

Capital Reporting Company
In the Matter of: A.B.R.A. Agenda 08-15-2012

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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August 15, 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 5:31 p.m.</p> <p>3 CHAIRPERSON MILLER: Okay. Good. All right.</p> <p>4 We are now doing the meeting agenda for August 15th,</p> <p>5 2012.</p> <p>6 First item on our agenda is a review of a</p> <p>7 change of hours application to change hours of</p> <p>8 operation and hours of alcoholic beverage</p> <p>9 sales/service. The current hours of operation and</p> <p>10 hours of alcoholic beverage sales/service are as</p> <p>11 follows: Closed on Monday; Tuesday through Sunday,</p> <p>12 11:30 a.m. through 10:30 p.m. Proposed hours of</p> <p>13 operation and hours of alcoholic beverage</p> <p>14 sales/services are: Sunday, 10:30 a.m. to 10:30 p.m.;</p> <p>15 Monday through Saturday, 11:30 a.m. to 11:30 p.m.</p> <p>16 No pending investigative matters, no</p> <p>17 outstanding citations/fines, no voluntary agreement in</p> <p>18 this case, which is located in ANC 6B. The</p> <p>19 establishment is Montmartre, at 327 7th Street, S.E.,</p> <p>20 License No. 60422. I move that we approve this</p> <p>21 application.</p> <p>22 Do I have a second?</p>	4	<p>1 agreement with it. But because it may be of concern to</p> <p>2 residences, I recommend that we placard in this case.</p> <p>3 It's -- well, I move that we placard in this case.</p> <p>4 Is there a second?</p> <p>5 MR. NOPHLIN: Second.</p> <p>6 CHAIRPERSON MILLER: Seconded by Mr. Nophlin.</p> <p>7 Any comments by others?</p> <p>8 (No audible response.)</p> <p>9 CHAIRPERSON MILLER: Questions?</p> <p>10 (No audible response.)</p> <p>11 CHAIRPERSON MILLER: Okay. All those in</p> <p>12 favor then of the motion to placard, say aye?</p> <p>13 (Chorus of ayes.)</p> <p>14 CHAIRPERSON MILLER: All those opposed?</p> <p>15 MR. JONES: Opposed.</p> <p>16 MR. BROOKS: No.</p> <p>17 CHAIRPERSON MILLER: Let's roll call. Mr.</p> <p>18 Nophlin?</p> <p>19 MR. NOPHLIN: I agree.</p> <p>20 CHAIRPERSON MILLER: Mr. Brooks?</p> <p>21 MR. BROOKS: I disagree.</p> <p>22 CHAIRPERSON MILLER: Okay. Mr. Alberti?</p>
3	<p>1 MR. NOPHLIN: Second.</p> <p>2 CHAIRPERSON MILLER: Mr. Nophlin has seconded</p> <p>3 it. Are there any comments?</p> <p>4 (No audible response.)</p> <p>5 CHAIRPERSON MILLER: All those in favor, say</p> <p>6 aye?</p> <p>7 (Chorus of ayes.)</p> <p>8 CHAIRPERSON MILLER: All those opposed?</p> <p>9 (No audible response.)</p> <p>10 CHAIRPERSON MILLER: All those abstaining?</p> <p>11 (No audible response.)</p> <p>12 CHAIRPERSON MILLER: The vote is 6-0-0 to</p> <p>13 approve.</p> <p>14 The second item on our agenda is a request</p> <p>15 for Mr. Stephen O'Brien to increase the occupancy from</p> <p>16 35 to 73 persons to allow for an expansion in the</p> <p>17 adjacent store front. There's no pending investigative</p> <p>18 matters, no outstanding citations/fine, no voluntary</p> <p>19 agreement. It's in ANC 2C, Bistro Bohem, 1840 6th</p> <p>20 Street, N.W. License No. 86825.</p> <p>21 Apparently in this case the establishment is</p> <p>22 near residences. The residence -- there's no voluntary</p>	5	<p>1 MR. ALBERTI: I agree.</p> <p>2 CHAIRPERSON MILLER: Miller agrees.</p> <p>3 Silverstein?</p> <p>4 MR. SILVERSTEIN: Agree.</p> <p>5 CHAIRPERSON MILLER: Silverstein agrees. And</p> <p>6 Jones?</p> <p>7 MR. JONES: Disagree.