

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

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

2 11:10 a.m.

3 CHAIRPERSON MILLER: Okay. We're back on the
4 record to do our agenda for Wednesday, August the 1st,
5 2012. The first item on the agenda is a manager's
6 application for Sara Loveland. I move that we approve
7 this application.

8 Do I have a second?

9 MR. NOPHLIN: SECOND.

10 CHAIRPERSON MILLER: Any comments?

11 (No audible response.)

12 CHAIRPERSON MILLER: All those in favor of
13 the motion to approve, say 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 motion passes 6-0-0.

20 The next item on the agenda, No. 2, is the
21 review of the sidewalk cafe application for 24 seats on
22 8th Street, N.W. This is -- the Licensee was placarded

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1 and approved for 32 sidewalk cafe seats on E Street,
2 N.W., but due to potential issues, the Licensee and
3 landlord agreed that the seats should be located on
4 both 8th Street, N.W., and E Street, N.W. Licensee has
5 been issued a sidewalk cafe for 15 seats on E Street,
6 N.W. This sidewalk cafe application will result in an
7 additional seven seats.

8 Proposed hours of operation and hours of
9 alcoholic beverage service and sales are Sunday through
10 Saturday, 11:00 a.m. through 12 a.m. There are no
11 pending investigative matters, no outstanding citations
12 or fines, no voluntary agreement. It's in ANC 2C. The
13 establishment is Penn Social at 801 E Street, N.W., the
14 CX License No., 86808. I move that we approve this
15 application.

16 Do I have a second?

17 MR. NOPHLIN: Second.

18 CHAIRPERSON MILLER: Any comments?

19 (No audible response.)

20 CHAIRPERSON MILLER: All those in favor of
21 the motion to approve the application, say 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 passes. The
6 motion passes by a vote of 6-0-0 to approve.

7 No. 3 is an amended entertainment endorsement
8 application to add dancing and coverage charge and
9 additional hours of entertainment. The current hours
10 of operation and alcoholic beverage service and sales
11 are Sunday through Thursday, 11:00 a.m. through 2:00
12 a.m.; Friday and Saturday, 11:00 a.m. through 3:00 a.m.
13 The current hours of entertainment are Sunday and
14 Thursday, 10:00 p.m. to 2:00 p.m.; Friday and Saturday,
15 11:00 p.m.
16 to 3:00 a.m.

17 And the proposed hours of entertainment are
18 Sunday through Thursday, 8:00 a.m. through 2:00 a.m.;
19 Friday and Saturday, 8:00 p.m. through 3:00 a.m. No
20 pending investigative matters, no outstanding citations
21 or fines, and no conflict within our voluntary
22 agreement. It's in ANC 1C. The establishment is Grand

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1 Central, 2447 18th Street, N.W., License No. 76693. I
2 move that we approve this application.

3 Is there a second?

4 MR. NOPHLIN: Second.

5 CHAIRPERSON MILLER: Comments?

6 (No audible response.)

7 CHAIRPERSON MILLER: All those in favor of
8 the motion to approve the application, say aye?

9 (Chorus of ayes.)

10 CHAIRPERSON MILLER: All those opposed?

11 (No audible response.)

12 CHAIRPERSON MILLER: All those abstaining?

13 (No audible response.)

14 CHAIRPERSON MILLER: Then the vote is 6-0-0
15 to approve.

16 CHAIRPERSON MILLER: No. 4 on the agenda is
17 change of hours application to change the hours of
18 operation and hours of alcoholic beverage service and
19 sales. The current hours of operation and hours of
20 alcoholic beverage service and sales are Sunday through
21 Friday, 11:00 a.m. to 2:00 a.m., and Saturday, 11:00
22 a.m. to 3:00 a.m.

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1 The proposed hours of operation and hours of
2 alcoholic beverage services and sales are Sunday
3 through Friday, 8:00 a.m. to 2:00 a.m., and Saturday,
4 8:00 a.m. to 3:00 a.m. No pending investigative
5 matters, no outstanding citations or fines, no
6 voluntary agreement. It's in ANC 2C. The establishment
7 is Hard Rock Cafe, 999 E Street, N.W., License No.
8 14130. I move that we approve this application.

9 Do I have a second?

10 MR. NOPHLIN: Second.

11 CHAIRPERSON MILLER: Any comments?

12 (No audible response.)

13 CHAIRPERSON MILLER: All those in favor, say
14 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 motion to approve
21 passes by a vote of 6-0-0.

22 No. 5 is a change of hours application to

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1 change the hours of operation and hours of alcoholic
2 beverage sales. The current hours of operation and
3 hours of alcoholic beverage sales are Monday through
4 Saturday, 9:00 a.m. to 9:00 p.m. The proposed hours of
5 operation and hours of alcoholic beverage sales are
6 Monday through Saturday, 9:00 a.m. to 12:00 a.m.

7 No pending investigative matters, no
8 outstanding citations or fines, no conflict with
9 voluntary agreement. It's in ANC 6A. The establishment
10 is Grand Liquors, at 409 15th Street, N.W., License No.
11 89508. I move that we approve this change of hours.

