

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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A.B.R.A. Agenda :

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May 22, 2013

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

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

(8:07 p.m.)

CHAIRPERSON MILLER: Okay. We are back on the record to do the agenda for Wednesday, May 22, 2013.

The first item on the agenda is a review of requests dated May 8 and 10, 2013 from E & J Gallo Winery for approval to provide retailers with products valued at more than \$50 and less than \$500.

I move that we approve.

Do I have a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON MILLER: Mr. Silverstein has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON MILLER: All those opposed? All those abstaining? I believe the vote is 5-0-0.

MEMBER ALBERTI: Right.

CHAIRPERSON MILLER: Okay. The

1 second is an application for a license class  
2 change from a CR to a CT for Langston Bar &  
3 Grille located at 1831 Benning Road, N.E.,  
4 License No. 76260.

5 I move that we placard.

6 Do I have a second?

7 MEMBER BROOKS: Second.

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

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those  
13 opposed? All those abstaining? The motion  
14 passes 5-0-0.

15 No. 3 is a manager's application  
16 for Derrick Hampton.

17 I move that we deny the  
18 application.

19 Do I have a second?

20 MEMBER BROOKS: Second.

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

1 All those in favor of denying the  
2 application say aye.

3 MEMBER BROOKS: Aye.

4 CHAIRPERSON MILLER: Aye.

5 MEMBER SILVERSTEIN: Aye.

6 CHAIRPERSON MILLER: All those  
7 opposed?

8 MEMBER ALBERTI: Opposed.

9 CHAIRPERSON MILLER: I'm sorry,  
10 what did you say, Mr. Jones? Mr. Jones, I  
11 didn't hear you.

12 MEMBER ALBERTI: It's No. 3.

13 CHAIRPERSON MILLER: No. 3. There  
14 is a motion to deny the application.

15 MEMBER ALBERTI: I oppose this  
16 motion.

17 CHAIRPERSON MILLER: Okay. Mr.  
18 Jones?

19 MEMBER JONES: I oppose.

20 CHAIRPERSON MILLER: Okay. Then  
21 the motion passes to deny 3-2-0 with Mr. Jones  
22 and Mr. Alberti opposing.

1                   No. 4 is a review of a request  
2                   dated May 8, 2013 from Long Trail Brewing  
3                   Company for approval to provide a retailer  
4                   with a product valued at more than \$50 and  
5                   less than \$500.

6                   I move that we approve.

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 5-0-0.

16                  No. 5 are letters dated April 23,  
17                  2013 from ANC-1B and the Ledroit Park Civic  
18                  Association protesting any future liquor  
19                  license application submitted to the Board for  
20                  House of Secrets located at 507 T Street, N.W.

21                  This is an FYI, which we will keep  
22                  in our files and no action is required on the

1 part of the Board.

2 No. 6 is a petition to terminate a  
3 settlement agreement dated May 2, 2013 from  
4 Red Lounge. Red Lounge is located at 2013  
5 14th Street, N.W., License No. 76011.

6 MEMBER ALBERTI: Placard.

7 CHAIRPERSON MILLER: Okay. All  
8 right. Then I move that we placard this.

9 Do I have a second?

10 MEMBER BROOKS: Second.

11 CHAIRPERSON MILLER: Mr. Brooks  
12 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 5-0-0.

18 No. 7 is a petition to terminate  
19 or amend a settlement agreement dated March  
20 29, 2013 for Bistro 18 located at 2420 18th  
21 Street, N.W., License No. 86876.

22 I move that we placard.

1 Do I have a second?

2 MEMBER SILVERSTEIN: Second.

3 CHAIRPERSON MILLER: Mr.

4 Silverstein 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 5-0-0.

10 No. 8 is a petition to terminate  
11 or amend a settlement agreement dated March  
12 29, 2013 for Jo Jo Restaurant & Bar located at  
13 1518 U Street, N.W., License No. 60737.

14 I move that we deny this petition.  
15 It didn't meet the requirements, including not  
16 having a notarized affidavit and they were  
17 actually given a second chance to do so. So  
18 the motion is to deny.

19 Do I have a second?

20 MEMBER SILVERSTEIN: Second.

21 CHAIRPERSON MILLER: Mr.

22 Silverstein has seconded the motion.

1 All those in favor say aye.

2 ALL: Aye.

3 CHAIRPERSON MILLER: All those  
4 opposed? All those abstaining? So I think  
5 the motion passes 4-0-0 to deny.

6 No. 9 is a settlement agreement  
7 amendment dated April 26, 2013 between Maketto  
8 and ANC-6A. Maketto is located at 1351 H  
9 Street, N.E., License No. 90445.

10 I move that we approve the  
11 settlement agreement amendment.

12 Do I have a second?

13 MEMBER SILVERSTEIN: Second.

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

16 MEMBER ALBERTI: Which one is it?

17 CHAIRPERSON MILLER: This is No.  
18 9, Maketto.

19 MEMBER ALBERTI: Okay.

20 CHAIRPERSON MILLER: Okay.

21 All those in favor of approving  
22 say aye.

1 ALL: Aye.

2 CHAIRPERSON MILLER: All those  
3 opposed? All those abstaining? The motion  
4 passes 4-0-0.

5 No. 10 is a settlement agreement  
6 amendment dated April 10, 2013 between Mad  
7 Momos and ANC-1A. Mad Momos is located at  
8 3605 14th Street, N.W., License No. 88409.

9 I move that we approve this  
10 settlement agreement amendment.

11 Do I have 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 4-0-0.

20 No. 11 is a settlement agreement  
21 dated May 6, 2013 between Meskerem Ethiopian  
22 Restaurant and the Kalorama Citizens

1 Association. Meskerem Ethiopian Restaurant is  
2 located at 2434 18th Street, N.W., License No.  
3 7916.

4 I move that we approve with  
5 modifications. Sorry, I need to find this to  
6 make sure.

7 MEMBER ALBERTI: Which one is  
8 this?

9 CHAIRPERSON MILLER: This is 11  
10 and it's Meskerem Ethiopian.

11 MEMBER ALBERTI: Yes. This is the  
12 one where I moved that we approve with --

13 CHAIRPERSON MILLER: There it is.

14 MEMBER ALBERTI: -- modifications  
15 from No. 2, because No. 2 restricts future  
16 applications to transfer the modifications to  
17 No. 7, because it really -- the criteria that  
18 it references in No. 7 should be embedded in  
19 the agreement.

