

Capital Reporting Company  
In the Matter of: A.B.R.A. Agenda 07-18-2012

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 18, 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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1 P R O C E E D I N G S

2 5:12 p.m.

3 CHAIRPERSON MILLER: We're back on the record  
4 for the Board's agenda for Wednesday, July 18th, 2012.

5 The first item on the agenda is a motion for  
6 reconsideration on the Board's Order reinstating Dr.  
7 Paul Collins (ph). It's a protestant, dated July 5th,  
8 2012, from R.J. Barlow (ph) on behalf of the Licensee,  
9 the Showtime, 113 Rhode Island Avenue, N.W., License  
10 No.

11 891865.

12 I move that we deny motion. Do I have a  
13 second?

14 BOARD MEMBER: Second.

15 CHAIRPERSON MILLER: Any comments?

16 (No audible response.)

17 CHAIRPERSON MILLER: Okay. All those in  
18 favor then of the motion that's been seconded, say aye?

19 (Chorus of ayes.)

20 CHAIRPERSON MILLER: All those opposed?

21 (No audible response.)

22 CHAIRPERSON MILLER: Abstaining?

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1 (No audible response.)

2 CHAIRPERSON MILLER: The vote is 6-0-0.

3 The next item on the agenda is ANC 7C's  
4 opposition to standing, dated June 20th, 2012, with Mr.  
5 Galeck Halali (ph) in response from Licensee. This is  
6 Uncle Lee's Seafood, 1102 Eastern Avenue, N.E.

7 I would suggest that this is moved as ANC 7C  
8 has been dismissed and the Licensee, I believe, was  
9 also -- application was dismissed this morning for  
10 failure to appear at the status hearing.

11 Third item on the agenda is a letter dated  
12 June 9th, 2012 from George Ventura (ph) requesting that  
13 the ANC 6B protest be dismissed. The Licensee is  
14 Albert's Liquor, 328 Kentucky Avenue, S.E., License No.  
15 77335. This protest is scheduled for September 19th,  
16 2012 at 4:00 p.m.

17 I would recommend that we set this request in  
18 the form of a motion for initial hearing at that date  
19 at the beginning of the protest.

20 MR. ALBERTI: Madam Chair?

21 CHAIRPERSON MILLER: Uh-huh.

22 MR. ALBERTI: Just for clarity --

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1 CHAIRPERSON MILLER: Okay.

2 MR. ALBERTI: -- if I'm understanding you  
3 correctly, what you're ask -- what you're suggesting --  
4 your motion is that we take oral arguments on this  
5 motion prior to the beginning of the protest hearing  
6 and we do that on September 19th?

7 CHAIRPERSON MILLER: Yes, basically.

8 MR. ALBERTI: Okay.

9 CHAIRPERSON MILLER: When the parties are  
10 here for the hearing, that will be the first oral  
11 argument that we'll consider --

12 MR. ALBERTI: Okay. Thank you.

13 CHAIRPERSON MILLER: -- before we proceed.  
14 Yeah.

15 MR. ALBERTI: Uh-huh.

16 CHAIRPERSON MILLER: Okay. Is there a  
17 consensus on that? Is there consensus from the Board?

18 BOARD MEMBER: Second.

19 CHAIRPERSON MILLER: Okay. I think we don't  
20 need a motion.

21 BOARD MEMBER: No.

22 CHAIRPERSON MILLER: We just do consensus?

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1 Okay.

2 BOARD MEMBER: Yes.

3 CHAIRPERSON MILLER: All right. Good. Next  
4 is a request for reinstatement dated June 15th, 2012  
5 from Matrix Condominium Association in response to Mr.  
6 Stephen O'Brien about the Licensee. This is Gordon  
7 Restaurant Group, LLC, 1529 14th Street, N.W., License  
8 No. 89190. It's my understanding that this is moved  
9 also because the parties have entered into a voluntary  
10 agreement, which the Board will be considering, I  
11 believe, next week.