</p> <p>8 CHAIRPERSON MILLER: So the vote is 4-2-0 to</p> <p>9 placard with Jones -- Mr. Jones and Mr. Brooks voting</p> <p>10 against. Okay.</p> <p>11 No. 3 on the agenda is a review of an</p> <p>12 entertainment endorsement application for entertainment</p> <p>13 in the form of acoustic guitars, DJs, dancing, and</p> <p>14 cover charge. The current hours of operation and hours</p> <p>15 of alcoholic beverage sales/service are Sunday through</p> <p>16 Thursday, 11:00 a.m. to 12:30 a.m.; Friday and</p> <p>17 Saturday, 11:00 a.m. to 2:00 a.m.</p> <p>18 The proposed hours of entertainment are</p> <p>19 Sunday through Thursday, 11:00 a.m. to 12:30 a.m.;</p> <p>20 Friday and Saturday, 11:00 a.m. to 2:00 a.m. There is</p> <p>21 a pending investigative matter, no outstanding</p> <p>22 citations/fines, no voluntary agreement. This is in</p>

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6	<p>1 ANC 3C. The establishment is Alero, which is located 2 at 3500 Connecticut Avenue, N.W., License No. 13738. 3 This establishment also is located -- circles onto 4 Boardway, which is a residential street. 5 So for that reason I recommend with the 6 placard in this case as well. Therefore, I move to 7 placard. 8 Is there a second? 9 MR. NOPHLIN: Second. 10 CHAIRPERSON MILLER: Mr. Nophlin has 11 seconded. Any comments? 12 (No audible response.) 13 CHAIRPERSON MILLER: Okay. All those in 14 favor of placarding -- the motion to placard, say aye? 15 (Chorus of ayes.) 16 CHAIRPERSON MILLER: All those opposed? 17 MR. JONES: Opposed. 18 CHAIRPERSON MILLER: Then the vote is 5-1 to 19 -- 20 MR. ALBERTI: 4-2. 21 CHAIRPERSON MILLER: Oh, I'm sorry. Let's do 22 a roll call. I missed it then. Let's roll call this</p>	8
7	<p>1 then. Who's in -- Mr. Nophlin, the motion to placard, 2 do you approve? 3 MR. NOPHLIN: I agree. 4 CHAIRPERSON MILLER: Okay. Mr. Brooks? 5 MR. BROOKS: I agree. 6 CHAIRPERSON MILLER: Mr. Alberti? 7 MR. ALBERTI: I agree. 8 CHAIRPERSON MILLER: Ms. Miller agrees. Mr. 9 Silverstein? 10 MR. SILVERSTEIN: I disagree. 11 CHAIRPERSON MILLER: Mr. Silverstein 12 disagrees. Mr. Jones? 13 MR. JONES: Disagree. 14 CHAIRPERSON MILLER: Okay. The vote is 4-2-0 15 to approve the motion to placard with Mr. Silverstein 16 and Mr. Jones voting to disapprove. Okay. 17 Moving on to No. 4 on our agenda, which is a 18 letter dated August 2, 2012 from Andrew Kline providing 19 information with respect to Glen's Garden Market, which 20 is located at 2001 S Street, N.W., License No. 90082. 21 I move that we hold a fact finding hearing with respect 22 to this letter.</p>	9
6	<p>1 Is there a second? 2 MR. NOPHLIN: Second. 3 CHAIRPERSON MILLER: Any comments? 4 (No audible response.) 5 CHAIRPERSON MILLER: Okay. All those in 6 favor, say aye? 7 (Chorus of ayes.) 8 CHAIRPERSON MILLER: All those opposed? 9 (No audible response.) 10 CHAIRPERSON MILLER: All those abstaining? 11 (No audible response.) 12 CHAIRPERSON MILLER: The vote is 6-0-0 to 13 approve for motion to hold a fact finding hearing. 14 Next is a letter dated July 17th, 2012 from 15 Murray Kivitz requesting clarification on whether the 16 license is a Class C Nightclub that permits nude 17 dancing. The license is currently being kept in 18 safekeeping. The establishment is Champel's, License 19 No. 76295. I move that we postpone consideration of 20 this letter until September 12th. 21 Do I have a second? 22 MR. NOPHLIN: Second.</p>	8