20 CHAIRPERSON MILLER: Okay.

21 MEMBER ALBERTI: And should not be  
22 presented as an attached resolution.

1 CHAIRPERSON MILLER: Good. Okay.

2 I move that we approve with those  
3 modifications to 2 and No. 7.

4 Do I have a second?

5 MEMBER SILVERSTEIN: Second.

6 CHAIRPERSON MILLER: Okay. 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 by a vote of 4-0-0.

13 Okay. No. 12 is a settlement  
14 agreement dated April 24, 2013 between  
15 Thaitanic II and ANC-1A. Thaitanic II is  
16 located at 3460 14th Street, N.W., License No.  
17 82445.

18 And I move that we approve this  
19 settlement agreement with some modifications  
20 as well. No. 2 of the settlement agreement  
21 should be, I would suggest, modified to just  
22 clearly state the hours of operation. The way

1 it is written is confusing. It is written in  
2 the long paragraph form that is very  
3 confusing.

4 MEMBER ALBERTI: Now, they --

5 CHAIRPERSON MILLER: Yes? What?

6 Do you have a different read on paragraph 2?

7 MEMBER ALBERTI: No. It's not the  
8 way they presented them. It's the way -- they  
9 didn't describe it. It's not clear what they  
10 are describing with respect to closing hours.

11 CHAIRPERSON MILLER: Yes.

12 MEMBER ALBERTI: So they need to  
13 clarify what they mean.

14 CHAIRPERSON MILLER: Um-hum.

15 Exactly.

16 MEMBER ALBERTI: I was confused

17 by --

18 CHAIRPERSON MILLER: Simply.

19 Right.

20 MEMBER ALBERTI: I was confused by

21 the words receive customers. I don't know

22 what the hell -- I don't know what that means.

1 Please strike that.

2 CHAIRPERSON MILLER: All right.  
3 Hours of operation should be just simply say  
4 that -- what the hours of operation should be.  
5 Yes.

6 MEMBER ALBERTI: Okay.

7 CHAIRPERSON MILLER: If they have  
8 any questions, they can correspond with our  
9 legal, but this -- okay.

10 In No. 7 ingress and egress, that  
11 should be modified as well to provide for  
12 ingress and egress at another entrance/exit  
13 certainly in the event of an emergency.

14 So, okay, it's not in accordance  
15 with the Fire Code to just limit it to one  
16 entrance.

17 And No. 8, certainly again, this  
18 is, I think, not clear also providing -- for  
19 being subject to weather permitting what they  
20 do, that's difficult to enforce. So that  
21 provision should be modified. Okay. Any  
22 other comments?

1                   MEMBER ALBERTI: The modification  
2 is in No. 10?

3                   CHAIRPERSON MILLER: Right. It's  
4 in No. 10. Mr. Alberti?

5                   MEMBER ALBERTI: Yes?

6                   CHAIRPERSON MILLER: Do you have a  
7 comment as to why it should be modified?

8                   MEMBER ALBERTI: Yes, because it  
9 is not acceptable as is.

10                  CHAIRPERSON MILLER: Okay. Let me  
11 look at that. Oh, okay. My understanding is  
12 this is a notice to cure provision and I think  
13 that -- yes, notice of the opportunity to  
14 cure, which is in almost every settlement  
15 agreement, almost.

16                  And I think that others have come  
17 up with some better language that is much  
18 clearer. So again, I would suggest that that  
19 be redone and then they could seek any  
20 information about that from our legal counsel.

21                  Okay. So I move to modify -- I  
22 mean, to approve with modification to, and let

1 me repeat it again: No. 2, No. 7, No. 8, No.  
2 10. Okay.

3 MEMBER ALBERTI: No. 8, we have a  
4 modification to? There is no modification to  
5 No. 8, I don't believe.

6 CHAIRPERSON MILLER: No. 8, I  
7 think, has the weather permitting in it.

8 MEMBER ALBERTI: Do you know how--  
9 No. 8 was that --

10 CHAIRPERSON MILLER: Yes, it does.

11 MEMBER ALBERTI: -- distance from  
12 the curb.

13 CHAIRPERSON MILLER: No, it says  
14 here No. 8, public space usage.

15 MEMBER ALBERTI: Oh, with weather  
16 permitting?

17 CHAIRPERSON MILLER: Yes.

18 MEMBER ALBERTI: I was okay with  
19 that.

20 CHAIRPERSON MILLER: Oh, well, I--

21 MEMBER ALBERTI: I am okay with  
22 weather permitting.

1                   CHAIRPERSON MILLER: You are okay  
2 with it. I think another Board Member was  
3 not, but if we -- if you are okay with weather  
4 permitting, I didn't think it was -- I thought  
5 it was pretty vague and general.

6                   MEMBER ALBERTI: Yes.

7                   CHAIRPERSON MILLER: I looked it  
8 over, you know.

9                   MEMBER ALBERTI: I know what I --  
10 I know what the weather permits for me. I'll  
11 sit out there any time of year in any weather.

12                   CHAIRPERSON MILLER: It says "No  
13 tables or structures shall be placed outside  
14 the building without proper licensing and  
15 notification." I don't know what proper  
16 notification is. I think that is vague.

17                   "Except the tables on the patio  
18 shall be allowed for dining purposes during  
19 days when weather permits. An applicant may,  
20 in accordance with the duly-approved sidewalk  
21 cafe permit, allow dining in the sidewalk cafe  
22 area."

