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

(6:41 p.m.)

ACTING CHAIR ALBERTI: We are back on the agenda and we are going to do the Licensing Agenda for September 24, 2014.

Item 1 is a review of a request to cancel a license effective immediately. This is from Berkshire Food & Drug, Inc., License No. 013769.

I move to approve.

MEMBER BROOKS: Second.

ACTING CHAIR ALBERTI: All those in favor say aye.

ALL: Aye.

ACTING CHAIR ALBERTI: All those opposed? The motion carries 4-0.

And 2 is a review of an application for a change of class, license class from a B to an A. This is from Kenilworth Market, License No. 087818.

I move to placard. Do I have a second?

1 MEMBER BROOKS: Second.

2 ACTING CHAIR ALBERTI: All those  
3 in favor say aye.

4 ALL: Aye.

5 ACTING CHAIR ALBERTI: All those  
6 opposed? The motion carries 4-0.

7 Item 3 is a review for a request  
8 for change of hours of operation and sales and  
9 consumption. This is from Yes Organic Market  
10 at 2125 14th Street, N.W., License No. 079023.

11 I move to approve. Is there a  
12 second?

13 MEMBER BROOKS: Second.

14 ACTING CHAIR ALBERTI: All those  
15 in favor say aye.

16 ALL: Aye.

17 ACTING CHAIR ALBERTI: All those  
18 opposed? The motion carries 4-0.

19 Item 4 is another request for a  
20 change of hours of operation, sales and  
21 consumption from Yes Organic. This is at 4100  
22 Georgia Avenue, N.W., License No. 081925.

1 I move to approve.

2 MEMBER BROOKS: Second.

3 ACTING CHAIR ALBERTI: All those  
4 in favor say aye.

5 ALL: Aye.

6 ACTING CHAIR ALBERTI: All those  
7 opposed? The motion carries 4-0.

8 Item 5 is a review of a request  
9 for change of hours of operation, sales and  
10 consumption from Yes Organic Market. This is  
11 the Yes Organic at 3809 12th Street, N.E.,  
12 License No. 075678.

13 I move to approve. Do I have a  
14 second?

15 MEMBER BROOKS: Second.

16 ACTING CHAIR ALBERTI: All those  
17 in favor say aye.

18 ALL: Aye.

19 ACTING CHAIR ALBERTI: All those  
20 opposed? The motion carries 4-0.

21 Item 6 is a review of a request  
22 for change of hours of operation, sales and

1 consumption from Brown Street Market, License  
2 No. 090871.

3 I move to approve. Is there a  
4 second?

5 MEMBER BROOKS: Second.

6 ACTING CHAIR ALBERTI: Mr. Brooks  
7 seconded.

8 All those in favor say aye.

9 ALL: Aye.

10 ACTING CHAIR ALBERTI: All those  
11 opposed? The motion carries 4-0.

12 Item 7 is a review of an  
13 application for a sidewalk cafe from Chinatown  
14 Express, License No. 011479.

15 I move to approve. Is there a  
16 second?

17 MEMBER BROOKS: Second.

18 ACTING CHAIR ALBERTI: Mr. Brooks  
19 seconds.

20 All those in favor say aye.

21 ALL: Aye.

22 ACTING CHAIR ALBERTI: All those

1       opposed? The motion carries 4-0.

2                   Item 8 is a review of a request to  
3       expand the sidewalk cafe from 38 to 99 seats.  
4       This is from Big Bear Cafe, License No.  
5       084379.

6                   I move to placard it.

7                   MEMBER BROOKS: Second.

8                   ACTING CHAIR ALBERTI: Mr. Brooks  
9       seconded.

10                   All those in favor say aye.

11                   ALL: Aye.

12                   ACTING CHAIR ALBERTI: All those  
13       opposed? The motion carries 4-0.

14                   Item 9 is a review of a request to  
15       provide on-site alcoholic beverage service at  
16       private catered events under Caterer's  
17       License. This is from Bon Appetit Company,  
18       License No. 096001.

19                   That item is moot.

20                   Item 10 is a review of a Manager's  
21       License application from Whitney K. Satra,  
22       ABRA License 096670.

1 I move to approve.

2 MEMBER RODRIGUEZ: Second.

3 ACTING CHAIR ALBERTI: Mr.

4 Rodriguez seconds it.

5 All those in favor say aye.

6 ALL: Aye.

7 ACTING CHAIR ALBERTI: All those  
8 opposed? The motion carries 4-0.

9 Next, we have a Supplemental  
10 Licensing Agenda for September 24, 2014.

11 The first item is a review of a  
12 request to put the license in safekeeping from  
13 Brick Oven Pizza, License No. 027564.