12 Okay. That brings us to our supplemental  
13 agenda. Item No. 1 in the supplemental agenda is a  
14 request for a stipulated license, dated June 18th,  
15 2012, with a letter of support from ANC 1A. The  
16 establishment is Kokeb Ethiopian Restaurant, 3013  
17 Georgia Avenue, N.W., License No. 89933.

18 I would move that we approve this request.  
19 Do I have a second?

20 BOARD MEMBER: Second.

21 CHAIRPERSON MILLER: Any comments?

22 (No audible response.)

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1 CHAIRPERSON MILLER: All those in favor of  
2 the motion to approve, say aye?

3 (Chorus of ayes.)

4 CHAIRPERSON MILLER: All those opposed?

5 (No audible response.)

6 CHAIRPERSON MILLER: All those abstaining?

7 (No audible response.)

8 CHAIRPERSON MILLER: The vote is 6-0-0.

9 Number 2 is a review of voluntary agreement, dated  
10 February 13th, 2012, between Matchbox and ANC 1B.

11 Matchbox is located at 1901 -- or will be -- 14th  
12 Street, N.W., License No. 88258.

13 I move that we approve with a few  
14 modifications that will be communicated to the  
15 applicant by our staff.

16 Do I have a second?

17 BOARD MEMBER: Second.

18 CHAIRPERSON MILLER: Any comments?

19 (No audible response.)

20 CHAIRPERSON MILLER: All those in favor, 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.

6 The next is a voluntary agreement, dated June  
7 19th, 2012 between Super Liquors and ANC 5C. Super  
8 Liquors is located at 1633 North Capitol Street, N.E.,  
9 License No. 79241.

10 I move that we approve with modifications  
11 that will be communicated by our staff to parties to  
12 the voluntary agreement.

13 Do I have a second?

14 BOARD MEMBER: Second.

15 CHAIRPERSON MILLER: Comments?

16 (No audible response.)

17 CHAIRPERSON MILLER: All those in favor, say  
18 aye?

19 (Chorus of ayes.)

20 CHAIRPERSON MILLER: All those opposed?

21 (No audible response.)

22 CHAIRPERSON MILLER: All those abstaining?

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1 (No audible response.)

2 CHAIRPERSON MILLER: The vote is 6-0-0 to  
3 approve with modification.

4 I believe that completes the items on our  
5 agenda and supplemental agenda for today, July 18th,  
6 2012. Then I will just read the instructions for  
7 closed meetings pursuant to the Open Meetings Act.

8 As Chairperson of the Alcoholic -- wait a  
9 second -- Beverage Control Board for the District of  
10 Columbia and in accordance with Section 405 of the Open  
11 Meetings Amendment Act of 2010, I move that the ABC  
12 Board hold a closed meeting on July 25th, 2012 for the  
13 purpose of seeking legal advice from our counsel on the  
14 matters identified by the Board's agenda for July 25th,  
15 2012, as published in the DC Register on July 20th,  
16 2012.

17 Is there a second?

18 BOARD MEMBER: Second.

19 CHAIRPERSON MILLER: The motion's been  
20 seconded. I'll take a roll call on the motion. Mr.  
21 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 Silverstein?

7 MR. SILVERSTEIN: I agree.

8 CHAIRPERSON MILLER: Mr. Jones?

9 MR. JONES: I agree.

10 CHAIRPERSON MILLER: The motion passes 6-0-0.

11 I hereby give notice that the ABC Board will hold this  
12 aforementioned closed meeting pursuant to the Open  
13 Meetings Amendment Act of 2010. Notice will also be  
14 posted on the ABC Board hearing room bulletin board,  
15 placed on the electronic calendar on ABRA's website,  
16 and published in the DC Register in as timely a manner  
17 as practical.

18 As Chairperson of the Alcoholic Beverage  
19 Control Board for the District of Columbia and in  
20 accordance with Section 405 of the Open Meetings  
21 Amendment Act of 2010, I move that the ABC Board hold a  
22 closed meeting on July 25th, 2012 for the purpose of

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1 discussing any hearing reports concerning ongoing or  
2 planned investigations of alleged criminal or civil  
3 misconduct or violations of law or regulations and  
4 seeking legal advice from our counsel on the Board's  
5 investigative agenda for July 25th, 2012, as published  
6 in the DC Register on July 20th, 2012.