12 Is there a second?

13 MR. NOPHLIN: Second.

14 CHAIRPERSON MILLER: Any comments?

15 (No audible response.)

16 CHAIRPERSON MILLER: Okay. We have a motion
17 to approve then. All those in favor, say aye?

18 (Chorus of ayes.)

19 CHAIRPERSON MILLER: All those opposed?

20 (No audible response.)

21 CHAIRPERSON MILLER: All those abstaining?

22 (No audible response.)

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1 CHAIRPERSON MILLER: The motion passes by a
2 vote of 6-0-0.

3 No. 6 is a safekeeping application for one
4 year because the business will be closed to address
5 water damage and structural repairs. There's no
6 pending investigative matters, no outstanding citations
7 or fines. This is in ANC 2E. The establishment is
8 Latham Hotel, 3000 M Street, N.W., License No. 78884. I
9 move that we approve putting the application for
10 safekeeping for one year.

11 All those in favor, say aye?

12 (Chorus of ayes.)

13 CHAIRPERSON MILLER: All those opposed?

14 (No audible response.)

15 CHAIRPERSON MILLER: All those abstaining?

16 (No audible response.)

17 CHAIRPERSON MILLER: The vote is 6-0-0 to
18 approve.

19 No. 7 is a change of hours application to
20 change hours of operation and hours of alcoholic
21 beverage sales. The current hours are Sunday through
22 Saturday, 9:00 a.m.

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1 to 9:00 p.m. The proposed hours are Sunday
2 through Sunday, 9:00 a.m. to 12:00 a.m. No pending
3 investigative matters, no outstanding citations or
4 fines, no voluntary agreement. This establishment's in
5 ANC 7D.

6 It's Kenilworth Market, 1612 Kenilworth
7 Avenue, N.E., License No. 87818. I move to approve
8 this application.

9 Is there a second?

10 MR. NOPHLIN: Second.

11 CHAIRPERSON MILLER: Comments?

12 (No audible response.)

13 CHAIRPERSON MILLER: All those in favor, say
14 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 No. 8 is a safekeeping application because

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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

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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

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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?

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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?

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14

1 Opposed.

2 So the --

3 BOARD MEMBER: Abstain?

4 CHAIRPERSON MILLER: All those abstaining?

5 BOARD MEMBER: Abstain.

6 CHAIRPERSON MILLER: Okay. I believe the
7 vote then is -- it passes by a vote of 4-1-1. Okay.

8 No. 11 is a review of a petition for
9 reconsideration dated June 29, 2012 from Bertha Dudley
10 regarding the Board's decision to grant All Souls a
11 license. All Souls is located at 725 T Street, N.W.,
12 and the License No. is 88179. Ms. Dudley raises the
13 following issues: One is that the application was
14 represented to the protestants as a new license
15 application, while the published order represents this
16 matter as a renewal of a retailer's Class CT license.

17 My understanding is that the Order represents
18 the application as a new license except for one
19 instance, which will be corrected, in the Order on this
20 motion and on the website. Second, the protestant
21 questions again that the -- that the establishment is
22 located within 400 feet. This issue was addressed and

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1 in the Order correctly and has been confirmed by our
2 office with respect to the GSI calculations -- GIS
3 calculations -- GIS system.

4 Number three, they question the Board's
5 finding with respect to Metrorail and Bikeshare as a
6 basis for finding that that eliminates concerns about
7 traffic and residential parking. Paragraph 30 of the
8 Order, I believe, addresses fully the issue about
9 adequate parking -- finding adequate parking on
10 neighborhood streets as well as lots.

11 And finally, protestants raise a question
12 about the security of children playing in the
13 playground at the Cleveland School. And again, the
14 Order finds that by licensing this establishment does
15 not pose a danger to the children in the playground and
16 other security issues that Ms. Dudley made -- raised
17 with respect to them is really in the jurisdiction of
18 the school and not this Board.

19 So for those reasons, I would move that we
20 deny the motion for reconsideration. Is there a
21 second?

22 MR. NOPHLIN: Second.

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1 CHAIRPERSON MILLER: Any other comments?

2 (No audible response.)

3 CHAIRPERSON MILLER: Okay. All those in
4 favor of the motion to deny, say aye?

5 (Chorus of ayes.)

6 CHAIRPERSON MILLER: All those opposed?

7 (No audible response.)

8 CHAIRPERSON MILLER: All those abstaining?

9 (No audible response.)

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

11 No. 12 is a voluntary agreement dated July
12 17th, 2012 between Sunset Liquors and ANC 5C. Sunset
13 Liquors is located at 1627 1st Street, N.W., License
14 No. 60657. I would move that we approve this voluntary
15 agreement with modifications to Paragraph 8A and B and
16 3H.

17 Do I have a second?

18 MR. NOPHLIN: Second.

19 CHAIRPERSON MILLER: Any comments?

20 (No audible response.)

21 CHAIRPERSON MILLER: Okay. All those in
22 favor, 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: Then the vote is 6-0-0
7 to approve with noted modifications.