1 I thought that whole sentence was  
2 pretty vague, but -- and I thought another  
3 Board Member had a problem with weather  
4 permitting. Is that not right?

5 MEMBER JONES: I have a problem  
6 with weather permitting.

7 CHAIRPERSON MILLER: Thank you.  
8 So I think they have got to take a look at  
9 that sentence and maybe just craft that a  
10 little better. Okay. Thank you, Mr. Jones.  
11 All right. So that's it, 2, 7, 8 and 10.

12 All those in favor to approve it  
13 with those modifications say aye.

14 ALL: Aye.

15 CHAIRPERSON MILLER: All those  
16 opposed? All those abstaining? Okay. The  
17 motion passes 5-0-0.

18 No. 13 is a settlement agreement  
19 dated May 1, 2013 between Young Chow Asian  
20 Restaurant and ANC-6B. Young Chow Asian  
21 Restaurant is located at 312 Pennsylvania  
22 Avenue, S.E., License No. 88497.

1                   I move that we approve this  
2                   settlement agreement with modification to No.  
3                   2, because No. 2 leaves a blank and it  
4                   shouldn't. It says "The license shall have  
5                   limited indoor seating of blank patrons."  
6                   That's it. Okay.

7                   All those in favor of approving  
8                   with modification? Oh, okay. I have another  
9                   modification before we vote.

10                  There is a problem with respect to  
11                  paragraph 7, rats and vermin control. And  
12                  this provision appears in several of ANC-6Bs  
13                  settlement agreements.

14                  This paragraph -- this statement  
15                  says "Applicant shall provide proof of its rat  
16                  and vermin control contract upon the request."  
17                  And it is probably a typographical error or  
18                  whatever in here, but it doesn't say upon the  
19                  request of what or whatever.

20                  And I just would suggest that in  
21                  this case and in future cases where this is a  
22                  problem, that actually in their own Belga Cafe

1 settlement agreement, which is No. 19 on our  
2 agenda, they have the complete language that  
3 is acceptable to the Board and it's paragraph  
4 8 in No. 19.

5 So I would just move that this be  
6 modified in accordance with the language in  
7 the Belga Cafe. So, therefore, this would be  
8 a motion to approve the settlement agreement  
9 of Young Chow Asian Restaurant with  
10 modifications to No. 2 and No. 7, as stated.

11 Do I have a second?

12 MEMBER SILVERSTEIN: Second.

13 CHAIRPERSON MILLER: Okay.

14 All those in favor of the motion  
15 say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those  
18 opposed? All those abstaining? The motion  
19 passes 5-0-0.

20 Okay. No. 14, 15, 16, 17 are  
21 settlement agreements by ANC-6B.

22 And I would move that we approve

1 these settlement agreements. No. 14 is with  
2 Trattoria Alberto, No. 15 is Montmarte/7th  
3 Hill, No. 16 is Hunan Dynasty and No. 17 is  
4 The Silver Spork.

5 I move that we approve these  
6 settlement agreements with modifications to  
7 their vermin and rat provisions to include the  
8 language as set forth in that issue in Belga  
9 Cafe.

10 Do I have a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Okay. Mr.  
13 Brooks has seconded the motion.

14 All those in favor of the motion  
15 say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those  
18 opposed? All those abstaining? The motion  
19 passes 5-0-0 to approve settlement agreements  
20 set forth at 14 through 17 with modifications  
21 to the provision dealing with vermin and rat  
22 control.

1                   Okay. No. 18 is a settlement  
2 agreement dated April 4, 2013 between Cafe 8  
3 and ANC-6B. Cafe 8 is located at 424 8th  
4 Street, S.E., License No. 77797.

5                   Okay. I move that we approve this  
6 application with modification to paragraph No.  
7 5, which is rats and vermin control, to be  
8 modified to use the same language as in the  
9 Belga Cafe settlement agreement that I  
10 referenced earlier for the previous  
11 agreements.

12                   Do I have a second?

13                   MEMBER BROOKS: Second.

14                   CHAIRPERSON MILLER: Mr. Brooks  
15 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 5-0-0.

21                   Okay. No. 19 is a review of  
22 settlement agreement dated April 9, 2013

1 between Belga Cafe and ANC-6B. Belga Cafe is  
2 located at 514 8th Street, S.E., License No.  
3 60779.

4 I move that we approve the  
5 settlement agreement. This is the one that we  
6 are referring to as a model for the vermin  
7 language.

8 Do I have a second?

9 MEMBER BROOKS: Second.

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

12 All those in favor say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those  
15 opposed? All those abstaining? The motion  
16 passes 5-0-0.

17 Okay. No. 20 and 21 are two  
18 settlement agreements also by 6B. The first  
19 deals with Sanphan Thai Cuisine. The second  
20 deals with Lavagna.

21 I move that we approve these  
22 settlement agreements modifying their vermin

1 control provision to be like the one in Belga  
2 Cafe.

3 Do I have a second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks  
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 to approve No. 20 and 21 with the  
12 modifications to the vermin control provision.

13 No. 22 is a settlement agreement.  
14 Oh, the same thing. Okay. No. 22 and 23 are  
15 also two settlement agreements with ANC-6B.  
16 22 is with Szechuan House Restaurant Fusion  
17 Grill and 23 is with Kenneth H. Nash Post 8  
18 American Legion.

19 I move that we approve these two  
20 with modifications to the vermin control  
21 provisions to use the language in the Belga  
22 Cafe settlement agreement for vermin control.

1 Do I have a second?

2 MEMBER SILVERSTEIN: Second.

3 CHAIRPERSON MILLER: Mr.

4 Silverstein 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 5-0-0 to approve the settlement

10 agreements in 22 and 23, as modified with  
11 respect to the vermin control provisions.

12 Okay. No. 24 is a settlement  
13 agreement dated May 9, 2013 between Casa  
14 Fiesta II and ANC-3E. Casa Fiesta II is  
15 located at 4910 Wisconsin Avenue, N.W.,  
16 License No. 24766.