14 I move to approve this for six  
15 months. Is there a second?

16 MEMBER BROOKS: Second.

17 ACTING CHAIR ALBERTI: Mr. Brooks  
18 seconds it.

19 All those in favor say aye.

20 ALL: Aye.

21 ACTING CHAIR ALBERTI: All those  
22 opposed? The motion carries 4-0.

1                   Item 2 is a review of a request  
2 for a disposal permit from Bertucci's Brick  
3 Oven Pizzeria, License No. 027564.

4                   I move to approve. Is there a  
5 second?

6                   MEMBER RODRIGUEZ: Second.

7                   ACTING CHAIR ALBERTI: Mr.  
8 Rodriguez seconds it.

9                   All those in favor say aye.

10                  ALL: Aye.

11                  ACTING CHAIR ALBERTI: All those  
12 opposed? The motion carries 4-0.

13                  Item 3 is a review of a request  
14 for stipulated license. The request is from  
15 Cedar Hill Bar & Grill, License No. 091887.

16                  I move to approve. Is there a  
17 second?

18                  MEMBER BROOKS: Second.

19                  ACTING CHAIR ALBERTI: Mr. Brooks  
20 seconds it.

21                  All those in favor say aye.

22                  ALL: Aye.

1                   ACTING CHAIR ALBERTI: All those  
2 opposed? The motion carries 4-0.

3                   Item 4 is a review of an  
4 application for a change of officers and this  
5 is from Driftwood Kitchen, License No. 086210.

6                   Yes, okay, I move -- then I'm  
7 going to do the next one, Item 5 at the same  
8 time. This is a review of a request for  
9 immediate removal of license from safekeeping  
10 from Driftwood Kitchen, License No. 086210.  
11 These both relate to the same license.

12                   And I move that we do a Fact-  
13 Finding for both issues. Is there a second?

14                   MEMBER BROOKS: Second.

15                   ACTING CHAIR ALBERTI: Mr. Brooks  
16 seconds.

17                   All those in favor say aye.

18                   ALL: Aye.

19                   ACTING CHAIR ALBERTI: All those  
20 opposed? The motion carries 4-0.

21                   And Item 6 is a letter from  
22 Hamiltonian Artists regarding a multi-purpose

1 D License, License No. 095794.

2 This one is being referred to  
3 licensing.

4 Okay. The next up item -- we  
5 don't need -- referral to licensing, we don't  
6 really need to vote on it.

7 MEMBER RODRIGUEZ: Oh, okay.

8 ACTING CHAIR ALBERTI: No  
9 decision.

10 MEMBER RODRIGUEZ: Okay.

11 ACTING CHAIR ALBERTI: The next  
12 item is the Legal Agenda for September 24,  
13 2014.

14 Item 1 is a review of an amendment  
15 to a settlement agreement between ANC-3E and  
16 Public Tenley, License No. 085626.

17 I move that we approve with  
18 modifications. Is there a second?

19 MEMBER BROOKS: Second.

20 ACTING CHAIR ALBERTI: Mr. Brooks  
21 seconds.

22 All those in favor say aye.

1 ALL: Aye.

2 ACTING CHAIR ALBERTI: All those  
3 opposed? The motion carries 4-0.

4 No. 2 is a review of a settlement  
5 agreement between ANC-6E and Beau Thai,  
6 License No. 095815.

7 I move to approve. Is there a  
8 second?

9 MEMBER RODRIGUEZ: Second.

10 ACTING CHAIR ALBERTI: Mr.  
11 Rodriguez seconds it.

12 All those in favor say aye.

13 ALL: Aye.

14 ACTING CHAIR ALBERTI: All those  
15 opposed? The motion carries 4-0.

16 Item 3 is a review of a settlement  
17 agreement between ANC-6D and Harris Teeter,  
18 License No. 095112.

19 I move to approve with  
20 modifications. Is there a second?

21 MEMBER BROOKS: Second.

22 ACTING CHAIR ALBERTI: Seconded by

1 Mr. Brooks.

2 All those in favor say aye.

3 ALL: Aye.

4 ACTING CHAIR ALBERTI: All those  
5 opposed? The motion carries 4-0.

6 Item 4 is a review of an amendment  
7 to a settlement agreement between ANC-6D and  
8 Cap Liquors, License No. 024522.

