



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

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

2 4:56 p.m.

3 CHAIRPERSON MILLER: Okay. We're back on the  
4 record for the Board's agenda for July 11th, 2012.

5 The first item on the agenda is a review of a  
6 manager's application for Antonio D. Gilkey. There are  
7 some discrepancies that I notice in the application so  
8 I'm not inclined to move a motion approving but I think  
9 that others are. So if someone else would like to move  
10 on this one, I defer.

11 MR. ALBERTI: This is the manager's  
12 application?

13 CHAIRPERSON MILLER: Yes, uh-huh.

14 MR. ALBERTI: I'm sure I move that we approve  
15 the manager's application for Antonio Gilkey.

16 CHAIRPERSON MILLER: Is there a second?

17 MR. NOPHLIN: Second.

18 CHAIRPERSON MILLER: Who was that, Mr.  
19 Nophlin?

20 MR. NOPHLIN: I agree.

21 CHAIRPERSON MILLER: Okay. Did you second it  
22 though?

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1 MR. NOPHLIN: I did.

2 CHAIRPERSON MILLER: Okay.

3 MR. NOPHLIN: I seconded.

4 CHAIRPERSON MILLER: Okay. Now, there a  
5 couple of people. Okay. All right. That motion --  
6 there's a motion for approval, then seconded by Mr.  
7 Nophlin. All those in favor, say aye?

8 (Chorus of ayes.)

9 CHAIRPERSON MILLER: All those opposed?  
10 Opposed. All those abstaining?

11 (No audible response.)

12 CHAIRPERSON MILLER: The vote is 5-1-0 to  
13 approve.

14 Next on the agenda is a review of application  
15 for license class change. This is for T&T Associates,  
16 at 5123 Georgia Avenue, N.W.

17 I recommend that we postpone this review to  
18 next week, July 18th.

19 No. 3 on our agenda is a change of hours  
20 application to change hours of operation and hours of  
21 alcoholic beverage sales/service. The current hours of  
22 operation and hours of alcoholic beverage sales/service

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1 are Monday through Saturday, 9:00 a.m. to 9:00 p.m.  
2 The proposed hours of operation and hours of alcoholic  
3 beverage sales/service are Monday through Thursday,  
4 9:00 a.m. to 9:00 p.m.; Friday and Saturday, 9:00 a.m.  
5 to 10:00 p.m.

6 There are no pending investigative matters,  
7 no outstanding citation or fines, no conflict with the  
8 voluntary agreement. It's for Wheeler's Liquors, 4137  
9 Wheeler Road, S.E., License No. 88122, in ANC 8E.

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

12 BOARD MEMBER: Second.

13 CHAIRPERSON MILLER: Comments? All those in  
14 favor, say aye?

15 (Chorus of ayes.)

16 CHAIRPERSON MILLER: All those opposed?

17 (No audible response.)

18 CHAIRPERSON MILLER: All those abstaining?

19 (No audible response.)

20 CHAIRPERSON MILLER: The vote is 6-0-0 to  
21 approve.

22 Next is the review of a request from Paul

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1 Pascal on behalf of Endeka Enterprises regarding a  
2 transfer of a license for Heritage India Brasserie &  
3 Lounge, located at 1337 Connective Avenue, N.W., in ANC  
4 2B.

5           And I would recommend that we postpone this  
6 review as well until next week or so. Okay.

7           Next is No. 5 on our agenda. It is a motion  
8 for reinstatement, dated June 14th, 2012, from Don  
9 Padou from the National Capital Area Command of the  
10 Salvation Army. The protestant was dismissed at the  
11 roll call hearing on June 11th, 2012. The applicant is  
12 Club Illusions at 2101 New York Avenue, N.E., Retailer  
13 CN, License No. 88682.

14           I would move that we approve the motion for  
15 reinstatement based on the grounds that (inaudible)  
16 that a corporation can be considered a property owner  
17 under our statute. Is there a second?

18           BOARD MEMBER: Second.

19           CHAIRPERSON MILLER: Any other comments? All  
20 those in favor of the motion that's been seconded, say  
21 aye?