17 I move that we approve this  
18 settlement agreement.

19 Do I have a second?

20 MEMBER BROOKS: Second.

21 CHAIRPERSON MILLER: All those in  
22 favor say aye.

1 ALL: Aye.

2 CHAIRPERSON MILLER: All those  
3 opposed? All those abstaining? The motion  
4 passes to approve 5-0-0.

5 Okay. That concludes our meeting  
6 agenda. And we have a supplemental meeting  
7 agenda.

8 Okay. The first from our  
9 supplemental agenda is an amendment to a  
10 voluntary settlement agreement dated June 12,  
11 2012 by and among Hargunn, Inc. t/a Mayfair  
12 Liquors, Advisory Neighborhood Commission 4A02  
13 and Advisory Neighborhood Commission 4A03.  
14 Mayfair Liquors is located at 7312 Georgia  
15 Avenue, N.W., License No. 60561.

16 I think I'm going to ask Mr.  
17 Alberti to address this one. I think that we  
18 would like to approve with modifications.

19 MEMBER ALBERTI: Which one are we  
20 on?

21 CHAIRPERSON MILLER: This is  
22 Mayfair Liquors.

1 MEMBER ALBERTI: Okay.

2 CHAIRPERSON MILLER: Supplemental  
3 No. 1. I believe it is paragraph --

4 MEMBER ALBERTI: Mayfair. Items--  
5 in paragraphs items -- okay. Paragraphs --

6 CHAIRPERSON MILLER: 2 and 3, I  
7 think.

8 MEMBER ALBERTI: -- 2 and 3.

9 CHAIRPERSON MILLER: Yes.

10 MEMBER ALBERTI: Paragraphs 2 and  
11 3 together discriminate against domestic  
12 products and the Board will not approve of  
13 that. Paragraph 3 uses terms that are ill-  
14 defined or that are not clearly defined. They  
15 use the terms craft and esoteric and those are  
16 not defined by the Board and so cannot be  
17 enforced.

18 And No. 5 --

19 CHAIRPERSON MILLER: No. 5?

20 MEMBER ALBERTI: -- requires the  
21 licensee to notify the ANC of their intent to  
22 transfer and the Board will not allow the ANC

1 to make that requirement.

2 CHAIRPERSON MILLER: Okay. Any  
3 other comments? Okay.

4 Then I would move to approve with  
5 modifications to paragraphs 2, 3, and 5 as  
6 articulated by Mr. Alberti.

7 Do we 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 5-0-0.

16 No. 2 is a settlement agreement  
17 dated April 25, 2013 between World Liquors and  
18 ANC-6B. World Liquors is located at 1453  
19 Pennsylvania Avenue, S.E., License No. 76.

20 Okay. I move that we approve this  
21 settlement agreement.

22 Do I have a second?

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Mr. Brooks  
3 has seconded the motion.

4 All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those  
7 opposed? All those abstaining? Okay. The  
8 motion passes 5-0-0.

9 No. 3 is a settlement agreement  
10 dated April 9, 2013 between Acqua al 2/Suna/  
11 Harold Black Bar and ANC-6B, which is located  
12 at 212 7th Street, S.E., License No. 80056.

13 I believe that this settlement  
14 agreement has the same problem with respect to  
15 the vermin control provision in No. 8 and,  
16 therefore, I would move that we approve with  
17 modifications to No. 8 to bring it in line  
18 with the Belga Cafe provision dealing with  
19 rats and vermin control.

20 Do I have a second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Mr. Brooks

1 has seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those  
5 opposed? All those abstaining? The motion  
6 passes 5-0-0.

7 No. 4 is a settlement agreement  
8 dated April 9, 2013 between We, the Pizza and  
9 ANC-6B, located at 305 Pennsylvania Avenue,  
10 S.E., License No. 82062.

11 I move that we approve the  
12 settlement agreement.

13 Do I have a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks  
16 has seconded the motion.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those  
20 opposed? All those abstaining? The motion  
21 passes 5-0-0.

22 No. 5 is a settlement agreement

1       dated April 3, 2013 between Aatish On The Hill  
2       and ANC-6B. Aatish On The Hill is located at  
3       609 Pennsylvania Avenue, S.E., License No.  
4       25153.

5                   Okay. I move that we approve with  
6       modifications. Mr. Alberti, I think you  
7       raised a concern with No. 2, where it seems to  
8       say, it's hard to read this, but refers to  
9       sidewalk seating of either zero patrons or  
10      it's really not clear. Do you remember?

11                   MEMBER ALBERTI: Which one is that  
12      one?

13                   CHAIRPERSON MILLER: We are on No.  
14      5, Aatish On The Hill.

15                   MEMBER ALBERTI: Okay.

16                   CHAIRPERSON MILLER: And No. 2 is  
17      the nature of business, "The applicant will  
18      manage and operate a CR License at the" -- do  
19      you want to look at this?

20                   MEMBER ALBERTI: Yes. Is this  
21      Sizzling Express?

22                   CHAIRPERSON MILLER: No, Aatish.

1 MEMBER ALBERTI: Aatish?

2 CHAIRPERSON MILLER: Aatish.

3 MEMBER ALBERTI: Aatish is fine.

4 CHAIRPERSON MILLER: It's fine? I  
5 can't read it on-line.

6 MEMBER ALBERTI: No, it was  
7 Sizzling Express I had an issue with.

8 CHAIRPERSON MILLER: Would you --  
9 maybe this --

10 MEMBER ALBERTI: We haven't gotten  
11 there yet.

12 CHAIRPERSON MILLER: -- is just  
13 mine. No. 2 is a seating of patrons. I'm  
14 having trouble reading the number.

15 MEMBER ALBERTI: For Aatish?

16 CHAIRPERSON MILLER: Aatish.

17 MEMBER ALBERTI: I didn't have any  
18 problem with Aatish.

19 CHAIRPERSON MILLER: Okay. Well--

20 MEMBER ALBERTI: I did not find --

21 CHAIRPERSON MILLER: I think the  
22 problem in this one for the most part is the

1 same thing, the vermin control provision.