9 I move to approve. Is there a  
10 second?

11 MEMBER BROOKS: Second.

12 ACTING CHAIR ALBERTI: Mr. Brooks  
13 seconded it.

14 All those in favor say aye.

15 ALL: Aye.

16 ACTING CHAIR ALBERTI: All those  
17 opposed? The motion carries 4-0.

18 Item 5 is a review of an amendment  
19 to a settlement agreement between ANC-4A and  
20 Geranium Market, License No. 060723.

21 I move to approve with  
22 modifications.

1 MEMBER RODRIGUEZ: Second.

2 ACTING CHAIR ALBERTI: Mr.

3 Rodriguez seconds it.

4 All those in favor say aye.

5 ALL: Aye.

6 ACTING CHAIR ALBERTI: All those

7 opposed? The motion carries 4-0.

8 Item 6 is a review of an amendment

9 to a settlement agreement between ANC-8A and

10 Cedar Bar and Grill, License No. 091887.

11 I move to approve with

12 modifications. Is there a second?

13 MEMBER BROOKS: Second.

14 ACTING CHAIR ALBERTI: Mr. Brooks

15 seconded it.

16 All those in favor say aye.

17 ALL: Aye.

18 ACTING CHAIR ALBERTI: All those

19 opposed? The motion carries 4-0.

20 Item 7 is a review of an amendment

21 to a settlement agreement between H Street

22 Country Club and ANC-6A, License No. 076649.

1 I move to approve. Is there a  
2 second?

3 MEMBER BROOKS: Second.

4 ACTING CHAIR ALBERTI: Mr. Brooks  
5 seconded.

6 All those in favor say aye.

7 ALL: Aye.

8 ACTING CHAIR ALBERTI: All those  
9 opposed? The motion carries 4-0.

10 Item 8 is a review of an amendment  
11 to a settlement agreement between Penthouse  
12 Bar and ANC-2B, License No. 086798.

13 I move to approve. Is there a  
14 second?

15 MEMBER BROOKS: Second.

16 ACTING CHAIR ALBERTI: And Mr.  
17 Brooks seconded it.

18 All those in favor say aye.

19 ALL: Aye.

20 ACTING CHAIR ALBERTI: All those  
21 opposed? The motion carries 4-0.

22 Item 9 is a review of a request

1 for off-premise storage of books and records.  
2 This is from Sizzling Express, License No.  
3 026739.

4 I move to approve contingent upon  
5 the licensee keeping copies of the records in  
6 the District.

7 MEMBER RODRIGUEZ: Second.

8 ACTING CHAIR ALBERTI: It has been  
9 seconded by Mr. Rodriguez.

10 All those in favor say aye.

11 ALL: Aye.

12 ACTING CHAIR ALBERTI: All those  
13 opposed? The motion carries 4-0.

14 Item 10 is a review of a  
15 settlement agreement between Nando's Peri Peri  
16 and ANC-6D. This is License No. 092802.

17 I move to approve with  
18 modifications. Is there a second?

19 MEMBER BROOKS: Second.

20 ACTING CHAIR ALBERTI: Mr. Brooks  
21 seconds.

22 All those in favor say aye.

1 ALL: Aye.

2 ACTING CHAIR ALBERTI: All those  
3 opposed? The motion carries 4-0.

4 Item 11 is a review of a request  
5 for off-premise storage of books and records.  
6 This is from Denson, License No. 94801.

7 I move to approve because the  
8 license -- the records will be stored within  
9 the District.

10 MEMBER RODRIGUEZ: Second.

11 ACTING CHAIR ALBERTI: Seconded by  
12 Mr. Rodriguez.

13 All those in favor say aye.

14 ALL: Aye.

15 ACTING CHAIR ALBERTI: All those  
16 opposed? The motion carries 4-0.

17 Item 12 is a review of petition to  
18 unilaterally amend or terminate a settlement  
19 agreement. This is from 1101 Convenience  
20 Mart, License No. 086305.

21 This will be referred to legal.

22 The next item is a Supplemental

1 Legal Agenda for September 24, 2014.

2 Item 1 is a request for  
3 reinstatement in a protest of Gypsy Sally's,  
4 License No. 090582.

5 The request for reinstatement  
6 comes from the protestant. I don't have the  
7 name here. Oh, it's I'm sorry, right. The  
8 request for reinstatement comes from Citizens  
9 Association of Georgetown.

10 I move to approve this and with a  
11 note that to look to Board Order No. 2014-354.  
12 Is there a second?

13 MEMBER BROOKS: Second.

14 ACTING CHAIR ALBERTI: Mr. Brooks  
15 seconds it.

16 All those in favor say aye.

17 ALL: Aye.

18 ACTING CHAIR ALBERTI: All those  
19 opposed? The motion carries 4-0.

20 Item 2 is a review of a request  
21 for a Single Sales Moratorium Exception for  
22 DCanter. And the License No. is 090639. I

1 move to deny because there is currently a  
2 conflict with the settlement agreement that  
3 needs to be remedied first.