7 Is there a second?

8 BOARD MEMBER: Second.

9 CHAIRPERSON MILLER: I'll take a roll call  
10 vote on the motion before us now that it's been  
11 seconded. 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 Silverstein?

19 MR. SILVERSTEIN: I agree.

20 CHAIRPERSON MILLER: Mr. Jones?

21 MR. JONES: I agree.

22 CHAIRPERSON MILLER: As it appears, the

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1 motion's passed by 6-0-0 vote. I hereby give notice  
2 that the ABC Board will hold this aforementioned closed  
3 meeting pursuant to the Open Meetings Amendment Act of  
4 2010. Notice will also be posted on the ABC Board  
5 hearing room bulletin board, placed on the electronic  
6 calendar and ABRA's website and published in the DC  
7 Register in as timely a manner as practical.

8           And that concludes the matters before the  
9 Board on July 18th, 2012. And we are adjourned.

10           (WHEREUPON, at 5:20 p.m., the hearing was  
11           concluded.)

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1 CERTIFICATE OF NOTARY PUBLIC

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3 I, BRADLEY ANGLIN, 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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BRADLEY ANGLIN

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Notary Public in and for

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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><u>1</u>  <b>1</b> 5:13  <b>1102</b> 3:6  <b>113</b> 2:9  <b>13th</b> 6:10  <b>14th</b> 1:12 5:7 6:11  <b>1529</b> 5:7  <b>15th</b> 5:4  <b>1633</b> 7:8  <b>18</b> 1:10  <b>18th</b> 2:4 5:14 8:5                  11:9  <b>1901</b> 6:11  <b>19th</b> 3:15 4:6 7:7  <b>1A</b> 5:15  <b>1B</b> 6:10</p>	<p><b>4:00</b> 3:16  <b>405</b> 8:10 9:20  <u>5</u>  <b>5:12</b> 2:2  <b>5:20</b> 11:10  <b>5C</b> 7:7  <b>5th</b> 2:7  <u>6</u>  <b>6-0-0</b> 3:2 6:8 7:5                  8:2 9:10 11:1  <b>6B</b> 3:13  <u>7</u>  <b>77335</b> 3:15  <b>79241</b> 7:9  <b>7C</b> 3:7  <b>7C's</b> 3:3</p>	<p><b>accordance</b> 8:10                  9:20  <b>Act</b> 8:7,11 9:13,21                  11:3  <b>action</b> 12:10,14  <b>adjourned</b> 11:9  <b>advice</b> 8:13 10:4  <b>aforementioned</b>                  9:12 11:2  <b>agenda</b> 1:7 2:4,5                  3:3,11 5:13                  8:5,14 10:5  <b>agreement</b> 5:10                  6:9 7:6,12  <b>Alberti</b> 1:15                  3:20,22                  4:2,8,12,15 9:3,4                  10:15,16  <b>Albert's</b> 3:14  <b>Alcoholic</b>                  1:2,11,12 8:8                  9:18  <b>alleged</b> 10:2  <b>am</b> 12:9,11 13:3  <b>Amendment</b> 8:11                  9:13,21 11:3  <b>ANC</b> 3:3,7,13 5:15                  6:10 7:7  <b>ANGLIN</b> 12:3,19  <b>appear</b> 3:10  <b>appearing</b> 12:5  <b>appears</b> 10:22  <b>applicant</b> 6:15  <b>application</b> 3:9  <b>approve</b> 5:18                  6:2,13 7:10 8:3  <b>argument</b> 4:11</p>	<p><b>arguments</b> 4:4  <b>Association</b> 5:5  <b>attorney</b> 12:12  <b>audible</b> 2:16,21                  3:1 5:22 6:5,7,19                  7:2,4,16,21 8:1  <b>Avenue</b> 2:9 3:6,14                  5:17  <b>aye</b> 2:18 