7	<p>1 CHAIRPERSON MILLER: All those in favor, say 2 aye? 3 (Chorus of ayes.) 4 CHAIRPERSON MILLER: All those opposed? 5 (No audible response.) 6 CHAIRPERSON MILLER: Those abstaining? 7 (No audible response.) 8 CHAIRPERSON MILLER: The vote -- the motion 9 passes to postpone until September 12th. 10 No. 6 is a review of a voluntary agreement 11 dated November 7th, 2011 between Kearney's Grocery and 12 ANC 5C, located at 90 O Street, N.W., License No. 13 78591. Motion to approve with modifications to 2B, 2E, 14 6 and 7. 15 Any comments? 16 (No audible response.) 17 CHAIRPERSON MILLER: Is there a second? 18 MR. NOPHLIN: Second. 19 CHAIRPERSON MILLER: Mr. Nophlin seconded. 20 All those in favor of the motion that's been seconded, 21 say aye? 22 (Chorus of ayes.)</p>	9

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10	<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. 7 is a review of another voluntary 8 agreement dated July 27th, 2012 between 7 River Mart 9 and ANC 6A. 7 River Mart is located at 250 11th 10 Street, N.E., License No. 89591. Move to approve with 11 modifications to Section 5A. 12 Is there a second? 13 MR. NOPHLIN: Second. 14 CHAIRPERSON MILLER: Mr. Nophlin has seconded 15 the motion. 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 next -- the motion 22 passes by a vote of 6-0-0.</p>	12	<p>1 CHAIRPERSON MILLER: September I'm not 2 getting on my calendar when we -- 3 MR. ALBERTI: No. Wait, wait, wait. We're 4 not meeting the 5th, right? So the 12th? 5 CHAIRPERSON MILLER: Right. We're not 6 meeting the -- it's the 12th. 7 MR. ALBERTI: We're meeting the 12th. 8 CHAIRPERSON MILLER: Okay. 9 MR. ALBERTI: So it would be the 7th and the 10 12th. So it'll be 12th -- the first few days are 12 11 and then 7th for the rest of -- 12 CHAIRPERSON MILLER: As Chairperson of the 13 Alcoholic Beverage Control Board for the District of 14 Columbia and in accordance with Section 405 of the Open 15 Meetings Amendment Act of 2010, I move that the ABC 16 Board hold a closed meeting on September 12th, 2012 for 17 the purpose of seeking legal advice from our counsel on 18 the matters identified on the Board's agenda for 19 September 12th, 2012 as published in the DC Register on 20 September 7th -- 21 MR. ALBERTI: Yeah, September 7th. That's 22 correct.</p>
11	<p>1 No. 8 is a voluntary agreement dated March 2 7th, 2012 between Good Libation and ANC 2C. Good 3 Libation is located at 1201 5th Street, N.W., License 4 No. 73063. I move that we postpone consideration of 5 this voluntary agreement until September 12th, 2012. 6 Is there a second? 7 MR. NOPHLIN: Second. 8 CHAIRPERSON MILLER: Any comments? 9 (No audible response.) 10 CHAIRPERSON MILLER: All those in favor, say 11 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: Then the motion passes 18 for postponement at 6-0-0. And that concludes the 19 Board's agenda for September -- I mean, for August 20 15th, 2012. So what's left is the closing meeting 21 instructions. 22 MR. ALBERTI: September the 12th?</p>	13	<p>1 CHAIRPERSON MILLER: -- 7th, 2012. 2 Is there a second? 3 MR. SILVERSTEIN: Second. 4 CHAIRPERSON MILLER: Mr. Silverstein has 5 seconded the motion. I'll take a roll call on it now 6 that it's been seconded. Mr. Nophlin? 7 MR. NOPHLIN: I agree. 8 CHAIRPERSON MILLER: Mr. Brooks? 9 MR. BROOKS: I agree. 10 CHAIRPERSON MILLER: Mr. Alberti? 11 MR. ALBERTI: I agree. 12 CHAIRPERSON MILLER: Ms. Miller agrees. Mr. 13 Silverstein? 14 MR. SILVERSTEIN: Agree. 15 CHAIRPERSON MILLER: Mr. Jones? 16 MR. JONES: I agree. 17 CHAIRPERSON MILLER: The motion passes by a 18 vote of 6-0-0. I hereby give notice that the ABC Board 19 will hold this aforementioned closed meeting pursuant 20 to the Open Meetings Amendment Act of 2010. Notice 21 will also be posted on the ABC Board hearing room 22 bulletin board, placed on the electronic calendar on</p>

