show twice. The licensee/
14 applicant did not seek reinstatement when told
15 he had to.

16 However, the Agency did accept a
17 third application and we have never failed to
18 allow an establishment to continue operations
19 once the established licensee has reapplied.

20 None of this excuses the
21 establishment's irresponsible actions. It is
22 incredibly unfair that an applicant can be a

1 no-show and can simply reapply and we start
2 the process all over again. But if a
3 protestant is a no-show even once, they are
4 dismissed with no recourse.

5 We need not accept further
6 applications from this applicant/licensee if,
7 as this protest goes forward, they continue to
8 flaunt our procedures. We need to fix this
9 process in the future, but we can't make up
10 rules as we go along and we can't change our
11 precedents.

12 There is nothing good happening
13 here. This is simply our way out of a
14 situation that has been caused, in large part,
15 by an irresponsible -- by irresponsible
16 actions by an applicant and a lack of
17 precedent on our part how to deal with these
18 things. Thank you.

19 CHAIRPERSON MILLER: Thank you
20 very much. Others? I would just say that I
21 agree with Mr. Silverstein. And that I think
22 our action last week was legal in the sense

1 that it was based on our regulation, but that
2 the cease and desist was not in accordance
3 with our past practice. And if we see issues
4 that need to be fixed or improved that we need
5 to look at them generically and apply them to
6 everyone and give notice ahead of time.

7 Mr. Jones?

8 MEMBER JONES: Thank you, Madam
9 Chair. I would just like to say that I think
10 we, as the Board, need to take special action
11 in terms of the level of priority that we
12 apply to addressing this matter to ensure that
13 we do not allow this type of practice to go
14 on.

15 We have identified and we
16 recognize that there is a hole in our process
17 that allows the licensee to potentially skirt
18 and abuse our patrons and our citizens in this
19 manner. And I believe that we need to take an
20 action to commit to the public to address this
21 matter as quickly as possible. Thank you.

22 CHAIRPERSON MILLER: Thank you.

1 Okay. Any other comments? All right. Then
2 we have a motion before us that has been
3 seconded to vacate the cease and desist order
4 and allow the pending renewal application to
5 go forward.

6 All those in favor of the motion
7 say aye.

8 MEMBER SHORT: Aye.

9 CHAIRPERSON MILLER: Aye.

10 MEMBER RODRIGUEZ: Aye.

11 MEMBER SILVERSTEIN: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed?

14 MEMBER JONES: Opposed.

15 MEMBER BROOKS: Opposed.

16 CHAIRPERSON MILLER: All those
17 abstaining? So, okay, I think the motion
18 passes, but again, I've got to look at it.
19 Mr. Jones, you dissented?

20 MEMBER JONES: Yes.

21 CHAIRPERSON MILLER: Okay. And,
22 Mr. Brooks?

1 MEMBER BROOKS: Yes.

2 CHAIRPERSON MILLER: All right.

3 Anybody else dissent? All right. So then it
4 is one, two, three, four. The vote is 4-2-0.
5 Jones and Brooks dissenting.

6 Okay. I just want to address the
7 Item No. 1 on the Third Supplemental Legal
8 Agenda is a motion for reconsideration and
9 request for expedited hearing dated May 20,
10 2014 related to Twelve Restaurant & Lounge at
11 1123 H Street, N.E., License No. 76366.

12 And this is a motion filed by the
13 licensee and the motion that the Board just
14 voted on sua sponte moots that motion for
15 reconsideration. So no action is required.

16 Okay. So that completes our
17 agenda items for today. We don't have any
18 cancellation items for today. They will be
19 addressed next Wednesday.

