

Capital Reporting Company  
In the Matter of: A.B.R.A. Agenda 11-14-2012

DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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: IN THE MATTER OF: :  
: :  
: A.B.R.A. AGENDA :  
: :  
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November 14, 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

Capital Reporting Company  
In the Matter of: A.B.R.A. Agenda 11-14-2012

2	<p>1 PROCEEDINGS</p> <p>2 CHAIRPERSON MILLER: Okay. We're back on the</p> <p>3 record for today's agenda of November 14th, 2012.</p> <p>4 First item on the agenda is a manager's</p> <p>5 application for Emily Wessel.</p> <p>6 I move that we approve. Do I have a second?</p> <p>7 MR. ALBERTI: Second.</p> <p>8 CHAIRPERSON MILLER: Mr. Alberti seconds.</p> <p>9 All those in favor say aye.</p> <p>10 MR. BROOKS: Aye.</p> <p>11 CHAIRPERSON MILLER: Aye.</p> <p>12 MR. ALBERTI: Aye.</p> <p>13 MR. JONES: Aye.</p> <p>14 CHAIRPERSON MILLER: Motion passes by a vote</p> <p>15 -- all those opposed? All those abstaining?</p> <p>16 Motion passes by a vote of 4 to 0 to 0.</p> <p>17 Second, another manager's application for</p> <p>18 Carmin Ruggiero.</p> <p>19 I move that we approve. Do I have a second?</p> <p>20 MR. ALBERTI: Second.</p> <p>21 CHAIRPERSON MILLER: Mr. Alberti, seconds.</p> <p>22 All those in favor say aye.</p>	4
3	<p>1 (A chorus of ayes.)</p> <p>2 CHAIRPERSON MILLER: All those opposed? All</p> <p>3 those abstaining?</p> <p>4 (No audible response.)</p> <p>5 CHAIRPERSON MILLER: Motion passes 4-0-0.</p> <p>6 Number three is a request from Michael</p> <p>7 Fonseca, on behalf of PQ New York, Inc. seeking</p> <p>8 approval to allow payments from PQ New York, Inc. for</p> <p>9 the alcoholic beverage purchases of various PQ</p> <p>10 subsidiary D.C. licenses from District of Columbia</p> <p>11 Wholesalers.</p> <p>12 I move that we approve this request. Do I</p> <p>13 have a second?</p> <p>14 MR. ALBERTI: Second.</p> <p>15 CHAIRPERSON MILLER: Mr. Albert seconds the</p> <p>16 motion. All those in favor say aye.</p> <p>17 (Chorus of ayes.)</p> <p>18 CHAIRPERSON MILLER: All those opposed? All</p> <p>19 those abstaining?</p> <p>20 (No audible response.)</p> <p>21 CHAIRPERSON MILLER: Vote is 4-0-0 to approve</p> <p>22 the motion.</p>	5
2	<p>1 Number four is an application for 12 seats in</p> <p>2 Summer Garden. Proposed sidewalk cafe hours of</p> <p>3 operation and hours of alcoholic beverage</p> <p>4 sales/services are Sunday through Thursday 11:00 a.m.</p> <p>5 to 2:00 a.m., Friday and Saturday 11:00 a.m. to 3:00</p> <p>6 a.m. No pending investigative matters. Pending fine.</p> <p>7 No voluntary agreement. It's in ANC-2E. The</p> <p>8 establishment's Taj of India, 2807 M Street, NW,</p> <p>9 License Number 60065.</p> <p>10 I move that we placard this application.</p> <p>11 MR. ALBERTI: I second.</p> <p>12 CHAIRPERSON MILLER: Mr. Alberti seconds.</p> <p>13 All those in favor say aye.</p> <p>14 (Chorus of ayes.)</p> <p>15 CHAIRPERSON MILLER: All those opposed? All</p> <p>16 those abstaining?</p> <p>17 (No audible response.)</p> <p>18 CHAIRPERSON MILLER: The vote is 4-0-0 to</p> <p>19 approve the motion to placard.</p> <p>20 Number five, is a review of a letter from</p> <p>21 licensee informing ABC Board of intended changes to</p> <p>22 business operations. There are some pending</p>	4
3	<p>1 investigative matters and pending fines and citations.</p> <p>2 This is for Mood, located in ANC-2F at 1318 9th Street,</p> <p>3 License Number 86037.</p> <p>4 I suggest that we treat this letter as an FYI</p> <p>5 of what the licensee intends to do and indicate on the</p> <p>6 record here that if she then decides to actually make</p> <p>7 some of the changes she talks about, that she check</p> <p>8 with ABRA as she will -- as she may likely have to file</p> <p>9 some applications.</p> <p>10 So, that's what I move that we do. Do I have</p> <p>11 a second?</p> <p>12 MR. ALBERTI: Second.</p> <p>13 CHAIRPERSON MILLER: Any other comments on</p> <p>14 this?</p> <p>15 All those in favor -- Mr. Albert seconded the</p> <p>16 motion. All those in favor say aye.</p> <p>17 (Chorus of ayes.)</p> <p>18 CHAIRPERSON MILLER: All those opposed? All</p> <p>19 those abstaining?</p> <p>20 (No audible response.)</p> <p>21 CHAIRPERSON MILLER: And the motion passes to</p> <p>22 treat this as an FYI.</p>	5

