

Capital Reporting Company
In the Matter of: A.B.R.A Agenda 07-11-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
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A.B.R.A. AGENDA :
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July 11, 2012

The Alcoholic Beverage Control

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

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

CALVIN NOPHLIN, Member

MIKE SILVERSTEIN, Member

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2	<p>1 PROCEEDINGS</p> <p>2 4:56 p.m.</p> <p>3 CHAIRPERSON MILLER: Okay. We're back on the</p> <p>4 record for the Board's agenda for July 11th, 2012.</p> <p>5 The first item on the agenda is a review of a</p> <p>6 manager's application for Antonio D. Gilkey. There are</p> <p>7 some discrepancies that I notice in the application so</p> <p>8 I'm not inclined to move a motion approving but I think</p> <p>9 that others are. So if someone else would like to move</p> <p>10 on this one, I defer.</p> <p>11 MR. ALBERTI: This is the manager's</p> <p>12 application?</p> <p>13 CHAIRPERSON MILLER: Yes, uh-huh.</p> <p>14 MR. ALBERTI: I'm sure I move that we approve</p> <p>15 the manager's application for Antonio Gilkey.</p> <p>16 CHAIRPERSON MILLER: Is there a second?</p> <p>17 MR. NOPHLIN: Second.</p> <p>18 CHAIRPERSON MILLER: Who was that, Mr.</p> <p>19 Nophlin?</p> <p>20 MR. NOPHLIN: I agree.</p> <p>21 CHAIRPERSON MILLER: Okay. Did you second it</p> <p>22 though?</p>	4
3	<p>1 MR. NOPHLIN: I did.</p> <p>2 CHAIRPERSON MILLER: Okay.</p> <p>3 MR. NOPHLIN: I seconded.</p> <p>4 CHAIRPERSON MILLER: Okay. Now, there a</p> <p>5 couple of people. Okay. All right. That motion --</p> <p>6 there's a motion for approval, then seconded by Mr.</p> <p>7 Nophlin. All those in favor, say aye?</p> <p>8 (Chorus of ayes.)</p> <p>9 CHAIRPERSON MILLER: All those opposed?</p> <p>10 Opposed. All those abstaining?</p> <p>11 (No audible response.)</p> <p>12 CHAIRPERSON MILLER: The vote is 5-1-0 to</p> <p>13 approve.</p> <p>14 Next on the agenda is a review of application</p> <p>15 for license class change. This is for T&T Associates,</p> <p>16 at 5123 Georgia Avenue, N.W.</p> <p>17 I recommend that we postpone this review to</p> <p>18 next week, July 18th.</p> <p>19 No. 3 on our agenda is a change of hours</p> <p>20 application to change hours of operation and hours of</p> <p>21 alcoholic beverage sales/service. The current hours of</p> <p>22 operation and hours of alcoholic beverage sales/service</p>	5
	<p>1 are Monday through Saturday, 9:00 a.m. to 9:00 p.m.</p> <p>2 The proposed hours of operation and hours of alcoholic</p> <p>3 beverage sales/service are Monday through Thursday,</p> <p>4 9:00 a.m. to 9:00 p.m.; Friday and Saturday, 9:00 a.m.</p> <p>5 to 10:00 p.m.</p> <p>6 There are no pending investigative matters,</p> <p>7 no outstanding citation or fines, no conflict with the</p> <p>8 voluntary agreement. It's for Wheeler's Liquors, 4137</p> <p>9 Wheeler Road, S.E., License No. 88122, in ANC 8E.</p> <p>10 I move that we approve this application. Do</p> <p>11 I have a second?</p> <p>12 BOARD MEMBER: Second.</p> <p>13 CHAIRPERSON MILLER: Comments? All those in</p> <p>14 favor, say aye?</p> <p>15 (Chorus of ayes.)</p> <p>16 CHAIRPERSON MILLER: All those opposed?</p> <p>17 (No audible response.)</p> <p>18 CHAIRPERSON MILLER: All those abstaining?</p> <p>19 (No audible response.)</p> <p>20 CHAIRPERSON MILLER: The vote is 6-0-0 to</p> <p>21 approve.</p> <p>22 Next is the review of a request from Paul</p>	