4 I will note that if the licensee  
5 is able to amend the settlement agreement with  
6 the ANC-6B, they could reapply for the singles  
7 exception.

8 MEMBER RODRIGUEZ: Second.

9 ACTING CHAIR ALBERTI: Okay. The  
10 motion has been seconded by Mr. Rodriguez.

11 All those in favor say aye.

12 ALL: Aye.

13 ACTING CHAIR ALBERTI: All those  
14 opposed? The motion carries 4-0.

15 I think that's it for our agenda  
16 items.

17 As Acting Chairperson of the  
18 Alcoholic Beverage Control Board for the  
19 District of Columbia and in accordance with  
20 Section 405 of the Open Meetings Amendment Act  
21 of 2010, I move that the ABC Board hold a  
22 closed meeting on September 26, 2014 for the

1 purpose of discussing and hearing reports  
2 concerning ongoing or planned investigations  
3 of alleged criminal or civil misconduct or  
4 violations of law or regulations and seeking  
5 legal advice from our counsel on the Board's  
6 investigative agenda for September 26, 2014 as  
7 published in the DC Register on October 1,  
8 2014.

9 Okay. Is there a second?

10 MEMBER BROOKS: Second.

11 ACTING CHAIR ALBERTI: Seconded by  
12 Mr. Brooks. Now I'll take a roll call.

13 Mr. Brooks?

14 MEMBER BROOKS: I agree.

15 ACTING CHAIR ALBERTI: Mr.

16 Rodriguez?

17 MEMBER RODRIGUEZ: I agree.

18 ACTING CHAIR ALBERTI: Mr. Jones?

19 MEMBER JONES: I agree.

20 ACTING CHAIR ALBERTI: And I, Mr.

21 Alberti, agree. The motion carries 4-0.

22 Okay. As Acting Chairperson of

1 the Alcoholic Beverage Control Board for the  
2 District of Columbia and in accordance with  
3 Section 405 of the Open Meetings Amendment Act  
4 of 2010, I move that the ABC Board hold a  
5 closed meeting on September 26, 2014 for the  
6 purpose of seeking legal advice from our  
7 counsel on matters identified on the Board's  
8 Agenda for September 26, 2014 as published in  
9 the DC Register on October 1, 2014.

10 Is there a second?

11 MEMBER BROOKS: Second.

12 ACTING CHAIR ALBERTI: Mr. Brooks  
13 seconds. I'll take a roll call.

14 Mr. Brooks?

15 MEMBER BROOKS: I agree.

16 ACTING CHAIR ALBERTI: Mr.  
17 Rodriguez?

18 MEMBER RODRIGUEZ: I agree.

19 ACTING CHAIR ALBERTI: Mr. Jones?

20 MEMBER JONES: I agree.

21 ACTING CHAIR ALBERTI: And I, Mr.  
22 Alberti, agree. The motion passes 4-0.

1                   As it appears that these two  
2 motions have passed, I hereby give notice that  
3 the ABC Board will hold this aforementioned  
4 closed meetings pursuant to the Open Meetings  
5 Amendment Act of 2010. Notice will also be  
6 posted on the ABC Board hearing room bulletin  
7 board, placed on the electronic calendar on  
8 ABRA's website and published in the DC  
9 Register in as timely a manner as practicable.

10                   Done. Thank you. The record is  
11 closed.

12                   (Whereupon, the A.B.R.A. Agenda in  
13 the above-entitled matter was concluded at  
14 6:56 p.m.)

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<b>A</b>	10:8,11,20 11:2 11:10,14,22 12:4 12:12,16 13:2,6 13:14,18 14:4,8 14:16,20 15:8,12 15:20 16:2,11,15 17:14,18 18:9,13 19:11,15,18,20,21 20:12,16,19,21,22	12:14,15 13:4,5 13:16,17 14:6,7 14:18,19 15:10,11 15:22 16:1,13,14 17:16,17 18:11,12	7:8,22 8:12 9:2,20 11:3,15 12:5,17 13:7,19 14:9,21 15:13 16:3,16 17:19 18:14 19:21	<b>copies</b> 15:5 <b>counsel</b> 19:5 20:7 <b>Country</b> 13:22 <b>criminal</b> 19:3 <b>currently</b> 18:1
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**H**

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**I**

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