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6	<p>1 Number six, change of hours application, to 2 change hours of operation and hours of alcoholic 3 beverage sales/service and hours of entertainment. 4 Current hours of operations, Sunday through Thursday 5 11:00 a.m. to 3:00, Friday and Saturday 11:00 a.m. to 6 3:00 a.m. Current hours of alcoholic beverage 7 sales/service, Monday through Sunday 11:00 a.m. To 2:00 8 a.m. Current hours of entertainment, Monday through 9 Sunday 6:00 p.m. to 2:00 a.m. 10 Proposed hours of operation and hours of 11 alcoholic beverage sales/service Monday through Sunday 12 11:00 a.m. to 3:00 a.m. Proposed hours of 13 entertainment, Monday through Sunday 6:00 p.m. to 3:00 14 a.m. 15 There's a pending investigative matter. No 16 outstanding fines or citations, no voluntary agreement. 17 It's in ANC-5A. The establishment is Lace, 2214 Rhode 18 Island Avenue, NE, License Number 76369. 19 I move that we approve this application. Do 20 I have a second? 21 MR. BROOKS: Second. 22 CHAIRPERSON MILLER: Mr. Brooks seconded the</p>	8
7	<p>1 motion. All those in favor say aye. 2 (Chorus of ayes.) 3 CHAIRPERSON MILLER: All those opposed? All 4 those abstaining? 5 (No audible response.) 6 CHAIRPERSON MILLER: The motion passes by a 7 vote of 4-0-0. 8 Number seven is a request to extend 9 safekeeping until September, 2013, to find a new 10 location. The request is from To Be Determined 11 (Formerly Rendezvous), it's Retailer CN (nude dancing) 12 License Number 90529. 13 I move that we schedule this for a fact 14 finding. Do I have a second? 15 MR. ALBERTI: Second. 16 CHAIRPERSON MILLER: Mr. Alberti seconded the 17 motion. Any other comments? All those in favor say 18 aye. 19 (Chorus of ayes.) 20 CHAIRPERSON MILLER: All those opposed? All 21 those abstaining? 22 (No audible response.)</p>	9
6	<p>1 CHAIRPERSON MILLER: The vote is 4-0-0 to 2 approve. 3 Number eight is a change of hours application 4 to change Sunday hours of operation and hours of 5 alcoholic beverage sales/service. Current Sunday hours 6 of operation and hours of alcoholic beverage 7 sales/service are 5:30 p.m. to 2:00 a.m. Proposed 8 Sunday hours of operation and hours of alcoholic 9 beverage sales/service are 11:00 a.m. to 2:00 a.m. 10 No pending investigative matters, no 11 outstanding fines, citations, no voluntary agreement. 12 It's in ANC- 2F. The establishment is Ceiba located at 13 1341 G Street, NW, License Number 60702. 14 I move that we approve this request -- 15 application. Do I have a second? 16 MR. ALBERTI: Second. 17 CHAIRPERSON MILLER: Mr. Alberti seconds. 18 All those in favor say aye. 19 (Chorus of ayes.) 20 CHAIRPERSON MILLER: All those opposed? All 21 those abstaining? 22 (No audible response.)</p>	8
7	<p>1 CHAIRPERSON MILLER: The vote to approve is 2 4-0-0. 3 Number nine is a request of hours application 4 to change hours of operation and hours of alcoholic 5 beverage sales. Current hours of operation and hours 6 of alcoholic beverage sales are Monday through 7 Saturday, 9:00 a.m. to 12:00 a.m. Proposed hours of 8 operation hours of alcoholic beverage sales are Monday 9 through Thursday 9:00 a.m. to 10:00 p.m., Friday and 10 Saturday 9:00 a.m. to 11:00 p.m. 11 No pending investigative matters, no 12 outstanding fines or citations, no voluntary agreement. 13 It's in ANC- 8C. The establishment is Mart Liquors 14 located at 2931 Martin Luther King, Jr. Avenue, SE, 15 License Number 90154. 16 I move that we approve this application. Do 17 I have a second? 18 MR. ALBERTI: Second. 19 CHAIRPERSON MILLER: Mr. Alberti second the 20 motion. All those in favor say aye. 21 (Chorus of ayes.) 22 CHAIRPERSON MILLER: All those opposed? All</p>	9