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<p style="text-align: right;">6</p> <p>1 CHAIRPERSON MILLER: All those opposed? 2 (No audible response.) 3 CHAIRPERSON MILLER: All those abstaining? 4 (No audible response.) 5 CHAIRPERSON MILLER: The vote is 6-0-0 to 6 approve. 7 No. 6 is a motion for reinstatement dated 8 June 25, 2012 from Don Padou on behalf of the National 9 Capital Area Command of the Salvation Army. Hush 10 Restaurant and Lounge is the establishment, same as the 11 other. It's located at 2121 New York Avenue, N.E., 12 Retailer CT03, License No. 89332. And this motion 13 makes similar arguments. However, it's my 14 understanding that this protest was untimely. It was 15 due June 4th and it was filed June 8th. 16 So pursuant to 25-602, I would recommend that 17 we deny the motion for reinstatement on that basis. 18 MR. NOPHLIN: Second. 19 CHAIRPERSON MILLER: Okay. And any other -- 20 any comments? All right. There's a motion to deny it 21 that's been seconded by Mr. Nophlin. All those in 22 favor of the motion to deny, say aye?</p>	<p style="text-align: right;">8</p> <p>1 Street, N.W., License No. 25273. 2 I would move that we deny this petition for 3 reconsideration on the grounds of the 2008 VA was not 4 terminated by the Board. Any comment? The second? 5 MR. NOPHLIN: Second. 6 CHAIRPERSON MILLER: Mr. Nophlin seconds. 7 Any comments? All those in favor, say aye? 8 (Chorus of ayes.) 9 CHAIRPERSON MILLER: All those opposed? 10 (No audible response.) 11 CHAIRPERSON MILLER: All those abstaining? 12 (No audible response.) 13 CHAIRPERSON MILLER: The vote is 6-0-0 to 14 deny the petition for reconsideration. 15 No. 9 is a review of a voluntary agreement 16 dated March 7th, 2012 between New York Avenue Beach Bar 17 and ANC 2C. New York Avenue Beach Bar is located at 18 645 New York Avenue, N.W., License No. 89365. 19 I would move that we approve this agreement, 20 subject to modifications to paragraphs 3 and 6. Do I 21 have a second? 22 MR. NOPHLIN: Second.</p>
<p style="text-align: right;">7</p> <p>1 (Chorus of ayes.) 2 CHAIRPERSON MILLER: All those opposed? 3 (No audible response.) 4 CHAIRPERSON MILLER: All those abstaining? 5 (No audible response.) 6 CHAIRPERSON MILLER: The vote is 6-0-0 to 7 deny on grounds of untimeliness. 8 No. 7 is a correspondence dated May 27th, 9 2012 from Brendan Smith requesting clarification of 10 Board Order No. 2011-448 for Capitol Food Mart 11 regarding single sales. Capitol Mart [sic], located at 12 1634 North Capitol Street, N.W., License No. 86246. 13 The Board is taking this under advisement and will be 14 issuing a written clarification. 15 Does everyone agree with that 16 characterization? 17 MR. NOPHLIN: Yes. 18 CHAIRPERSON MILLER: Okay. That's -- No. 8 19 is a review of a Licensee's petition for 20 reconsideration dated June 18th, 2012 from Richard 21 Bianco, and the response from ANC 1C, dated June 26th, 22 2012. The establishment's Madam's Organ, 2461 18th</p>	<p style="text-align: right;">9</p> <p>1 CHAIRPERSON MILLER: Mr. Nophlin seconded the 2 emotion. Any other comments? All those in favor, say 3 aye? 4 (Chorus of ayes.) 5 CHAIRPERSON MILLER: All those opposed? 6 (No audible response.) 7 CHAIRPERSON MILLER: All those abstaining? 8 (No audible response.) 9 CHAIRPERSON MILLER: The motion passes by a 10 vote of 6-0-0. 11 No. 10 is a review of a voluntary agreement 12 dated June 12th, 2012 between Buechert's Saloon and ANC 13 6B. Buechert's Saloon is located at 623 Pennsylvania 14 Avenue, S.E., License No. 89616. 15 I would move that we approve with 16 modification to Section 2. Is there a second? 17 MR. NOPHLIN: Second. 18 CHAIRPERSON MILLER: Okay. The motion's been 19 seconded by Mr. Nophlin. Any other comments? All 20 those in favor of the motion, say aye? 21 (Chorus of ayes.) 22 CHAIRPERSON MILLER: All those opposed?</p>