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<p style="text-align: right;">14</p> <p>1 ABRA's website and published in the DC Register in as 2 timely a manner as practical. 3 As Chairperson of the Alcoholic Beverage 4 Control Board for the District of Columbia and in 5 accordance with Section 405 of the Open Meetings 6 Amendment Act of 2010, I move that the ABC Board hold a 7 closed meeting on September 12th, 2012 for the purpose 8 of discussing and hearing reports concerning ongoing or 9 planned investigations of alleged criminal or civil 10 misconduct or violations of law or regulations and 11 seeking legal advice from our counsel on the Board's 12 investigative agenda for September 12th, 2012, as 13 published in the DC Register on September 7th, 2012. 14 Is there a second? 15 MR. NOPHLIN: Second. 16 CHAIRPERSON MILLER: I will take a roll call 17 on the motion before us now that it's been seconded by 18 Mr. Nophlin. Mr. Nophlin? 19 MR. NOPHLIN: I agree. 20 CHAIRPERSON MILLER: Mr. Brooks? 21 MR. BROOKS: I agree. 22 CHAIRPERSON MILLER: Mr. Alberti?</p>	<p style="text-align: right;">15</p> <p>1 MR. ALBERTI: I agree. 2 CHAIRPERSON MILLER: Ms. Miller agrees. Mr. 3 Silverstein? 4 MR. SILVERSTEIN: I agree. 5 CHAIRPERSON MILLER: Mr. Jones? 6 MR. JONES: I agree. 7 CHAIRPERSON MILLER: The motion passes by a 8 vote of 6-0-0. I hereby give notice that the ABC Board 9 will hold this aforementioned closed meeting pursuant 10 to the Open Meetings Amendment Act of 2010. Notice 11 will also be posted on the ABC Board hearing room 12 bulletin board, placed on the electronic calendar on 13 ABRA's website and published in the DC Register in as 14 timely a manner as practical. 15 And that concludes our calendar for 16 Wednesday, August 15th, 2012. And the Board's 17 adjourned. Thank you. 18 (WHEREUPON, at 5:44 p.m., the hearing was 19 concluded.) 20 21 22</p>
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<p><u>1</u> 10:30 2:12,14 11:00 5:16,17,19,20 11:30 2:12,15 11th 10:9 12 12:10 12:30 5:16,19 1201 11:3 12th 8:20 9:9 11:5,22 12:4,6,7,10,16,1 9 14:7,12 13738 6:2 14th 1:13 15 1:10 15th 2:4 11:20 15:16 17th 8:14 1840 3:19 <hr/> <u>2</u> 2 7:18 2:00 5:17,20 2000 1:13 2001 7:20 2010 12:15 13:20 14:6 15:10 2011 9:11 2012 1:10 2:5 7:18 8:14 10:8 11:2,5,20 12:16,19 13:1 14:7,12,13 15:16 250 10:9 27th 10:8</p>	<p>2B 9:13 2C 3:19 11:2 2E 9:13 <hr/> <u>3</u> 3 5:11 327 2:19 35 3:16 3500 6:2 3C 6:1 <hr/> <u>4</u> 4 7:17 405 12:14 14:5 4-2 6:20 4-2-0 5:8 7:14 <hr/> <u>5</u> 5:31 2:2 5:44 15:18 5-1 6:18 5A 10:11 5C 9:12 5th 11:3 12:4 <hr/> <u>6</u> 6 9:10,14 6-0-0 3:12 8:12 10:5,22 11:18 13:18 15:8 60422 2:20 6A 10:9 6B 2:18 6th 3:19 <hr/> <u>7</u></p>	<p>7 9:14 10:7,8,9 73 3:16 73063 11:4 76295 8:19 78591 9:13 7th 2:19 9:11 11:2 12:9,11,20,21 13:1 14:13 <hr/> <u>8</u> 8 11:1 86825 3:20 89591 10:10 <hr/> <u>9</u> 90 9:12 90082 7:20 <hr/> <u>A</u> A.B.R.A 1:7 a.m 2:12,14,15 5:16,17,19,20 ABC 12:15 13:18,21 14:6 15:8,11 ABRA's 14:1 15:13 abstaining 3:10 8:10 9:6 10:3,19 