2 MEMBER ALBERTI: Okay.

3 CHAIRPERSON MILLER: So that they  
4 should revise that paragraph as we have said  
5 to be like the one in Belga of ANC-6B. On my  
6 copy when they are looking at it, I can't tell  
7 what the number of patrons is for No. 2. So  
8 maybe they can clear that up at the same time.

9 So I move that we approve with  
10 modifications to the rat and vermin control  
11 provision, No. 8, and also to just clarify the  
12 number of patrons on the sidewalk seating for  
13 No. 2. I just can't read it. Okay.

14 Do I have a second?

15 MEMBER SILVERSTEIN: Second.

16 CHAIRPERSON MILLER: Mr.  
17 Silverstein has seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those  
21 opposed? All those abstaining? The motion  
22 passes 5-0-0.

1                   No. 6 is a request for an  
2                   entertainment endorsement for Khan's located  
3                   at 1125 H Street, N.E., License No. 84082.

4                   I move that we placard this  
5                   entertainment endorsement.

6                   Do I have a second?

7                   MEMBER BROOKS: Second.

8                   CHAIRPERSON MILLER: Okay. Okay.

9                   For the record, I believe that this item had  
10                  been previously published with incorrect hours  
11                  and proposed hours and I didn't read them into  
12                  the record right now, but they will be in the  
13                  record and these are the correct proposed  
14                  hours.

15                  Well, I'll read them now.

16                  Proposed hours of live entertainment Monday  
17                  through Wednesday 10:30 p.m. through 1:00  
18                  a.m.; Thursday 10:30 p.m. to 2:00 a.m.; Friday  
19                  and Saturday 10:30 p.m. to 3:00 a.m.

20                  Okay. So there is a motion that  
21                  we placard.

22                  Do I have a second?

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Mr. Brooks  
3 has seconded the motion.

4 All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those  
7 opposed? All those abstaining? Then I  
8 believe the motion passes by a vote of 3-0-0.

9 No. 7 is a letter dated May 7,  
10 2013 from Rona Leff requesting for the Board  
11 to waive the \$600 fee for filing the renewal  
12 application late. It is for Hunan Peking  
13 located at 3251 Prospect Street, N.W., License  
14 No. 8348.

15 I know that it's the Agency policy  
16 not to waive these fees, so until and unless  
17 that is changed, I believe we should deny it.  
18 So, therefore, I would move to deny.

19 Do I have a second?

20 MEMBER BROOKS: Second.

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

1 Okay.

2 All those in favor of denying say  
3 aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those  
6 opposed? All those abstaining? The motion to  
7 deny passes 5-0-0.

8 No. 8 is a new application  
9 pursuant to District of Columbia Official Code  
10 25-405.1 and 23 DCMR Section 199 for a Class  
11 B full service grocery store license.  
12 Proposed hours of operation, proposed hours of  
13 sale of alcoholic beverages, Sunday through  
14 Saturday, Smucker Farms of Lancaster County,  
15 2118 14th Street, N.W., License No. 90945.

16 I move that we postpone ruling on  
17 this until next week.

18 Do I have a second?

19 MEMBER SILVERSTEIN: Second.

20 MEMBER SILVERSTEIN: Mr.

21 Silverstein has seconded the motion.

22 CHAIRPERSON MILLER: Any comments?

1 Okay.

2 All those in favor of the motion  
3 to postpone say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those  
6 opposed? All those abstaining? Okay. The  
7 motion passes 5-0-0.

8 No. 9 is a manager's application  
9 for Durand Truong.

10 I move that we approve this  
11 application.

12 Do I have a second?

13 MEMBER SILVERSTEIN: Second.

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

16 CHAIRPERSON MILLER: All those in  
17 favor of the motion to approve say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those  
20 opposed? All those abstaining? The motion  
21 passes 5-0-0.

22 No. 10 is another manager

1 application for Janelle Marie Smith.

2 I move that we deny this  
3 application.

4 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. Aye.

9 Is that one? Okay. All those opposed?

10 MEMBER ALBERTI: Opposed.

11 MEMBER JONES: Opposed.

12 MEMBER BROOKS: Opposed.

13 MEMBER SILVERSTEIN: Opposed.

14 CHAIRPERSON MILLER: And that's

15 four? Okay. The motion fails by a vote of 1-

16 4-0.

17 MEMBER ALBERTI: So we approved

18 both of those right?

19 CHAIRPERSON MILLER: No, we

20 didn't.

21 MEMBER ALBERTI: I thought the

22 motion for --

1                   CHAIRPERSON MILLER: Yes, we need  
2 another motion to approve.

3                   MEMBER SILVERSTEIN: I move to  
4 approve the application.

5                   CHAIRPERSON MILLER: Mr.  
6 Silverstein moves to approve.

7                   MEMBER ALBERTI: Second.

8                   CHAIRPERSON MILLER: Mr. Alberti  
9 seconds.

10                   All those in favor say aye.

11                   MEMBER JONES: Aye.

12                   MEMBER ALBERTI: Aye.

13                   MEMBER SILVERSTEIN: Aye.

14                   MEMBER BROOKS: Aye.

15                   CHAIRPERSON MILLER: All those  
16 opposed? Opposed. All those abstaining? The  
17 motion passes to approve by a vote of 4-1-0.

18                   Okay. No. 11 is an application to  
19 change hours of alcoholic beverage sales and  
20 entertainment hours for Murphy's of DC located  
21 at 2604 24th Street, N.W. I think I can like  
22 summarize this accurately.

1                   They want to change Sunday hours  
2                   for consumption to go from -- to increase from  
3                   10:00 a.m. to 8:00 a.m. and they want to  
4                   change the hours of entertainment Sunday and  
5                   Monday from none to 8:00 until 1:00. Yes, and  
6                   then Tuesday through Saturday from 8:00 to  
7                   12:00 to 8:00 to 1:00.