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10	<p>1 (No audible response.)</p> <p>2 CHAIRPERSON MILLER: All those abstaining?</p> <p>3 (No audible response.)</p> <p>4 CHAIRPERSON MILLER: Motion passes by a vote</p> <p>5 of</p> <p>6 6-0-0.</p> <p>7 And No. 11 on the agenda is review of</p> <p>8 voluntary agreement dated June 13th, 2012 between Room</p> <p>9 11 and ANC 1A. Room 11 is located at 3234 11th Street,</p> <p>10 N.W., License No. 79568.</p> <p>11 I move that we approve with modification to</p> <p>12 Paragraph No. 6. Is there a second?</p> <p>13 MR. NOPHLIN: Second.</p> <p>14 CHAIRPERSON MILLER: Any comments? Okay.</p> <p>15 All those in favor, say aye?</p> <p>16 (Chorus of ayes.)</p> <p>17 CHAIRPERSON MILLER: All those opposed?</p> <p>18 (No audible response.)</p> <p>19 CHAIRPERSON MILLER: All those abstaining?</p> <p>20 (No audible response.)</p> <p>21 CHAIRPERSON MILLER: The vote passes 6-0-0 to</p> <p>22 approve with the modification to Section 6.</p>	12
11	<p>1 Okay. And we also have on our agenda one</p> <p>2 license cancellation and that's for ABRA No. 083711,</p> <p>3 Litestars, located at 2101 L Street, N.W. This license</p> <p>4 was cancelled via Board Order No. 2012-304.</p> <p>5 I don't believe we need to vote on this</p> <p>6 again. I think that concludes our agenda and</p> <p>7 cancellations.</p> <p>8 BOARD MEMBER: Cancellation.</p> <p>9 CHAIRPERSON MILLER: Right.</p> <p>10 BOARD MEMBER: Cancellation.</p> <p>11 CHAIRPERSON MILLER: Okay.</p> <p>12 BOARD MEMBER: She did the wrong</p> <p>13 cancellation.</p> <p>14 CHAIRPERSON MILLER: Yeah. Let me look at my</p> <p>15 dates, 18 and something -- 18, 19?</p> <p>16 MR. ALBERTI: Eighteen and thirteen. We have</p> <p>17 13.</p> <p>18 CHAIRPERSON MILLER: Thirteen.</p> <p>19 MR. ALBERTI: Friday the 13th.</p> <p>20 CHAIRPERSON MILLER: As Chairperson of the</p> <p>21 Alcoholic Beverage Control Board for the District of</p> <p>22 Columbia, and in accordance with Section 405 of the</p>	13

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<p style="text-align: right;">14</p> <p>1 CHAIRPERSON MILLER: Mr. Brooks? 2 MR. BROOKS: I agree. 3 CHAIRPERSON MILLER: Mr. Alberti? 4 MR. ALBERTI: I agree. 5 CHAIRPERSON MILLER: Ms. Miller agrees. Mr. 6 Jones? 7 MR. JONES: I agree. 8 CHAIRPERSON MILLER: Okay. The motion passes 9 then by a vote of 5-0-0. I hereby give notice that the 10 ABC Board will hold this aforementioned closed meeting. 11 Pursuant to the Open Meetings Amendment Act of 2010, 12 notice will also be posted on the ABC Board Hearing 13 bulletin board, placed on the electronic calendar on 14 ABRA website, and published in the DC Register in as 15 timely a manner as practical. 16 And that concludes the matters before the 17 Board for July 11th, 2012. Thank you and good night. 18 (WHEREUPON, at 5:09 p.m., the hearing was 19 concluded.) 20 21 22</p>	<p style="text-align: right;">16</p> <p>1 CERTIFICATE OF TRANSCRIPTION 2 3 I, MIRANDA PENNACHI, hereby certify that I am not 4 the Court Reporter who reported the following 5 proceeding and that I have typed the transcript of this 6 proceeding using the Court Reporter's notes and 7 recordings. The foregoing/attached transcript is a 8 true, correct and complete transcription of said 9 proceeding. 10 11 12 13 14 15 _____ 16 Date MIRANDA PENNACHI 17 Transcriptionist 18 19 20 21 22</p>
<p style="text-align: right;">15</p> <p>1 CERTIFICATE OF NOTARY PUBLIC 2 3 I, NATALIA THOMAS, the officer before whom the 4 foregoing hearing was taken, do hereby certify that the 5 testimony appearing in the foregoing transcript was 6 recorded by me and thereafter reduced to typewriting 7 under my direction; that said transcription is a true 8 record of the testimony given by said parties; that I 9 am neither counsel for, related to, nor employed by any 10 of the parties to the action in which this was taken; 11 and, further, that I am not a relative or employee of 12 any counsel or attorney employed by the parties hereto, 13 nor financially or otherwise interested in the outcome 14 of this action. 15 16 17 18 19 _____ 20 NATALIA THOMAS 21 Notary Public in and for 22 DISTRICT OF COLUMBIA</p>	

