



Capital Reporting Company  
In the Matter of: A.B.R.A. Agenda 08-01-2012

2	<p>1 PROCEEDINGS</p> <p>2 11:10 a.m.</p> <p>3 CHAIRPERSON MILLER: Okay. We're back on the</p> <p>4 record to do our agenda for Wednesday, August the 1st,</p> <p>5 2012. The first item on the agenda is a manager's</p> <p>6 application for Sara Loveland. I move that we approve</p> <p>7 this application.</p> <p>8 Do I have a second?</p> <p>9 MR. NOPHLIN: SECOND.</p> <p>10 CHAIRPERSON MILLER: Any comments?</p> <p>11 (No audible response.)</p> <p>12 CHAIRPERSON MILLER: All those in favor of</p> <p>13 the motion to approve, say aye?</p> <p>14 (Chorus of ayes.)</p> <p>15 CHAIRPERSON MILLER: All those opposed?</p> <p>16 (No audible response.)</p> <p>17 CHAIRPERSON MILLER: All those abstaining?</p> <p>18 (No audible response.)</p> <p>19 CHAIRPERSON MILLER: The motion passes 6-0-0.</p> <p>20 The next item on the agenda, No. 2, is the</p> <p>21 review of the sidewalk cafe application for 24 seats on</p> <p>22 8th Street, N.W. This is -- the Licensee was placarded</p>	4
3	<p>1 and approved for 32 sidewalk cafe seats on E Street,</p> <p>2 N.W., but due to potential issues, the Licensee and</p> <p>3 landlord agreed that the seats should be located on</p> <p>4 both 8th Street, N.W., and E Street, N.W. Licensee has</p> <p>5 been issued a sidewalk cafe for 15 seats on E Street,</p> <p>6 N.W. This sidewalk cafe application will result in an</p> <p>7 additional seven seats.</p> <p>8 Proposed hours of operation and hours of</p> <p>9 alcoholic beverage service and sales are Sunday through</p> <p>10 Saturday, 11:00 a.m. through 12 a.m. There are no</p> <p>11 pending investigative matters, no outstanding citations</p> <p>12 or fines, no voluntary agreement. It's in ANC 2C. The</p> <p>13 establishment is Penn Social at 801 E Street, N.W., the</p> <p>14 CX License No., 86808. I move that we approve this</p> <p>15 application.</p> <p>16 Do I have a second?</p> <p>17 MR. NOPHLIN: Second.</p> <p>18 CHAIRPERSON MILLER: Any comments?</p> <p>19 (No audible response.)</p> <p>20 CHAIRPERSON MILLER: All those in favor of</p> <p>21 the motion to approve the application, say aye?</p> <p>22 (Chorus of ayes.)</p>	5
2	<p>1 CHAIRPERSON MILLER: All those opposed?</p> <p>2 (No audible response.)</p> <p>3 CHAIRPERSON MILLER: All those abstaining?</p> <p>4 (No audible response.)</p> <p>5 CHAIRPERSON MILLER: The vote passes. The</p> <p>6 motion passes by a vote of 6-0-0 to approve.</p> <p>7 No. 3 is an amended entertainment endorsement</p> <p>8 application to add dancing and coverage charge and</p> <p>9 additional hours of entertainment. The current hours</p> <p>10 of operation and alcoholic beverage service and sales</p> <p>11 are Sunday through Thursday, 11:00 a.m. through 2:00</p> <p>12 a.m.; Friday and Saturday, 11:00 a.m. through 3:00 a.m.</p> <p>13 The current hours of entertainment are Sunday and</p> <p>14 Thursday, 10:00 p.m. to 2:00 p.m.; Friday and Saturday,</p> <p>15 11:00 p.m.</p> <p>16 to 3:00 a.m.</p> <p>17 And the proposed hours of entertainment are</p> <p>18 Sunday through Thursday, 8:00 a.m. through 2:00 a.m.;</p> <p>19 Friday and Saturday, 8:00 p.m. through 3:00 a.m. No</p> <p>20 pending investigative matters, no outstanding citations</p> <p>21 or fines, and no conflict within our voluntary</p> <p>22 agreement. It's in ANC 1C. The establishment is Grand</p>	4