8                   I move that we approve this  
9                   application.

10                   Do I have a second?

11                   MEMBER BROOKS: Second.

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

14                   All those in favor say aye.

15                   ALL: Aye.

16                   CHAIRPERSON MILLER: All those  
17                   opposed? All those abstaining? The motion  
18                   passes 5-0-0.

19                   No. 12 is a review of an  
20                   application for an entertainment endorsement  
21                   for Pulpo located at 3407 Connecticut Avenue,  
22                   N.W., License No. 89639. The proposed hours

1 of entertainment would be Sunday through  
2 Thursday 6:00 p.m. to 1:00 a.m., Friday and  
3 Saturday 6:00 p.m. to 2:00 a.m. It's in ANC-  
4 3C.

5 We postponed this from last week  
6 to look further into what types of activity  
7 went on within the strip that it is in. There  
8 are nine other alcohol establishments on this  
9 strip and three have entertainment  
10 endorsements and there are four taverns and  
11 five restaurants.

12 In any event, based on that  
13 information, I don't believe that we need to  
14 placard this or that this should be a concern  
15 to the residents and I would move that we  
16 approve.

17 Do I have a second?

18 MEMBER BROOKS: Second.

19 CHAIRPERSON MILLER: Mr. Brooks  
20 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 5-0-0.

4 No. 13 is a letter dated May 2,  
5 2013 from Christopher Wells requesting that  
6 the Board suspend further action on ABRA-  
7 082430 and reserve judgment on the matter  
8 until the pending civil suit has been  
9 resolved. Sultra Lounge/Viet-Thai is located  
10 at 2406 18th Street, N.W., License No. 82430.

11 I don't believe that any action is  
12 required by the Board, at this time.

13 MEMBER ALBERTI: I move that we  
14 deny this request.

15 MEMBER BROOKS: I'll second.

16 CHAIRPERSON MILLER: Okay. There  
17 is a motion to deny that has been seconded.

18 All those in favor say aye.

19 MEMBER ALBERTI: Aye.

20 MEMBER BROOKS: Aye.

21 MEMBER JONES: Aye.

22 MEMBER SILVERSTEIN: Aye.

1 CHAIRPERSON MILLER: All those  
2 opposed? Opposed. All those abstaining? The  
3 motion passes 4-1-0 to deny.

4 No. 14 is a settlement agreement  
5 dated -- now, wait a minute. Okay. I think  
6 we can group a few, at this point.

7 No. 14 through 17 are settlement  
8 agreements --

9 MEMBER ALBERTI: 17 we need  
10 additional comments.

11 CHAIRPERSON MILLER: 14 through  
12 16. I'm sorry. Let's group 14 through 16.  
13 Settlement agreements with ANC-6B. 14 is with  
14 Gandel's Liquors, 15 is with Capitol Hill Wine  
15 & Spirits and 16 is JJ Mutt Wine & Spirits.  
16 And I believe all of these settlement  
17 agreements are fine and that I would move to  
18 approve 14 through 16.

19 Do I have a second?

20 MEMBER BROOKS: Second.

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

1 All those in favor say aye.

2 ALL: Aye.

3 CHAIRPERSON MILLER: All those  
4 opposed? All those abstaining? The motion  
5 passes 5-0-0.

6 Okay. I think I can group 17  
7 through 21. They are all settlement  
8 agreements with ANC-6 -- oh, wait a second.  
9 Let me handle 17 separately.

10 17 has a different issue. Okay.  
11 17 is a settlement agreement between Sizzling  
12 Express and ANC-6B. Sizzling Express is  
13 located at 600 Pennsylvania Avenue, S.E.,  
14 License No. 26739.

15 Okay. I think this is the one  
16 Mr. Alberti was referring to earlier.

17 MEMBER ALBERTI: Sizzling Express?

18 CHAIRPERSON MILLER: Yes.  
19 Paragraph No. 2 has a reference to "outside  
20 seating of zero patrons."

21 MEMBER ALBERTI: But this place is  
22 known to have an outdoor cafe. And even the

1 settlement agreement implies that they  
2 legitimately have an outdoor cafe, sidewalk  
3 cafe.

4 CHAIRPERSON MILLER: Okay. So  
5 they need to --

6 MEMBER ALBERTI: So they need to  
7 correct that.

8 CHAIRPERSON MILLER: -- look at  
9 that. All right. And then this also has the  
10 issue with the vermin control, No. 8. So  
11 which needs to be modified -- which should be  
12 modified to read like the one in Belga Cafe.

13 Okay. So I move that we approve  
14 with modifications to paragraphs 2 and 8.

15 Do I have a second?

16 MEMBER BROOKS: Second.

17 CHAIRPERSON MILLER: Mr. Brooks  
18 has seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those  
22 opposed? All those abstaining? The motion

1 passes 5-0-0.

2 Okay. No. 18 through 21 are all  
3 settlement agreements with ANC-6B. 18 is with  
4 Nooshi, 19 is with Tash Restaurant, 20 is with  
5 Mr. Henry's and 21 is Capitol Hill Club.

6 And I would move that we approve  
7 all of these settlement agreements with  
8 modifications to their provision dealing with  
9 rat and vermin control to modify in accordance  
10 with the provision in Belga Cafe's settlement  
11 agreement. Okay.

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 5-0-0.

20 Let's see, No. 22 is a settlement  
21 agreement dated April 9, 2013 between Good  
22 Stuff Eatery and ANC-6B. Good Stuff Eatery is

1 located at 303 Pennsylvania Avenue, S.E.,  
2 License No. 78027.

3 I move we approve this settlement  
4 agreement.

5 Do I have a second?

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: Mr. Brooks  
8 has seconded the motion.

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those  
12 opposed? All those abstaining? The motion  
13 passes 5-0-0.