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<p style="text-align: center;"><u>0</u></p> <p>083711 11:2</p> <hr/> <p style="text-align: center;"><u>1</u></p> <p>10 9:11 10:00 4:5 11 1:10 10:7,9 11th 2:4 5:11 10:9 14:17 12th 9:12 13 11:17 1337 5:3 13th 10:8 11:19 12:6 13:16 14th 1:12 5:8 1634 7:12 18 11:15 18th 3:18 7:20,22 12:2,5 13:10,15 19 11:15 1A 10:9 1C 7:21</p> <hr/> <p style="text-align: center;"><u>2</u></p> <p>2 9:16 2000 1:12 2008 8:3 2010 12:1 13:1,9 14:11 2011-448 7:10 2012 1:10 2:4 5:8,11 6:8 7:9,20,22 8:16 9:12 10:8 12:2,5,6 13:10,15,16 14:17</p>	<p>2012-304 11:4 2101 5:12 11:3 2121 6:11 2461 7:22 25 6:8 25273 8:1 25-602 6:16 26th 7:21 27th 7:8 2B 5:4 2C 8:17</p> <hr/> <p style="text-align: center;"><u>3</u></p> <p>3 3:19 8:20 3234 10:9</p> <hr/> <p style="text-align: center;"><u>4</u></p> <p>4:56 2:2 405 11:22 13:8 4137 4:8 4th 6:15</p> <hr/> <p style="text-align: center;"><u>5</u></p> <p>5 5:7 5:09 14:18 5-0-0 12:21 14:9 5-1-0 3:12 5123 3:16</p> <hr/> <p style="text-align: center;"><u>6</u></p> <p>6 6:7 8:20 10:12,22 6-0-0 4:20 6:5 7:6 8:13 9:10 10:6,21 623 9:13 645 8:18</p>	<p>6B 9:13</p> <hr/> <p style="text-align: center;"><u>7</u></p> <p>7 7:8 79568 10:10 7th 8:16</p> <hr/> <p style="text-align: center;"><u>8</u></p> <p>8 7:18 86246 7:12 88122 4:9 88682 5:13 89332 6:12 89365 8:18 89616 9:14 8E 4:9 8th 6:15</p> <hr/> <p style="text-align: center;"><u>9</u></p> <p>9 8:15 9:00 4:1,4</p> <hr/> <p style="text-align: center;"><u>A</u></p> <p>A.B.R.A 1:7 a.m 4:1,4 ABC 12:2,21 13:2,9 14:10,12 ABRA 11:2 14:14 ABRA's 13:4 abstaining 3:10 4:18 6:3 7:4 8:11 9:7 10:2,19 accordance 11:22 13:8 Act 12:1 13:1,9 14:11</p>	<p>action 15:10,14 advice 12:3 13:14 advisement 7:13 aforementioned 12:22 14:10 agenda 1:7 2:4,5 3:14,19 5:7 10:7 11:1,6 12:4 13:15 agreement 4:8 8:15,19 9:11 10:8 Alberti 1:15 2:11,14 11:16,19 12:15,16 14:3,4 alcoholic 1:2,11,12 3:21,22 4:2 11:21 13:6 alleged 13:12 am 15:9,11 16:3 Amendment 12:1 13:1,9 14:11 ANC 4:9 5:3 7:21 8:17 9:12 10:9 Antonio 2:6,15 appearing 15:5 applicant 5:11 application 2:6,7,12,15 3:14,20 4:10 approval 3:6 approve 2:14 3:13 4:10,21 5:14 6:6 8:19 9:15 10:11,22 approving 2:8 Area 5:9 6:9</p>
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