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10	<p>1 those abstaining? 2 (No audible response.) 3 CHAIRPERSON MILLER: The motion passes by a 4 vote of 4-0-0. 5 Number ten is a review of a letter 6 withdrawing application, dated October 15th, 2012 and 7 responses from Don Padou, dated October 22, 2012 and 8 Christopher Nwaeze dated October 24th, 2012. The 9 establishment is Hush Restaurant and Lounge, 2121 New 10 York Avenue, License Number 89332. 11 I would suggest that no action is required on 12 our part. The applicant has withdrawn the application 13 and therefore Mr. Padou's motion, I believe the correct 14 term would be it's moot, as there's -- and we have no 15 jurisdiction over that motion as it was filed, after 16 the withdrawal. 17 However, I would also note that the issues 18 raised in his motion really would not be ripe unless 19 and until the applicant were to file another 20 application and at that time we could consider not 21 necessarily this specific motion, but certainly the 22 statutory authority that was raised in the motion.</p>	12	<p>1 CHAIRPERSON MILLER: I -- okay. I guess I 2 would disagree in that we are saying that on the record 3 right now, that we actually are responding. And 4 because -- I mean we could put it in writing but it 5 wouldn't be an order in the case because the case is 6 over. It would be a letter of some sort, I guess, to 7 Mr. Padou. 8 MR. ALBERTI: Right. But it would be a 9 response from the board to his motion, just explaining 10 that the actions that he wants to take we can't take 11 because they're not -- I mean, the -- there is nothing 12 to act on because the applicant has not reapplied and I 13 think that that's the response that we give to his 14 motion. I just think we do owe Mr. Padou a response, 15 in writing, from the board. That's the only thing. I 16 think that's where we disagree. 17 CHAIRPERSON MILLER: Okay. Yeah. Okay, so I 18 could do my motion and then if it doesn't prevail you 19 could do yourself. I mean, basically it's pretty 20 simple. One is saying that no action is required 21 because -- that would be my motion, that no action is 22 required because we no longer have jurisdiction over</p>
11	<p>1 Any other comments? 2 MR. ALBERTI: No. I would just like to 3 second your last comment that the issues that Mr. Padou 4 brought up in his motion, as you said, are not ripe for 5 consideration for the board, because the applicant 6 hasn't reapplied and it's only when the applicant 7 reapplies that the board will have to make a decision 8 on whether he's eligible. 9 CHAIRPERSON MILLER: Okay. Any other 10 comments? I don't think -- I don't think I need a 11 motion on no action. 12 MR. ALBERTI: Well, I think -- 13 CHAIRPERSON MILLER: Unless you -- we can do 14 -- I can do a motion -- 15 MR. ALBERTI: I think we should -- 16 CHAIRPERSON MILLER: -- that no action is 17 required. 18 MR. ALBERTI: -- respond. I think -- my 19 suggest is that we respond to Mr. Padou with the 20 response that his -- that his issues are not ripe for 21 consideration by the board. I think we ought to tell 22 him that, as a response to the motion.</p>	13	<p>1 the case, the case is over. And we are responding to 2 Mr. Padou right now on this agenda. 3 So -- and then if that doesn't prevail Mr. 4 Alberti's motion, if I can correctly characterize it, 5 would be to authorize the staff or somebody to write a 6 letter to Mr. Padou? 7 MR. ALBERTI: No, I think we -- 8 CHAIRPERSON MILLER: Or should I leave it to -- 9 MR. ALBERTI: -- have -- I'll do it. 10 CHAIRPERSON MILLER: Okay, you could do it. 11 Okay. 12 So my motion is no further action is required 13 than what we have -- we're doing right now. 14 Do I have a second? 15 CHAIRPERSON MILLER: Okay. Then my motion 16 will die for lack of a second. And Mr. Alberti? 17 MR. ALBERTI: I'm move that we respond to the 18 motion by Mr. Padou and that our response be that any 19 consideration of whether or not the applicant can 20 reapply is not ripe for the board to rule on at this 21 time, because there is no application before us. 22 That's my motion.</p>