14 No. 23 is correspondence from  
15 Alganesh Kidane to extend current license to  
16 second floor of establishment. There are  
17 pending investigative matters, outstanding  
18 fine, settlement agreement, there's a conflict  
19 with a Board order. This is for -- that Board  
20 Order is 2009-136. This is Sunshine Bar &  
21 Lounge located at 7331 Georgia Avenue, N.W.,  
22 License No. 85239.

1                   Okay. Given this establishment's  
2 recent history of violations, I would move to  
3 deny the request, at this time, and the  
4 licensee can reapply at another time when they  
5 have established a better record for a longer  
6 period of time.

7                   Okay. So the motion is to deny.

8                   Do I have a second?

9                   MEMBER BROOKS: Second.

10                  CHAIRPERSON MILLER: Okay. Mr.  
11 Brooks has seconded the motion.

12                  All those in favor say aye.

13                  ALL: Aye.

14                  CHAIRPERSON MILLER: All those  
15 opposed? All those abstaining? The motion  
16 passes 4-0-0.

17                  No. 24 is a staff memo dated May  
18 20, 2013 from Investigator Jones regarding the  
19 status of Northeast Liquors located at 1300  
20 5th Street, N.E., License No. 24726.

21                  This memo shows that the  
22 establishment is not in operation and no

1 action is required on the part of the Board.

2 No. 25 is a new application  
3 pursuant to District of Columbia Official Code  
4 ^U 25-405.1 and 23 DCMR ^U 199 for a Class B  
5 full-service grocery store license. The  
6 proposed hours of operation Sunday through  
7 Saturday 24 hours per day. Proposed hours of  
8 sale of alcoholic beverage is Sunday through  
9 Saturday 7:00 a.m. to 12:00 a.m. It's in ANC-  
10 6E, SMD 6E07. It's Wal-Mart located at 99 H  
11 Street, N.W., License No. 92202.

12 I move that we refer to legal for  
13 consultation regarding the documentation that  
14 is required for this application.

15 Do I have a second?

16 MEMBER BROOKS: Second.

17 CHAIRPERSON MILLER: Mr. Brooks  
18 has seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those  
22 opposed? All those abstaining? The motion

1 passes 4-0-0.

2 No. 26 is a letter dated May 17,  
3 2013 from Commissioner Penny Pagano of ANC-3D  
4 requesting that ABRA deliver timely notice of  
5 renewal applications in the future. This is  
6 related to Et Voila located at 5120 MacArthur  
7 Boulevard, N.W., License No. 78332.

8 This is an FYI, but I don't think  
9 we need to vote on it, but I would suggest  
10 that we, obviously, refer to staff to look  
11 into whether there are any problems with  
12 respect to providing notice to ANC. So I  
13 would say it's an FYI here.

14 No. 27 is the same issue. Also a  
15 letter from Penny Pagano of ANC-3D regarding  
16 Black Salt Fish & Market located at 4883  
17 MacArthur Boulevard, N.W., License No. 60748.

18 Okay. I would say the same thing,  
19 FYI and we will have staff look into it.

20 No. 28 is a letter dated May 13,  
21 2013 from Wei Zhou requesting permission to  
22 operate under a one day substantial change

1 that conflicts with Aqua Restaurant's  
2 settlement agreement.

3 Mr. Zhou was unable to contact the  
4 parties of the settlement agreement. Aqua  
5 Restaurant is located at 1818 New York Avenue,  
6 N.E., License No. 60477.

7 I move that we deny the request  
8 and that Mr. Zhou make further efforts. I  
9 think the party that he has in mind could be  
10 quite a big one. In the event, would it  
11 impact -- it may impact the residents, so I  
12 move that we deny.

13 Do I have a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks  
16 has seconded the motion.

17 All those in favor of the motion  
18 to deny say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those  
21 opposed? All those abstaining? The vote is  
22 4-0-0 to deny.

1                   We have No. 29 in addition to the  
2                   supplemental agenda and that is a request from  
3                   Mr. Stephen O'Brien pursuant to 23 DCMR ^U  
4                   204.1 for the issuance of a disposal permit so  
5                   as to enable the licensee to transfer its  
6                   remaining inventory of alcoholic beverages to  
7                   another of its restaurants. McCormick &  
8                   Schmick's Seafood Restaurant located at 1652  
9                   K Street, N.W., License No. 026432.

10                   I move that we approve this  
11                   request.

12                   Do I have a second?

13                   MEMBER BROOKS: Second.

14                   CHAIRPERSON MILLER: Mr. Brooks  
15                   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 4-0-0.

21                   And I think that completes our  
22                   supplemental agenda.

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We have a change of hours agenda.  
Okay. We have four changes of hours.  
1. Review of change of hours application to change hours of operation and hours of alcoholic beverage sales. Approved hours of operation and approved hours of alcoholic beverage sales/service: Monday through Thursday 9:00 a.m. to 10:00 p.m.; Friday and Saturday 9:00 a.m. to 11:00 p.m. Proposed hours of operation and proposed hours of alcoholic beverage sales/service: Sunday 9:00 a.m. to 11:00 p.m.; Monday through Thursday 9:00 a.m. to 10:00 p.m.; Friday and Saturday 9:00 a.m. to 12:00 a.m. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No settlement agreement. ANC-1B, SMD

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1B09, Harvard Liquors, LLC t/a  
Harvard Liquors, 2901 Sherman  
Avenue, N.W., Retailer's Class A,  
License No. 077747.

2. Review of change of hours  
application to change hours of  
operation and hours of alcoholic  
beverage sales (Sunday only).  
Approved hours of operation and  
approved hours of alcoholic  
beverage sales/service: Monday  
through Saturday 9:00 a.m. to  
12:00 a.m. Proposed hours of  
operation and proposed hours of  
alcoholic beverage sales/service:  
Sunday through Saturday 9:00 a.m.  
to 12:00 a.m. No pending  
investigative matters. No pending  
enforcement matters. No  
outstanding fines/citations. No  
conflict with settlement

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agreement. ANC-7E, SMD 7E06, JCP  
Liquors, Inc. T/A Seymours  
Liquors, 5581 Central Avenue,  
S.E., Retailer's Class A, License  
No. 070948.