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6	<p>1 The proposed hours of operation and hours of</p> <p>2 alcoholic beverage services and sales are Sunday</p> <p>3 through Friday, 8:00 a.m. to 2:00 a.m., and Saturday,</p> <p>4 8:00 a.m. to 3:00 a.m. No pending investigative</p> <p>5 matters, no outstanding citations or fines, no</p> <p>6 voluntary agreement. It's in ANC 2C. The establishment</p> <p>7 is Hard Rock Cafe, 999 E Street, N.W., License No.</p> <p>8 14130. I move that we approve this application.</p> <p>9 Do I have a second?</p> <p>10 MR. NOPHLIN: Second.</p> <p>11 CHAIRPERSON MILLER: Any comments?</p> <p>12 (No audible response.)</p> <p>13 CHAIRPERSON MILLER: All those in favor, say</p> <p>14 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 motion to approve</p> <p>21 passes by a vote of 6-0-0.</p> <p>22 No. 5 is a change of hours application to</p>	8
7	<p>1 change the hours of operation and hours of alcoholic</p> <p>2 beverage sales. The current hours of operation and</p> <p>3 hours of alcoholic beverage sales are Monday through</p> <p>4 Saturday, 9:00 a.m. to 9:00 p.m. The proposed hours of</p> <p>5 operation and hours of alcoholic beverage sales are</p> <p>6 Monday through Saturday, 9:00 a.m. to 12:00 a.m.</p> <p>7 No pending investigative matters, no</p> <p>8 outstanding citations or fines, no conflict with</p> <p>9 voluntary agreement. It's in ANC 6A. The establishment</p> <p>10 is Grand Liquors, at 409 15th Street, N.W., License No.</p> <p>11 89508. I move that we approve this change of hours.</p> <p>12 Is there a second?</p> <p>13 MR. NOPHLIN: Second.</p> <p>14 CHAIRPERSON MILLER: Any comments?</p> <p>15 (No audible response.)</p> <p>16 CHAIRPERSON MILLER: Okay. We have a motion</p> <p>17 to approve then. All those in favor, say aye?</p> <p>18 (Chorus of ayes.)</p> <p>19 CHAIRPERSON MILLER: All those opposed?</p> <p>20 (No audible response.)</p> <p>21 CHAIRPERSON MILLER: All those abstaining?</p> <p>22 (No audible response.)</p>	9
6	<p>1 CHAIRPERSON MILLER: The motion passes by a</p> <p>2 vote of 6-0-0.</p> <p>3 No. 6 is a safekeeping application for one</p> <p>4 year because the business will be closed to address</p> <p>5 water damage and structural repairs. There's no</p> <p>6 pending investigative matters, no outstanding citations</p> <p>7 or fines. This is in ANC 2E. The establishment is</p> <p>8 Latham Hotel, 3000 M Street, N.W., License No. 78884. I</p> <p>9 move that we approve putting the application for</p> <p>10 safekeeping for one year.</p> <p>11 All those in favor, say aye?</p> <p>12 (Chorus of ayes.)</p> <p>13 CHAIRPERSON MILLER: All those opposed?</p> <p>14 (No audible response.)</p> <p>15 CHAIRPERSON MILLER: All those abstaining?</p> <p>16 (No audible response.)</p> <p>17 CHAIRPERSON MILLER: The vote is 6-0-0 to</p> <p>18 approve.</p> <p>19 No. 7 is a change of hours application to</p> <p>20 change hours of operation and hours of alcoholic</p> <p>21 beverage sales. The current hours are Sunday through</p> <p>22 Saturday, 9:00 a.m.</p>	8
7	<p>1 to 9:00 p.m. The proposed hours are Sunday</p> <p>2 through Sunday, 9:00 a.m. to 12:00 a.m. No pending</p> <p>3 investigative matters, no outstanding citations or</p> <p>4 fines, no voluntary agreement. This establishment's in</p> <p>5 ANC 7D.</p> <p>6 It's Kenilworth Market, 1612 Kenilworth</p> <p>7 Avenue, N.E., License No. 87818. I move to approve</p> <p>8 this application.</p> <p>9 Is there a second?</p> <p>10 MR. NOPHLIN: Second.</p> <p>11 CHAIRPERSON MILLER: Comments?</p> <p>12 (No audible response.)</p> <p>13 CHAIRPERSON MILLER: All those in favor, say</p> <p>14 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 No. 8 is a safekeeping application because</p>	9