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14	<p>1 MR. JONES: I second.</p> <p>2 CHAIRPERSON MILLER: Any other comments?</p> <p>3 Okay. All those in favor of the motion presented by Mr.</p> <p>4 Alberti say aye.</p> <p>5 MR. JONES: Aye.</p> <p>6 MR. ALBERTI: Aye.</p> <p>7 MR. BROOKS: Aye.</p> <p>8 CHAIRPERSON MILLER: All those opposed?</p> <p>9 Oppose.</p> <p>10 All those abstaining? And then the vote is 3</p> <p>11 to 1 to 0 to approve Mr. Alberti's motion to respond</p> <p>12 to Mr. Padou as stated by Mr. Alberti.</p> <p>13 All right, number 11 is a letter dated</p> <p>14 October 30th, 2012, from Christopher Wells requesting</p> <p>15 that the board schedule an additional show cause</p> <p>16 hearing to allow him to present evidence.</p> <p>17 The establishment is Club Timehri, located at</p> <p>18 2439 18th Street, NW, License Number 77730.</p> <p>19 I move that we treat this as a motion for</p> <p>20 reconsideration and/or -- and rehearing and that we</p> <p>21 postpone ruling on it until the Office of the Attorney</p> <p>22 General has an opportunity to respond, within time</p>	16
15	<p>1 allowed by the regulations. Do I have a second?</p> <p>2 MR. ALBERTI: Second.</p> <p>3 CHAIRPERSON MILLER: Any comments? Okay,</p> <p>4 all those in favor then say aye.</p> <p>5 (Chorus of ayes.)</p> <p>6 CHAIRPERSON MILLER: All those opposed? All</p> <p>7 those abstaining?</p> <p>8 (No audible response.)</p> <p>9 CHAIRPERSON MILLER: The motion passes by a</p> <p>10 vote of 4-0-0.</p> <p>11 The next item on our agenda, Number 12, is a</p> <p>12 review of a letter date November 1, 2012 from Sanjeev</p> <p>13 Tuli requesting 90 additional days to make the \$16,000</p> <p>14 payment required via Board Order Number 2012-309.</p> <p>15 The establishment is Heritage India Brassiere</p> <p>16 &amp; Lounge, located at 1337 Connecticut Avenue, NW,</p> <p>17 License Number 75074.</p> <p>18 He makes the argument that he does not have</p> <p>19 the money at this time to pay, basically, on the date</p> <p>20 that the order required.</p> <p>21 I would move that we approve the request. Do</p> <p>22 I have a second? I move that we approve this</p>	17
14	<p>1 application. Do I have a second?</p> <p>2 MR. JONES: Second.</p> <p>3 CHAIRPERSON MILLER: Comments? All those in</p> <p>4 favor say aye.</p> <p>5 (Chorus of ayes.)</p> <p>6 CHAIRPERSON MILLER: All those opposed?</p> <p>7 MR. ALBERTI: This was -- excuse me, which</p> <p>8 one was this? Number 12?</p> <p>9 CHAIRPERSON MILLER: This is Number 12,</p> <p>10 Heritage India Brassiere &amp; Lounge.</p> <p>11 MR. ALBERTI: And he's -- oh, this is the one</p> <p>12 who was asking for an extension for the \$16,000?</p> <p>13 CHAIRPERSON MILLER: Correct.</p> <p>14 MR. ALBERTI: I deny.</p> <p>15 MR. JONES: I'll (inaudible).</p> <p>16 CHAIRPERSON MILLER: You oppose.</p> <p>17 MR. ALBERTI: Can we get a voice vote on this</p> <p>18 one?</p> <p>19 CHAIRPERSON MILLER: Would you like me to</p> <p>20 call a motion again -- the vote?</p> <p>21 MR. ALBERTI: A roll call. Yes.</p> <p>22 CHAIRPERSON MILLER: Okay. All those -- my</p>	16
15	<p>1 motion was to approve. All those in -- it was seconded</p> <p>2 by Mr. Brooks. All those in favor say aye. Aye.</p> <p>3 MR. ALBERTI: No, I want -- can we do a roll</p> <p>4 call? I was asking for a roll call.</p> <p>5 CHAIRPERSON MILLER: Okay. Roll call.</p> <p>6 Mr. Brooks?</p> <p>7 MR. JONES: I deny.</p> <p>8 CHAIRPERSON MILLER: Mr. Brooks denies.</p> <p>9 Okay. Mr. Alberti?</p> <p>10 MR. ALBERTI: I deny.</p> <p>11 CHAIRPERSON MILLER: Okay. Ms. Miller</p> <p>12 approves.</p> <p>13 And Mr. Jones.</p> <p>14 MR. JONES: Deny.</p> <p>15 CHAIRPERSON MILLER: Denies? Okay, then the</p> <p>16 request for the extension of time is denied.</p> <p>17 Okay. Number 13 is a letter dated October</p> <p>18 26th, 2012 from Nevaldo Bailey requesting an extension</p> <p>19 for his \$5,000 fine. The establishment is Island Cafe</p> <p>20 located at 829 Upshur Street, NW, License Number 60578.</p> <p>21 I move that we approve this request. Do I</p> <p>22 have a second? Motion dies for lack of a second.</p>	17