3. Review of change of hours  
application to change hours of  
operation and hours of alcoholic  
beverage sales (Sunday only).  
Approved hours of operation and  
approved hours of alcoholic  
beverage sales/service: Monday  
through Saturday 8:00 a.m. to  
12:00 a.m. Proposed hours of  
operation and proposed hours of  
alcoholic beverage sales/service:  
Sunday through Saturday 8:00 a.m.  
to 12:00 a.m. No pending  
investigative matters. No pending  
enforcement matters. No  
outstanding fines/citations. No

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conflict with settlement  
agreement. ANC-4D, SMD 4D04,  
Rion, Inc. t/a Colony Liquors,  
4901 Georgia Avenue, N.W.,  
Retailer's Class A, License No.  
091371.

4. Review of change of hours  
application to change hours of  
operation and hours of alcoholic  
beverage sales. Approved hours of  
operation and approved hours of  
alcoholic beverage sales/service:  
Monday through Thursday 9:00 a.m.  
to 10:00 p.m.; Friday and Saturday  
9:00 a.m. to 11:00 p.m. Proposed  
hours of operation and proposed  
hours of alcoholic beverage  
sales/service: Sunday 9:00 a.m. to  
11:00 p.m.; Monday through  
Thursday 9:00 a.m. to 10:00 p.m.;  
Friday and Saturday 9:00 a.m. to

1 12:00 a.m. No pending  
2 investigative matters. No pending  
3 enforcement matters. No  
4 outstanding fines/citations. No  
5 settlement agreement. ANC-5B, SMD  
6 5B04, Rhode Island Liquors, LLC  
7 t/a Rhode Island Liquors, 914  
8 Rhode Island Avenue, N.E.,  
9 Retailer's Class A, License No.  
10 078927.

11  
12 CHAIRPERSON MILLER: All of these  
13 have no investigative matters or enforcement  
14 matters or fines or settlement agreement  
15 conflicts.

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

18 MEMBER BROOKS: Second.

19 CHAIRPERSON MILLER: Mr. Brooks  
20 has seconded the motion.

21 All those in favor say aye.

22 MEMBER ALBERTI: Aye.

1 CHAIRPERSON MILLER: Aye.

2 MEMBER BROOKS: Aye.

3 CHAIRPERSON MILLER: All those  
4 opposed? All those abstaining? The motion  
5 passes --

6 MEMBER SILVERSTEIN: Abstain.

7 CHAIRPERSON MILLER: Abstain?

8 MEMBER SILVERSTEIN: Yes.

9 CHAIRPERSON MILLER: You're  
10 abstaining? Okay. The motion passes 3-0-1.

11 That completes our agenda items.  
12 And what remains is a vote on closing on  
13 investigative matters.

14 As Chairperson of the Alcoholic  
15 Beverage Control Board for the District of  
16 Columbia and in accordance with Section 405 of  
17 the Open Meetings Amendment Act of 2010, I  
18 move that the ABC Board hold a closed meeting  
19 for the purpose of seeking legal advice from  
20 our counsel per the items identified in the  
21 Board's agenda for May 29, 2013 as published  
22 in the DC Register on May 24, 2013.

1 Is there a second?

2 MEMBER SILVERSTEIN: Second.

3 CHAIRPERSON MILLER: Mr.

4 Silverstein seconded the motion. Roll call  
5 vote.

6 Mr. Brooks?

7 MEMBER BROOKS: I agree.

8 CHAIRPERSON MILLER: Mr. Alberti?

9 MEMBER ALBERTI: I agree.

10 CHAIRPERSON MILLER: Ms. Miller  
11 agrees.

12 Mr. Silverstein?

13 MEMBER SILVERSTEIN: I agree.

14 COURT REPORTER: Madam Chair,  
15 would you turn the microphone on?

16 CHAIRPERSON MILLER: Oh, I'm so  
17 sorry. Did you miss most of this?

18 COURT REPORTER: Starting now.

19 CHAIRPERSON MILLER: Now, okay.

20 As it appears the motion has passed by a 4-0-0  
21 vote, I hereby give notice that the ABC Board  
22 will hold its aforementioned closed meeting

1 pursuant to the Open Meetings Amendment Act of  
2 2010. Notice will also be posted on the ABC  
3 Board hearing room bulletin board, placed on  
4 the electronic calendar on ABRA's website and  
5 published in the DC Register in as timely a  
6 manner as practicable.

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 May 29, 2013 for the purpose of discussing  
13 and hearing reports concerning ongoing or  
14 planned investigations of alleged criminal or  
15 civil misconduct or violations of law or  
16 regulations and seeking legal advice from our  
17 counsel on the Board's investigative agenda  
18 for May 29, 2013, as published in the DC  
19 Register on May 24, 2013.

20 Is there a second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: I'll take a

1 roll call vote now that the motion has been  
2 seconded.

3 Mr. Brooks?

4 MEMBER BROOKS: I agree.

5 CHAIRPERSON MILLER: Ms. Miller  
6 agrees.

7 Mr. Silverstein?

8 MEMBER SILVERSTEIN: I agree.

9 MEMBER ALBERTI: Mr. Alberti  
10 agrees.

11 CHAIRPERSON MILLER: Mr. Alberti  
12 agrees.

13 MEMBER ALBERTI: I'm sorry.

14 CHAIRPERSON MILLER: Okay. As it  
15 appears that the motion has passed by a vote  
16 of 4-0-0, I hereby give notice that the ABC  
17 Board will hold this aforementioned closed  
18 meeting 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 DC

1 Register in as timely a manner as practicable.

2 And that concludes our business

3 for May 22, 2013. And we are adjourned.

4 (Whereupon, the A.B.R.A. Agenda in

5 the above-entitled matter was concluded at

6 9:04 p.m.)

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