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10	<p>1 the business will be closed for repairs and 2 renovations. There's no pending investigative matters, 3 no outstanding citations or fines. It's in ANC 2B. 4 It's DC Noodles, 1410 U Street, N.W., License No. 5 73188. The applicant didn't request a specific amount 6 of time so I would -- I move that we approve this 7 application for a period of six months. 8 Do I have a second? 9 MR. NOPHLIN: Second. 10 CHAIRPERSON MILLER: Comments? 11 (No audible response.) 12 CHAIRPERSON MILLER: All those in favor, say 13 aye? 14 (Chorus of ayes.) 15 CHAIRPERSON MILLER: All those opposed? 16 (No audible response.) 17 CHAIRPERSON MILLER: All those abstaining? 18 (No audible response.) 19 CHAIRPERSON MILLER: The vote is 6-0-0. 20 The next is correspondence dated July 18th, 21 2012 from Jim Kane, requesting that the Board reopen 22 the petition deadline for B Too because placards were</p>	12
11	<p>1 not posted properly. B Too is located at 1324 14th 2 Street, N.W., and that's License No. 89499. I suggest 3 that we postpone this request for consideration until 4 August 8th, 2012. 5 And is that the consensus of the Board? 6 MR. NOPHLIN: Yes. 7 CHAIRPERSON MILLER: Okay. Moving on then to 8 No. 10, which is a motion to adjust dates of suspension 9 dated July 16th, 2012 from Andrew Kline. I believe 10 that we ordered specific dates in August in connection 11 with our Order. And the applicant has requested 12 different dates on August on the same days of the week, 13 I believe, in light of the fact that they represent 14 that an event had been scheduled for the dates they 15 were ordered to be suspended. 16 And the Office of the Attorney General has 17 taken no position on the motion. The establishment is 18 K Street, 1301 K Street, N.W. And the establishment 19 says that suspensions on the dates order will create a 20 hardship for those whose events were scheduled on these 21 dates and they were scheduled prior to the suspension 22 order. Okay. So I would move that we approve the</p>	13
10	<p>1 request. 2 Do I have a second? 3 MR. NOPHLIN: Second. 4 CHAIRPERSON MILLER: Any comments? 5 (No audible response.) 6 CHAIRPERSON MILLER: All those in favor, say 7 aye? 8 (Chorus of ayes.) 9 CHAIRPERSON MILLER: All those opposed? 10 (Chorus of nays.) 11 CHAIRPERSON MILLER: Okay. Roll call. Mr. 12 Nophlin? 13 MR. NOPHLIN: I agree. 14 CHAIRPERSON MILLER: Mr. Brooks? 15 MR. BROOKS: I disagree. 16 CHAIRPERSON MILLER: Mr. Alberti? 17 MR. ALBERTI: Disagree. 18 CHAIRPERSON MILLER: Ms. Miller agrees. Mr. 19 Silverstein? 20 MR. SILVERSTEIN: I agree or I'm -- I 21 disagree. I disagree. 22 CHAIRPERSON MILLER: You disagree?</p>	13
11	<p>1 MR. SILVERSTEIN: Yes. 2 CHAIRPERSON MILLER: Okay. Mr. Jones? 3 MR. JONES: I disagree. 4 CHAIRPERSON MILLER: Okay. Then the motion 5 fails by a vote of 2-4-0. 6 Do we have another motion? 7 MR. ALBERTI: Madam Chair, I move that we 8 deny -- 9 CHAIRPERSON MILLER: We do -- 10 MR. ALBERTI: -- the motion to adjust the 11 dates of suspension for this Licensee. 12 CHAIRPERSON MILLER: I'm sorry, you moved to 13 deny? 14 MR. ALBERTI: Deny the motion to adjust the 15 dates of suspension. 16 CHAIRPERSON MILLER: Okay. Is there a 17 second? 18 MR. NOPHLIN: Second. 19 CHAIRPERSON MILLER: All those in favor of 20 the motion to deny, say aye? 21 (Chorus of ayes.) 22 CHAIRPERSON MILLER: All those opposed?</p>	13