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18	<p>1 Is there another motion?</p> <p>2 MR. ALBERTI: I move that we deny the motion</p> <p>3 to -- for an extension of time to pay the fine.</p> <p>4 CHAIRPERSON MILLER: Is there a second to the</p> <p>5 denial motion?</p> <p>6 MR. JONES: I --</p> <p>7 CHAIRPERSON MILLER: Okay. Motion to deny</p> <p>8 has been seconded. All those in favor say aye.</p> <p>9 (Chorus of ayes.)</p> <p>10 CHAIRPERSON MILLER: All those opposed?</p> <p>11 Opposed. All those abstaining?</p> <p>12 (No audible response.)</p> <p>13 CHAIRPERSON MILLER: And the motion passed by</p> <p>14 a vote of 3 to 0 to 0.</p> <p>15 Okay. Number 14 is a motion in limine dated</p> <p>16 October 17th, 2012 from Paul Pascal requesting the</p> <p>17 board to exclude testimony in evidence not related to</p> <p>18 the appropriateness of the establishment.</p> <p>19 The establishment is CVS Pharmacy, Number</p> <p>20 1354, located at 2601 Connecticut Avenue, NW, License</p> <p>21 Number 88912.</p> <p>22 I move we postpone consideration of this</p>	20
19	<p>1 motion to be heard with another pending motion in that</p> <p>2 case at a hearing, date to be determined. Do I have a</p> <p>3 second?</p> <p>4 MR. ALBERTI: Second.</p> <p>5 CHAIRPERSON MILLER: Mr. Alberti second the</p> <p>6 motion. Any comments?</p> <p>7 All those in favor say aye.</p> <p>8 (Chorus of ayes.)</p> <p>9 CHAIRPERSON MILLER: All those opposed? All</p> <p>10 those abstaining?</p> <p>11 (No audible response.)</p> <p>12 CHAIRPERSON MILLER: The motion passes by a</p> <p>13 vote of 4-0-0.</p> <p>14 Number 15 is a review of correspondence dated</p> <p>15 October 31, 2012 from Makan Shirafkan requesting</p> <p>16 interpretation of The Park Place at 14th's voluntary</p> <p>17 agreement.</p> <p>18 The establishment is The Park Place at 14th,</p> <p>19 located at 920 14th Street, NW, License Number 75548.</p> <p>20 Mr. Shirafkan has suggested that the</p> <p>21 voluntary agreement does allow for the extended hours</p> <p>22 and I'm going to -- I would agree with him and just</p>	21
18	<p>1 read the one sentence that is most relevant. Which</p> <p>2 says, the applicant will notify the protestants by fax</p> <p>3 or email at least 24 hours in advance of any special</p> <p>4 event which would cause a high volume of pedestrians</p> <p>5 and traffic outside the nightclub or which would</p> <p>6 require extended hours.</p> <p>7 So, I would move that we confirm his</p> <p>8 interpretation of the voluntary agreement as allowing</p> <p>9 the extended hours and I would also note that it's been</p> <p>10 communicated by him that the -- he and the ANC will be</p> <p>11 amending the voluntary agreement to make this clear and</p> <p>12 that the ANC is on board with this. Do I have a</p> <p>13 second?</p> <p>14 MR. JONES: Second.</p> <p>15 CHAIRPERSON MILLER: Any comments? Mr.</p> <p>16 Brooks has seconded the motion. All those in favor say</p> <p>17 aye.</p> <p>18 (Chorus of ayes.)</p> <p>19 CHAIRPERSON MILLER: All those opposed? All</p> <p>20 those abstaining?</p> <p>21 (No audible response.)</p> <p>22 CHAIRPERSON MILLER: The motion passes by a</p>	20
19	<p>1 vote of 4-0-0.</p> <p>2 CHAIRPERSON MILLER: Number 16 is our</p> <p>3 adopting or approving and adopting Glover Park</p> <p>4 Moratorium Zone Emergency Rulemaking. This rulemaking</p> <p>5 is about to expire before the council and this -- our</p> <p>6 approval would extend the emergency rulemaking for</p> <p>7 another 120 days. Do I have a second?</p> <p>8 MR. JONES: Second.</p> <p>9 CHAIRPERSON MILLER: I think I said I'd move</p> <p>10 that we approve this. Second by Mr. Brooks. Okay. All</p> <p>11 those in favor say aye.</p> <p>12 (Chorus of ayes.)</p> <p>13 CHAIRPERSON MILLER: All those opposed? All</p> <p>14 those abstaining?</p> <p>15 (No audible response.)</p> <p>16 CHAIRPERSON MILLER: The motion passes by a</p> <p>17 vote of 4-0-0.</p> <p>18 Okay, we then have a supplemental agenda.</p> <p>19 First item on the supplemental agenda is a letter dated</p> <p>20 November 13th, 2012 from Rod Woodson requesting a</p> <p>21 temporary license to permit Costco to stock alcoholic</p> <p>22 beverages in its inventory until it gets a permanent</p>	21