20 So what's left is to take a vote
21 on the Open Meetings instructions related to
22 our closed meeting for next week.

1 MEMBER SHORT: Madam Chair?

2 CHAIRPERSON MILLER: Yes?

3 MEMBER SHORT: How about the
4 meeting on Friday?

5 CHAIRPERSON MILLER: This is for
6 the agenda items for next week, so there won't
7 be any for Friday.

8 As Chairperson of the Alcoholic
9 Beverage Control Board for the District of
10 Columbia and in accordance with DC Official
11 Code Section 2-574(b) of the Open Meetings
12 Act, I move that the ABC Board hold a closed
13 meeting on May 28, 2014 for the purpose of
14 seeking legal advice from our counsel on the
15 matters identified on the Board's Agenda for
16 May 28, 2014, as published in the DC Register
17 on May 23, 2014.

18 Is there a second?

19 MEMBER SILVERSTEIN: Second.

20 CHAIRPERSON MILLER: Mr.

21 Silverstein has seconded the motion. I'll now
22 take a roll call vote on the motion before us

1 now that it has been seconded.

2 Mr. Brooks?

3 MEMBER BROOKS: I agree.

4 CHAIRPERSON MILLER: Mr.

5 Rodriguez?

6 MEMBER RODRIGUEZ: I agree.

7 CHAIRPERSON MILLER: Ms. Miller

8 agrees.

9 Mr. Silverstein?

10 MEMBER SILVERSTEIN: I agree.

11 CHAIRPERSON MILLER: Mr. Short?

12 MEMBER SHORT: I agree.

13 CHAIRPERSON MILLER: Mr. Jones?

14 MEMBER JONES: I agree.

15 CHAIRPERSON MILLER: It appears

16 that the motion has passed by a 5-0-0 vote.

17 I hereby give notice that the ABC Board will

18 hold this aforementioned closed meeting

19 pursuant to the Open Meetings Amendment Act of

20 2010. Notice will also be posted on the ABC

21 Board hearing room bulletin board, placed on

22 the electronic calendar on ABRA's website and

1 published in the DC Register in as timely a
2 manner as practicable.

3 As Chairperson of the Alcoholic
4 Beverage Control Board for the District of
5 Columbia and in accordance with DC Official
6 Code Section 2-574(b), closed meetings, and 2-
7 574, notice of meetings, of the Open Meetings
8 Act, I move that the ABC Board hold a closed
9 meeting on May 28, 2014 for the purpose of
10 discussing and hearing reports concerning
11 ongoing or planned investigations of alleged
12 criminal or civil misconduct or violations of
13 law or regulations and seeking legal advice
14 from our counsel on the Board's Investigative
15 Agenda for May 28, 2014 as published in the DC
16 Register on May 23, 2014.

17 Is there a second?

18 MEMBER SILVERSTEIN: Second.

19 CHAIRPERSON MILLER: Mr.

20 Silverstein seconded the motion. I'll now
21 take a roll call vote on the motion before us
22 now that it has been seconded.

1 Mr. Brooks?

2 MEMBER BROOKS: I agree.

3 CHAIRPERSON MILLER: Mr.

4 Rodriguez?

5 MEMBER RODRIGUEZ: I agree.

6 CHAIRPERSON MILLER: Ms. Miller

7 agrees.

8 Mr. Silverstein?

9 MEMBER SILVERSTEIN: I agree.

10 CHAIRPERSON MILLER: Mr. Short?

11 MEMBER SHORT: I agree.

12 CHAIRPERSON MILLER: Mr. Jones?

13 MEMBER JONES: I agree.

14 CHAIRPERSON MILLER: It appears

15 that the motion has passed by a 6-0-0 vote.

16 I hereby give notice that the ABC Board will

17 hold this aforementioned closed meeting

18 pursuant to the Open Meetings Act. Notice

19 will also be posted on the ABC Board hearing

20 room bulletin board, placed on the electronic

21 calendar on ABRA's website and published in

22 the DC Register in as timely a manner as

1 practicable.

2 And that concludes our agenda for
3 May 21, 2014 and the Board's business for
4 today and we are adjourned.

5 (Whereupon, the A.B.R.A. Agenda
6 hearing in the above-entitled matter was
7 concluded at 6:46 p.m.)

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