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14	<p>1 Opposed.</p> <p>2 So the --</p> <p>3 BOARD MEMBER: Abstain?</p> <p>4 CHAIRPERSON MILLER: All those abstaining?</p> <p>5 BOARD MEMBER: Abstain.</p> <p>6 CHAIRPERSON MILLER: Okay. I believe the</p> <p>7 vote then is -- it passes by a vote of 4-1-1. Okay.</p> <p>8 No. 11 is a review of a petition for</p> <p>9 reconsideration dated June 29, 2012 from Bertha Dudley</p> <p>10 regarding the Board's decision to grant All Souls a</p> <p>11 license. All Souls is located at 725 T Street, N.W.,</p> <p>12 and the License No. is 88179. Ms. Dudley raises the</p> <p>13 following issues: One is that the application was</p> <p>14 represented to the protestants as a new license</p> <p>15 application, while the published order represents this</p> <p>16 matter as a renewal of a retailer's Class CT license.</p> <p>17 My understanding is that the Order represents</p> <p>18 the application as a new license except for one</p> <p>19 instance, which will be corrected, in the Order on this</p> <p>20 motion and on the website. Second, the protestant</p> <p>21 questions again that the -- that the establishment is</p> <p>22 located within 400 feet. This issue was addressed and</p>	16
15	<p>1 in the Order correctly and has been confirmed by our</p> <p>2 office with respect to the GSI calculations -- GIS</p> <p>3 calculations -- GIS system.</p> <p>4 Number three, they question the Board's</p> <p>5 finding with respect to Metrorail and Bikeshare as a</p> <p>6 basis for finding that that eliminates concerns about</p> <p>7 traffic and residential parking. Paragraph 30 of the</p> <p>8 Order, I believe, addresses fully the issue about</p> <p>9 adequate parking -- finding adequate parking on</p> <p>10 neighborhood streets as well as lots.</p> <p>11 And finally, protestants raise a question</p> <p>12 about the security of children playing in the</p> <p>13 playground at the Cleveland School. And again, the</p> <p>14 Order finds that by licensing this establishment does</p> <p>15 not pose a danger to the children in the playground and</p> <p>16 other security issues that Ms. Dudley made -- raised</p> <p>17 with respect to them is really in the jurisdiction of</p> <p>18 the school and not this Board.</p> <p>19 So for those reasons, I would move that we</p> <p>20 deny the motion for reconsideration. Is there a</p> <p>21 second?</p> <p>22 MR. NOPHLIN: Second.</p>	17
14	<p>1 CHAIRPERSON MILLER: Any other comments?</p> <p>2 (No audible response.)</p> <p>3 CHAIRPERSON MILLER: Okay. All those in</p> <p>4 favor of the motion to deny, say aye?</p> <p>5 (Chorus of ayes.)</p> <p>6 CHAIRPERSON MILLER: All those opposed?</p> <p>7 (No audible response.)</p> <p>8 CHAIRPERSON MILLER: All those abstaining?</p> <p>9 (No audible response.)</p> <p>10 CHAIRPERSON MILLER: The vote is 6-0-0.</p> <p>11 No. 12 is a voluntary agreement dated July</p> <p>12 17th, 2012 between Sunset Liquors and ANC 5C. Sunset</p> <p>13 Liquors is located at 1627 1st Street, N.W., License</p> <p>14 No. 60657. I would move that we approve this voluntary</p> <p>15 agreement with modifications to Paragraph 8A and B and</p> <p>16 3H.</p> <p>17 Do I have a second?</p> <p>18 MR. NOPHLIN: Second.</p> <p>19 CHAIRPERSON MILLER: Any comments?</p> <p>20 (No audible response.)</p> <p>21 CHAIRPERSON MILLER: Okay. All those in</p> <p>22 favor, say aye?</p>	16
15	<p>1 (Chorus of ayes.)</p> <p>2 CHAIRPERSON MILLER: All those opposed?</p> <p>3 (No audible response.)</p> <p>4 CHAIRPERSON MILLER: All those abstaining?</p> <p>5 (No audible response.)</p> <p>6 CHAIRPERSON MILLER: Then the vote is 6-0-0</p> <p>7 to approve with noted modifications.</p> <p>8 Okay. I think that completes our agenda. And</p> <p>9 we have two items on today's calendar for hearing. The</p> <p>10 first is Case No. 12-PRO-00016, HGH 1610, LLC, trading</p> <p>11 as Ghibellina, 1610 14th Street, N.W., License No.</p> <p>12 88785, in ANC 2F. This hearing is cancelled. The</p> <p>13 parties have submitted a voluntary agreement for Board</p> <p>14 approval, which will be considered by the Board on</p> <p>15 August 8th, 2012.</p> <p>16 The second item on our afternoon hearing</p> <p>17 agenda is Case No. 12-251-00086, DC Fish Carryout,</p> <p>18 located at 3475 14th Street, N.W., License No. 74236,</p> <p>19 in ANC 1A. The Board granted a motion for continuance</p> <p>20 and this matter is rescheduled for November 14th, 2012</p> <p>21 at 4:00 p.m.</p> <p>22 So that concludes our matters for August 1st,</p>	17