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22	<p>1 certificate of occupancy and license. 2 The establishment is Costco Wholesale Number 3 1120, located at 2441 Market Street, NE, License Number 4 89498. 5 I move that we grant this request. Do I have 6 a second? 7 MR. JONES: Second. 8 CHAIRPERSON MILLER: Mr. Brooks as seconded 9 the motion. All those in favor say aye. 10 (Chorus of ayes.) 11 CHAIRPERSON MILLER: All those opposed? All 12 those abstaining? 13 (No audible response.) 14 CHAIRPERSON MILLER: The motion passes by a 15 vote of 4-0-0. 16 Next is a letter dated October 31, 2012 from 17 Rod Woodson requesting permission to use its federal 18 trademark, Costco Wholesale, on external signage and 19 in- store advertisements. 20 Establishment's Costco Wholesale, Number 21 1120, 2441 Market Street, NE, License Number 89498. 22 I move that we approve this request. Do I</p>	24	<p>1 Do I have a second? 2 MR. JONES: Second. 3 CHAIRPERSON MILLER: Any comments? All those 4 in favor say aye. 5 (Chorus of ayes.) 6 CHAIRPERSON MILLER: All those opposed? All 7 those abstaining? 8 (No audible response.) 9 CHAIRPERSON MILLER: The motion passes by a 10 vote of 4-0-0. 11 Number 4, and the last item on our 12 supplemental agenda, is a letter dated November 12, 13 2012 from Charles Benoit requesting clarification of 14 Board Order Number 2012-415. 15 The establishment is Federal Spirits, 1629 K 16 Street, License Number 89730. 17 I move that we clarify the order to reflect 18 that the board did intend that placarding could be 19 effectuated on the Internet and that we issue a revised 20 order indicating such. Do I have a second? 21 MR. JONES: Second. 22 CHAIRPERSON MILLER: Any comments? All those</p>
23	<p>1 have a second? 2 MR. JONES: Second. 3 CHAIRPERSON MILLER: Mr. Brooks has seconded 4 the motion. All those in favor say aye. 5 (Chorus of ayes.) 6 CHAIRPERSON MILLER: All those opposed? All 7 those abstaining? 8 (No audible response.) 9 CHAIRPERSON MILLER: The motion passes by a 10 vote of 4-0-0. 11 Okay, the next item is a letter dated 12 November 2nd, 2012 from Andrew Kline stating that there 13 is no bill of sale for Radius that can be furnished in 14 order to complete the license transfer. A release of 15 liens executed by the Office of Tax and Revenue were 16 provided in lieu of the bill of sale. Review of a 17 second letter dated November 13th, 2012 indicating that 18 the applicant has submitted all necessary and 19 sufficient documentation to effect the transfer. 20 The establishment is Radius, located at 3155 21 Mount Pleasant Street, NW, License Number 81818. 22 I move that we allow the transfer to proceed.</p>	25	<p>1 in favor say aye. 2 (Chorus of ayes.) 3 CHAIRPERSON MILLER: All those opposed? All 4 those abstaining? 5 (No audible response.) 6 CHAIRPERSON MILLER: The motion passes by a 7 vote of 4-0-0. 8 Okay, that completes our supplemental agenda. 9 We have our change of hours agenda for establishments 10 who are seeking earlier hours, okay, starting at 7:00. 11 Let's see if I can summarize this or not. 12 Okay, I'll go through them a little bit. 13 Okay, they're all seeking earlier hours to comply with 14 -- or as a result of changing the law. 15 Number one is Lebrato, located at 1733 16 Columbia Road, NW for hours to be Monday through 17 Sunday, 7:00 a.m. through 12:00 a.m. That was Casa 18 Lebrato. 19 Number two is Florida Liquors, located at 20 2222 14th Street, NW, in ANC-1B, for hours Monday 21 through Saturday 7:00 a.m. through 12:00 a.m. 22 Number three is Alabama Convenience, located</p>