6:2,21                  7:18  <b>ayes</b> 2:19 6:3,22                  7:19  <u>B</u>  <b>Barlow</b> 2:8  <b>basically</b> 4:7  <b>beginning</b> 3:19 4:5  <b>behalf</b> 2:8  <b>believe</b> 3:8 5:11                  8:4  <b>Beverage</b>                  1:2,11,12 8:9                  9:18  <b>board</b> 1:2,12 2:14                  4:17,18,21                  5:2,10,20 6:17                  7:14 8:9,12,18                  9:11,14,19,21                  10:8 11:2,4,5,9  <b>Board's</b> 2:4,6 8:14                  10:4  <b>BRADLEY</b>                  12:3,19  <b>brings</b> 5:12  <b>Brooks</b> 1:16 9:1,2                  10:13,14  <b>Building</b> 1:12  <b>bulletin</b> 9:14 11:5</p>
<p><u>2</u>  <b>2</b> 6:9  <b>2000</b> 1:12  <b>2010</b> 8:11 9:13,21                  11:4  <b>2012</b> 1:10 2:4,8                  3:4,12,16 5:4,15                  6:10 7:7                  8:6,12,15,16                  9:22 10:5,6 11:9  <b>20th</b> 3:4 8:15 10:6  <b>25th</b> 8:12,14 9:22                  10:5</p>	<p><u>8</u>  <b>88258</b> 6:12  <b>891865</b> 2:11  <b>89190</b> 5:8  <b>89933</b> 5:17  <u>9</u>  <b>9th</b> 3:12  <u>A</u>  <b>A.B.R.A</b> 1:7  <b>ABC</b> 8:11                  9:11,14,21                  11:2,4  <b>ABRA's</b> 9:15 11:6  <b>abstaining</b> 2:22                  6:6 7:3,22</p>	<p><b>accordance</b> 8:10                  9:20  <b>Act</b> 8:7,11 9:13,21                  11:3  <b>action</b> 12:10,14  <b>adjourned</b> 11:9  <b>advice</b> 8:13 10:4  <b>aforementioned</b>                  9:12 11:2  <b>agenda</b> 1:7 2:4,5                  3:3,11 5:13                  8:5,14 10:5  <b>agreement</b> 5:10                  6:9 7:6,12  <b>Alberti</b> 1:15                  3:20,22                  4:2,8,12,15 9:3,4                  10:15,16  <b>Albert's</b> 3:14  <b>Alcoholic</b>                  1:2,11,12 8:8                  9:18  <b>alleged</b> 10:2  <b>am</b> 12:9,11 13:3  <b>Amendment</b> 8:11                  9:13,21 11:3  <b>ANC</b> 3:3,7,13 5:15                  6:10 7:7  <b>ANGLIN</b> 12:3,19  <b>appear</b> 3:10  <b>appearing</b> 12:5  <b>appears</b> 10:22  <b>applicant</b> 6:15  <b>application</b> 3:9  <b>approve</b> 5:18                  6:2,13 7:10 8:3  <b>argument</b> 4:11</p>	<p><b>arguments</b> 4:4  <b>Association</b> 5:5  <b>attorney</b> 12:12  <b>audible</b> 2:16,21                  3:1 5:22 6:5,7,19                  7:2,4,16,21 8:1  <b>Avenue</b> 2:9 3:6,14                  5:17  <b>aye</b> 2:18 6:2,21                  7:18  <b>ayes</b> 2:19 6:3,22                  7:19  <u>B</u>  <b>Barlow</b> 2:8  <b>basically</b> 4:7  <b>beginning</b> 3:19 4:5  <b>behalf</b> 2:8  <b>believe</b> 3:8 5:11                  8:4  <b>Beverage</b>                  1:2,11,12 8:9                  9:18  <b>board</b> 1:2,12 2:14                  4:17,18,21                  5:2,10,20 6:17                  7:14 8:9,12,18                  9:11,14,19,21                  10:8 11:2,4,5,9  <b>Board's</b> 2:4,6 8:14                  10:4  <b>BRADLEY</b>                  12:3,19  <b>brings</b> 5:12  <b>Brooks</b> 1:16 9:1,2                  10:13,14  <b>Building</b> 1:12  <b>bulletin</b> 9:14 11:5</p>
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