11:15 accordance 12:14 14:5 acoustic 5:13 Act 12:15 13:20 14:6 15:10 adjacent 3:17 adjourned 15:17</p>	<p>advice 12:17 14:11 aforementioned 13:19 15:9 against 5:10 agenda 1:7 2:4,6 3:14 5:11 7:17 11:19 12:18 14:12 agreement 2:17 3:19 4:1 5:22 9:10 10:8 11:1,5 Alberti 1:17 4:22 5:1 6:20 7:6,7 11:22 12:3,7,9,21 13:10,11 14:22 15:1 alcoholic 1:2,11,13 2:8,10,13 5:15 12:13 14:3 Alero 6:1 alleged 14:9 allow 3:16 Amendment 12:15 13:20 14:6 15:10 ANC 2:18 3:19 6:1 9:12 10:9 11:2 Andrew 7:18 Apparently 3:21 application 2:7,21 5:12 approve 2:20 3:13 7:2,15 8:13 9:13 10:6,10 audible 3:4,9,11 4:8,10 6:12 8:4,9,11 9:5,7,16 10:2,4,18,20 11:9,14,16</p>
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<p>August 1:10 2:4 7:18 11:19 15:16</p> <p>Avenue 6:2</p> <p>aye 3:6 4:12 6:14 8:6 9:2,21 10:15 11:11</p> <p>eyes 3:7 4:13 6:15 8:7 9:3,22 10:16 11:12</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>beverage 1:2,11,13 2:8,10,13 5:15 12:13 14:3</p> <p>Bistro 3:19</p> <p>board 1:2,13 12:13,16 13:18,21,22 14:4,6 15:8,11,12</p> <p>Board's 11:19 12:18 14:11 15:16</p> <p>Boardway 6:4</p> <p>Bohem 3:19</p> <p>Brooks 1:17 4:16,20,21 5:9 7:4,5 13:8,9 14:20,21</p> <p>Building 1:13</p> <p>bulletin 13:22 15:12</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>calendar 12:2 13:22 15:12,15</p> <p>CALVIN 1:18</p> <p>case 2:18 3:21 4:2,3 6:6</p>	<p>Chairperson 1:14,16 2:3 3:2,5,8,10,12 4:6,9,11,14,17,2 0,22 5:2,5,8 6:10,13,16,18,21 7:4,6,8,11,14 8:3,5,8,10,12 9:1,4,6,8,17,19 10:1,3,5,14,17,1 9,21 11:8,10,13,15,17 12:1,5,8,12 13:1,4,8,10,12,1 5,17 14:3,16,20,22 15:2,5,7</p> <p>Champel's 8:18</p> <p>change 2:7</p> <p>charge 5:14</p> <p>Chorus 3:7 4:13 6:15 8:7 9:3,22 10:16 11:12</p> <p>circles 6:3</p> <p>citations/fine 3:18</p> <p>citations/fines 2:17 5:22</p> <p>civil 14:9</p> <p>clarification 8:15</p> <p>Class 8:16</p> <p>closed 2:11 12:16 13:19 14:7 15:9</p> <p>closing 11:20</p> <p>Columbia 1:1 12:14 14:4</p> <p>comments 3:3 4:7 6:11 8:3 9:15 11:8</p> <p>concern 4:1</p>	<p>concerning 14:8</p> <p>concluded 15:19</p> <p>concludes 11:18 15:15</p> <p>Connecticut 6:2</p> <p>consideration 8:19 11:4</p> <p>Control 1:2,11,13 12:13 14:4</p> <p>correct 12:22</p> <p>counsel 12:17 14:11</p> <p>cover 5:14</p> <p>criminal 14:9</p> <p>current 2:9 5:14</p> <p>currently 8:17</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D.C 1:14</p> <p>dancing 5:13 8:17</p> <p>dated 7:18 8:14 9:11 10:8 11:1</p> <p>days 12:10</p> <p>DC 12:19 14:1,13 15:13</p> <p>disagree 4:21 5:7 7:10,13</p> <p>disagrees 7:12</p> <p>disapprove 7:16</p> <p>discussing 14:8</p> <p>District 1:1 12:13 14:4</p> <p>DJs 5:13</p> <p>DONALD 1:17</p> <hr/> <p style="text-align: center;">E</p> <hr/>	<p>electronic 13:22 15:12</p> <p>endorsement 5:12</p> <p>entertainment 5:12,18</p> <p>establishment 2:19 3:21 6:1,3 8:18</p> <p>expansion 3:16</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>fact 7:21 8:13</p> <p>favor 3:5 4:12 6:14 8:6 9:1,20 10:15 11:10</p> <p>finding 7:21 8:13</p> <p>first 2:6 12:10</p> <p>form 5:13</p> <p>Friday 5:16,20</p> <p>front 3:17</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>Garden 7:19</p> <p>getting 12:2</p> <p>Glen's 7:19</p> <p>Grocery 9:11</p> <p>guitars 5:13</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hearing 1:13 7:21 8:13 13:21 14:8 15:11,18</p> <p>hereby 13:18 15:8</p> <p>HERMAN 1:18</p> <p>hold 7:21 8:13 12:16 13:19 14:6 15:9</p>
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