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26	<p>1 at 2209 Alabama Avenue, SE, License Number 080896 in 2 ANC-8B for hours Monday through Sunday 7:00 a.m. to 3 9:00 p.m. 4 Number four is Shipley Liquors, located at 5 2281 Savannah Street, SE, License Number 085215 in ANC- 6 8B for hours Monday through Saturday 7:00 a.m. to 12:00 7 a.m. 8 Okay. And none of these have a voluntary 9 agreement. 10 Number four Shipley Liquors, located at 2281 11 Savannah Street, SE, License Number 085215 for hours 12 7:00 a.m. to 12:00 a.m. No voluntary agreement. 13 Number five, A&amp;S Grocery, 4748 Sheriff Road, 14 NE, License Number 075444, hours -- proposed hours of 15 operation and sales, Monday through Sunday 7:00 a.m. to 16 9:00 p.m. No voluntary agreement. In ANC-7C. 17 Number six is New York Liquors, located 1447 18 Maryland Avenue, NE, License Number 076234 for proposed 19 hours of operation and sales, Monday through Saturday 20 7:00 a.m. to 12:00 a.m. No voluntary agreement. 21 Number seven is Gold Corner Market, located 22 at 5501 Colorado Avenue, NW, License Number 025637 for</p>	28	<p>1 MR. ALBERTI: Second. 2 CHAIRPERSON MILLER: Mr. Alberti has seconded 3 the motion. All those in favor say aye. 4 (Chorus of ayes.) 5 CHAIRPERSON MILLER: All those opposed? All 6 those abstaining? 7 (No audible response.) 8 CHAIRPERSON MILLER: The vote is 4-0-0 to 9 approve. 10 I believe that completes all the items on our 11 agenda. Oh no, wait a minute. Here's another one. 12 (Members confer off microphone.) 13 CHAIRPERSON MILLER: Okay, we have one more 14 item and that is Case Number 11-CMP-00308A, Carolina 15 Place -- Palace, located at 3700 14th Street, NW, 16 License Number ABRA 021055. 17 There was a motion -- a consent motion to 18 continue this case from today and I move that we grant 19 the motion to continue to a date to be determined. Do 20 I have a second? 21 MR. ALBERTI: Second. 22 CHAIRPERSON MILLER: Mr. Alberti has seconded</p>
27	<p>1 a change of hours of sales and operations, Monday 2 through Sunday, 7:00 a.m. through 8:00 p.m. No 3 voluntary agreement. In ANC-4C. 4 Number eight is Charles -- Charlie's Corner, 5 2600 Wade Street, SE, License Number 071301 in ANC-8 6 for Monday through Friday, 7:00 a.m. to 10:00 p.m. 7 Saturday and Sunday 8:00 a.m. to 10:00 p.m. No 8 conflict of voluntary agreement. 9 Number nine, Daily Fish of Chesapeake, 10 located at 2250 Sherman Avenue, NW, License Number 11 072260 for Monday through Saturday, 7:00 a.m. to 6:00 12 p.m. And there's no conflict with a voluntary 13 agreement. 14 Number ten is Fresh &amp; Green, 4330 48th 15 Street, NW, License Number 087502 for hours Sundays, 16 7:00 a.m. to 9:00 p.m., Monday through Saturday 7:00 17 a.m. to 10:00 p.m. No voluntary agreement and it's in 18 ANC-3E. 19 So, there are ten establishments that I just 20 went through and I would move that we approve change of 21 hours for these ten establishments as indicated. Do I 22 have a second?</p>	29	<p>1 the motion. All those in favor say aye. 2 (Chorus of ayes.) 3 CHAIRPERSON MILLER: All those opposed? All 4 those abstaining? 5 (No audible response.) 6 CHAIRPERSON MILLER: Then the vote is 4-0-0 7 to approve the consent motion to continue. 8 And I believe that does complete all the 9 items on our agenda. 10 (Members confer off microphone.) 11 CHAIRPERSON MILLER: As chairperson of the 12 Alcoholic Beverage Control Board for the District of 13 Columbia, in accordance with Section 405 of the Open 14 Meetings Amendment Act of 2010, I move that the ABC 15 Board hold a closed meeting on November 28th for the 16 purpose of seeking legal advice from our counsel on the 17 matters identified on the board's agenda on November 18 28th, 2012, as published in the D.C. Register on 22nd - 19 - 20 MR. ALBERTI: November 23rd. 21 CHAIRPERSON MILLER: -- November 23rd, 2012. 22 Is there a second?</p>