22           (Chorus of ayes.)

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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?

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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

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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.

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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?

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10

1 (No audible response.)

2 CHAIRPERSON MILLER: All those abstaining?

3 (No audible response.)

4 CHAIRPERSON MILLER: Motion passes by a vote

5 of

6 6-0-0.

7 And No. 11 on the agenda is review of  
8 voluntary agreement dated June 13th, 2012 between Room  
9 11 and ANC 1A. Room 11 is located at 3234 11th Street,  
10 N.W., License No. 79568.

11 I move that we approve with modification to  
12 Paragraph No. 6. Is there a second?

13 MR. NOPHLIN: Second.

14 CHAIRPERSON MILLER: Any comments? Okay.

15 All those in favor, say aye?

16 (Chorus of ayes.)

17 CHAIRPERSON MILLER: All those opposed?

18 (No audible response.)

19 CHAIRPERSON MILLER: All those abstaining?

20 (No audible response.)

21 CHAIRPERSON MILLER: The vote passes 6-0-0 to  
22 approve with the modification to Section 6.

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1           Okay. And we also have on our agenda one  
2 license cancellation and that's for ABRA No. 083711,  
3 Litestars, located at 2101 L Street, N.W. This license  
4 was cancelled via Board Order No. 2012-304.

5           I don't believe we need to vote on this  
6 again. I think that concludes our agenda and  
7 cancellations.

8           BOARD MEMBER: Cancellation.

9           CHAIRPERSON MILLER: Right.

10          BOARD MEMBER: Cancellation.

11          CHAIRPERSON MILLER: Okay.

12          BOARD MEMBER: She did the wrong  
13 cancellation.

14          CHAIRPERSON MILLER: Yeah. Let me look at my  
15 dates, 18 and something -- 18, 19?

16          MR. ALBERTI: Eighteen and thirteen. We have  
17 13.

18          CHAIRPERSON MILLER: Thirteen.

19          MR. ALBERTI: Friday the 13th.

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

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1 Open Meetings Amendment Act of 2010, I move that the  
2 ABC Board hold a closed meeting on July 18th, 2012 for  
3 the purpose of seeking legal advice from our counsel on  
4 the matters identified in the Board's agenda for July  
5 18th, 2012, as published in the DC Register on July  
6 13th, 2012.

7 Is there a second?

8 MR. NOPHLIN: Second.

9 CHAIRPERSON MILLER: Okay. The motion has  
10 been seconded by Mr. Nophlin. I'm going to take a roll  
11 call vote. Mr. Nophlin?

12 MR. NOPHLIN: I agree.

13 CHAIRPERSON MILLER: Mr. Brooks?

14 MR. BROOKS: I agree.

15 CHAIRPERSON MILLER: Mr. Alberti?

16 MR. ALBERTI: I agree.

17 CHAIRPERSON MILLER: Ms. Miller agrees. Mr.  
18 Jones?

19 MR. JONES: I agree.

20 CHAIRPERSON MILLER: Okay. The motion passes  
21 by a vote of 5-0-0. I hereby give notice that the ABC  
22 Board will hold this aforementioned closed meeting.

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1 Pursuant to the Open Meetings Amendment Act of 2010,  
2 notice will also be posted on the ABC Board Hearing  
3 bulletin board, placed on the electronic calendar on  
4 ABRA's website, and published in the DC Register in as  
5 timely manner as practical.

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

17 Is there a second?

18 MR. NOPHLIN: Second.

19 CHAIRPERSON MILLER: I'll take a roll call  
20 vote of the motion before us now that it's been  
21 seconded. Mr. Nophlin?

22 MR. NOPHLIN: I agree.

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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

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1 CERTIFICATE OF NOTARY PUBLIC

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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.

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19

NATALIA THOMAS

20

Notary Public in and for

21

DISTRICT OF COLUMBIA

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CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the following proceeding and that I have typed the transcript of this proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of said proceeding.

\_\_\_\_\_

Date

\_\_\_\_\_

MIRANDA PENNACHI

Transcriptionist

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