8 Okay. I think that completes our agenda. And
9 we have two items on today's calendar for hearing. The
10 first is Case No. 12-PRO-00016, HGH 1610, LLC, trading
11 as Ghibellina, 1610 14th Street, N.W., License No.
12 88785, in ANC 2F. This hearing is cancelled. The
13 parties have submitted a voluntary agreement for Board
14 approval, which will be considered by the Board on
15 August 8th, 2012.

16 The second item on our afternoon hearing
17 agenda is Case No. 12-251-00086, DC Fish Carryout,
18 located at 3475 14th Street, N.W., License No. 74236,
19 in ANC 1A. The Board granted a motion for continuance
20 and this matter is rescheduled for November 14th, 2012
21 at 4:00 p.m.

22 So that concludes our matters for August 1st,

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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?

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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.

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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

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1 1st, 2012. We adjourn.

2 (WHEREUPON, at 11:29 a.m., the hearing was
3 concluded.)

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<p style="text-align: center;"><u>1</u></p> <p>1 1:10</p> <p>10 11:8</p> <p>10:00 4:14</p> <p>11 14:8</p> <p>11:00 3:10 4:11,12,15 5:21</p> <p>11:10 2:2</p> <p>11:29 21:2</p> <p>12 3:10 16:11</p> <p>12:00 7:6 9:2</p> <p>12-251-00086 17:17</p> <p>12-PRO-00016 17:10</p> <p>1301 11:18</p> <p>1324 11:1</p> <p>1410 10:4</p> <p>14130 6:8</p> <p>14th 1:13 11:1 17:11,18,20</p> <p>15 3:5</p> <p>15th 7:10</p> <p>1610 17:10,11</p> <p>1612 9:6</p> <p>1627 16:13</p> <p>16th 11:9</p> <p>17th 16:12</p> <p>18th 5:1 10:20</p> <p>1A 17:19</p> <p>1C 4:22</p> <p>1st 2:4 16:13 17:22 21:1</p> <hr/> <p style="text-align: center;">2</p>	<p>2 2:20</p> <p>2:00 4:11,14,18 5:21 6:3</p> <p>2000 1:13</p> <p>2010 18:5 19:5,13 20:17</p> <p>2012 1:10 2:5 10:21 11:4,9 14:9 16:12 17:15,20 18:1,6,8,9 19:14,19,20 21:1</p> <p>24 2:21</p> <p>2-4-0 13:5</p> <p>2447 5:1</p> <p>29 14:9</p> <p>2B 10:3</p> <p>2C 3:12 6:6</p> <p>2E 8:7</p> <p>2F 17:12</p> <hr/> <p style="text-align: center;">3</p> <p>3 4:7 18:9 19:20</p> <p>3:00 4:12,16,19 5:22 6:4</p> <p>30 15:7</p> <p>3000 8:8</p> <p>32 3:1</p> <p>3475 17:18</p> <p>3H 16:16</p> <hr/> <p style="text-align: center;">4</p> <p>4 5:16</p> <p>4:00 17:21</p> <p>400 14:22</p> <p>405 18:4 19:12</p>	<p>409 7:10</p> <p>4-1-1 14:7</p> <hr/> <p style="text-align: center;">5</p> <p>5 6:22</p> <p>5C 16:12</p> <hr/> <p style="text-align: center;">6</p> <p>6 8:3</p> <p>6-0-0 2:19 4:6 5:14 6:21 8:2,17 9:20 10:19 16:10 17:6 19:3 20:14</p> <p>60657 16:14</p> <p>6A 7:9</p> <hr/> <p style="text-align: center;">7</p> <p>7 8:19</p> <p>725 14:11</p> <p>73188 10:5</p> <p>74236 17:18</p> <p>76693 5:1</p> <p>78884 8:8</p> <p>7D 9:5</p> <hr/> <p style="text-align: center;">8</p> <p>8 9:22 19:14,19</p> <p>8:00 4:18,19 6:3,4</p> <p>801 3:13</p> <p>86808 3:14</p> <p>87818 9:7</p> <p>88179 14:12</p> <p>88785 17:12</p> <p>89499 11:2</p> <p>89508 7:11</p> <p>8A 16:15</p>	<p>8th 2:22 3:4 11:4 17:15 18:6,8</p> <hr/> <p style="text-align: center;">9</p> <p>9:00 7:4,6 8:22 9:1,2</p> <p>999 6:7</p> <hr/> <p style="text-align: center;">A</p> <p>A.B.R.A 1:7</p> <p>a.m 2:2 3:10 4:11,12,16,18,19 5:21,22 6:3,4 7:4,6 8:22 9:2 21:2</p> <p>ABC 18:5 19:3,6,13 20:15,18</p> <p>ABRA's 19:8 20:20</p> <p>Abstain 14:3,5</p> <p>abstaining 2:17 4:3 5:12 6:18 7:21 8:15 9:18 10:17 14:4 16:8 17:4</p> <p>accordance 18:4 19:12</p> <p>Act 18:5 19:5,13 20:17</p> <p>add 4:8</p> <p>additional 3:7 4:9</p> <p>address 8:4</p> <p>addressed 14:22</p> <p>addresses 15:8</p> <p>adequate 15:9</p> <p>adjourn 21:1</p> <p>adjust 11:8</p>
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