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<p style="text-align: right;">30</p> <p>1 MR. BROOKS: Second. Second. 2 CHAIRPERSON MILLER: Mr. Brooks has seconded 3 the motion. I'll take a roll call. 4 Mr. Brooks? 5 MR. BROOKS: I agree. 6 CHAIRPERSON MILLER: Mr. Alberti? 7 MR. ALBERTI: I agree. 8 CHAIRPERSON MILLER: Ms. Miller agrees. 9 Mr. Jones? 10 MR. JONES: I agree. 11 CHAIRPERSON MILLER: It appears that the 12 motion has passed by a vote of 4-0-0. I hereby give 13 notice that the ABC Board will hold this aforementioned 14 closed meeting pursuant to the Open Meetings Amendment 15 Act of 2010. 16 Notice will also be posted on the ABC Board 17 hearing room bulletin board, placed on the electronic 18 calendar and ABRA's website and published in the D.C. 19 Register in as timely a manner as practical. 20 As chairperson of the Alcoholic Beverage 21 Control Board for the District of Columbia and in 22 accordance with Section 405 of the Open Meetings</p>	<p style="text-align: right;">32</p> <p>1 that the ABC Board will hold this aforementioned closed 2 meeting, pursuant to the Open Meetings Amendment Act of 3 2010. Notice will also be posted on the ABC Board 4 hearing room bulletin board, placed on the electronic 5 calendar on ABRA's website and published in the D.C. 6 Register in as timely a manner as practical. 7 And that concludes the matters of the ABC 8 Board for November 14th, 2012. 9 (The hearing was concluded at 7:05 p.m.) 10 11 12 13 14 15 16 17 18 19 20 21 22</p>
<p style="text-align: right;">31</p> <p>1 Amendment Act 2010, I move that the ABC Board hold a 2 closed meeting on November 28th, 2012 for the purpose 3 of discussing and hearing reports concerning ongoing or 4 planned investigations of alleged criminal or civil 5 misconduct or violations of law or regulations and 6 seeking legal advice from our counsel on the Board's 7 investigative agenda for November 28th, 2012, as 8 published in the D.C. Register on November 23rd, 9 2012. 10 Is there a second? 11 MR. BROOKS: Second. 12 CHAIRPERSON MILLER: Mr. Brooks has seconded 13 the motion. I'll take a roll call vote. 14 Mr. Brooks? 15 MR. BROOKS: I agree. 16 CHAIRPERSON MILLER: Mr. Alberti? 17 MR. ALBERTI: I agree. 18 CHAIRPERSON MILLER: Ms. Miller agrees. 19 Mr. Jones? 20 MR. JONES: I agree. 21 CHAIRPERSON MILLER: It appears the motion 22 has passed by a vote of 4-0-0. I hereby give notice</p>	<p style="text-align: right;">33</p> <p style="text-align: center;">1 CERTIFICATE OF NOTARY PUBLIC 2 3 I, ANDREW KNOUS, the officer before whom the 4 foregoing hearing was taken, do hereby certify that the 5 testimony appearing in the foregoing pages was recorded 6 by me and thereafter reduced to typewriting under my 7 direction; that said transcription is a true record of 8 the testimony given by said parties; that I am neither 9 counsel for, related to, nor employed by any of the 10 parties to the action in which this hearing 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. 15 16 17 18 19 20 21 22</p> <p style="text-align: center;">_____ ANDREW KNOUS Notary Public in and for the District of Columbia</p>

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1 CERTIFICATE OF TRANSCRIPTION

2

3 I, SUSAN LaPOOH, hereby certify that I am not the  
4 Court Reporter who reported the proceeding and that I  
5 have typed the transcript of the proceeding using the  
6 Court Reporter's notes and recordings. The  
7 foregoing/attached transcript is a true, correct and  
8 complete transcription of the proceedings.

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14 \_\_\_\_\_

14 Date SUSAN LaPOOH

15 Transcriptionist

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