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<p style="text-align: right;">18</p> <p>1 2012. And I'm just going to read our Open Meeting  2 instructions. As Chairperson of the Alcoholic Beverage  3 Control Board for the District of Columbia and in  4 accordance with Section 405 of the Open Meetings  5 Amendment Act of 2010, I move that the ABC Board hold a  6 closed meeting on August 8th, 2012 for the purpose of  7 seeking legal advice from our counsel on the matters  8 identified on the Board's agenda for August 8th, 2012  9 as published in the DC Register on August 3, 2012.  10 Is there a second?  11 MR. NOPHLIN: Second.  12 CHAIRPERSON MILLER: Now that the motion's  13 been seconded, I'll call a roll call. Mr. Nophlin?  14 MR. NOPHLIN: I agree.  15 CHAIRPERSON MILLER: Mr. Brooks?  16 MR. BROOKS: I agree.  17 CHAIRPERSON MILLER: Mr. Alberti?  18 MR. ALBERTI: I agree.  19 CHAIRPERSON MILLER: Ms. Miller agrees. Mr.  20 Silverstein?  21 MR. SILVERSTEIN: Agree.  22 CHAIRPERSON MILLER: Mr. Jones?</p>	<p style="text-align: right;">20</p> <p>1 CHAIRPERSON MILLER: Now that the motion's  2 been seconded, I'll take a roll call vote. Mr.  3 Nophlin?  4 MR. NOPHLIN: I agree.  5 CHAIRPERSON MILLER: Mr. Brooks?  6 MR. BROOKS: I agree.  7 CHAIRPERSON MILLER: Mr. Alberti?  8 MR. ALBERTI: I agree.  9 CHAIRPERSON MILLER: Ms. Miller agrees. Mr.  10 Silverstein?  11 MR. SILVERSTEIN: I agree.  12 CHAIRPERSON MILLER: Mr. Jones?  13 MR. JONES: I agree.  14 CHAIRPERSON MILLER: And the vote is 6-0-0 to  15 approve the motion. I hereby give notice that the ABC  16 Board will hold this aforementioned closed meeting  17 pursuant to the Open Meetings Amendment Act of 2010.  18 Notice will also be posted on the ABC Board hearing  19 room bulletin board, placed on the electronic calendar  20 on ABRA's website and published in the DC Register in  21 as timely a manner as practical.  22 And that concludes our matters for August</p>
<p style="text-align: right;">19</p> <p>1 MR. JONES: I agree.  2 CHAIRPERSON MILLER: And the motion passes by  3 a vote of 6-0-0. I hereby give notice that the ABC  4 Board will hold this aforementioned closed meeting  5 pursuant to the Open Meetings Amendment Act of 2010.  6 Notice will also be posted on the ABC Board hearing  7 room bulletin board, placed on the electronic calendar  8 on ABRA's website and published in the DC Register in  9 as timely a manner as practical.  10 As Chairperson of the Alcoholic Beverage  11 Control Board for the District of Columbia and in  12 accordance with Section 405 of the Open Meetings  13 Amendment Act of 2010, I move that the ABC Board will  14 hold a closed meeting on August 8, 2012 for the purpose  15 of discussing and hearing reports concerning ongoing or  16 planned investigations of alleged criminal or civil  17 misconduct or violations of law or regulations and  18 seeking legal advice from our counsel on the Board's  19 investigative agenda for August 8, 2012, as published  20 in the DC Register on August 3, 2012.  21 Is there a second?  22 MR. NOPHLIN: Second.</p>	<p style="text-align: right;">21</p> <p>1 1st, 2012. We adjourn.  2 (WHEREUPON, at 11:29 a.m., the hearing was  3 concluded.)  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22</p>

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