#### NOTICE OF PUBLIC HEARINGS CALENDAR

WEDNESDAY, NOVEMBER 14, 2012 2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson Members: Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

**Show Cause Hearing (Status)** 

9:30 AM

Case # 12-AUD-00025 & # 12-AUD-00025(a)

Jose A. Carcamo and Maria R. Carcamo, t/a El Sauce Restaurant and Carry-Out 1227 11th Street NW License #72654 Retailer DR ANC 2F

Failed to File Quarterly Statements (1<sup>st</sup> Quarter 2009, 4<sup>th</sup> Quarter 2009, 2<sup>nd</sup> Quarter 2011, and 4<sup>th</sup> Quarter 2011)

Disposition: The Board scheduled the Show Cause Hearing for February 20, 2013 at 10:00 am.

**Show Cause Hearing (Status)** 

9:30 AM

#### Case # 11-CMP-00370

Yonas, Inc., t/a Corner Market 1447 Howard Road SE License #86200 Retailer A ANC 8A

Failed to Frame and Post the License in a Conspicuous Place, Failed to Post ABC Window Lettering in a Conspicuous Place, Failed to Post Pregnancy Sign, Failed to Post Current Legal Drinking Age Notice

Disposition: The Board scheduled the Show Cause Hearing for February 20, 2013 at 10:00 am.

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### **Show Cause Hearing (Status)**

9:30 AM

#### Case # 12-AUD-00026(a)

Amde Sofenias, t/a Queen Makeda 1917 9th Street NW License #60510 Retailer CR ANC 1B

Failed to File Quarterly Statements (4th Quarter 2011)

Disposition: The Licensee failed to appear. The Board scheduled the Show Cause Hearing for February 13, 2013 at 11:00 am.

### Show Cause Hearing (Status)

9:30 AM

#### Case # 12-AUD-00024 & # 12-AUD-00024(a)

Ping Pong Holding, Inc., t/a Ping Pong 900 7th Street NW License #82097 Retailer CR ANC 2C Failed to File Quarterly Statements (4<sup>th</sup> Quarter 2011)

Disposition: The Board scheduled the Show Cause Hearing for February 13, 2013 at 10:00 am.

### **Show Cause Hearing (Status)**

9:30 AM

#### Case # 12-CMP-00402

Ping Pong Holding, Inc., t/a Ping Pong 900 7th Street NW License #82097 Retailer CR ANC 2C

Failed to File Quarterly Statements (2<sup>nd</sup> Quarter 2011)

Disposition: The Board scheduled the Show Cause Hearing for February 13, 2013 at 11:00 am.

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### **Show Cause Hearing (Status)**

9:30 AM

#### Case # 12-CMP-00130

L Street Market, Inc., t/a 7th L Street Market

700 L Street SE

License #88611

Retailer B

ANC 6B

Failed to Frame and Post the License in a Conspicuous Place, Failed to Post ABC Window Lettering in a Conspicuous Place

Disposition: The Board scheduled the Show Cause Hearing for February 13, 2013 at 10:00 am.

#### Show Cause Hearing (Status)

9:30 AM

#### Case # 12-251-00131

Marali Enterprises, LLC, t/a Lima Restaurant and Lounge 1401 K Street NW License #73817

Retailer CT

ANC 2F

Failed to Comply With Security Plan, Interfered with an Investigation, Failed to Obtain an Entertainment Endorsement, Substantial Change in Operation

Disposition: The Board scheduled the Show Cause Hearing for February 6, 2013 at 11:00 am.

#### **Show Cause Hearing (Status)**

9:30 AM

#### Case # 11-251-00353

Mad Hatter CT Avenue, LLC, t/a Mad Hatter

1321 Connecticut Ave NW

License #82646

Retailer CR

ANC 2B

Allowed the Establishment to be Used for an Unlawful or Disorderly Purpose

Disposition: The Board scheduled the Show Cause Hearing for February 6, 2013 at 11:00 am.

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#### Show Cause Hearing (Status)

9:30 AM

#### Case # 12-CMP-00330

AAB, LLC, t/a Black Squirrel 2427 18<sup>th</sup> Street NW License #78091 Retailer CR ANC 1C Violation of Voluntary Agreement

Disposition: The Board accepted an Offer in Compromise: \$500 to be paid by November 21, 2012, 5-0.

Protest Hearing (Status)

9:30 AM

#### Case # 12-PRO-00078

CVS Pharmacy, LLC, t/a CVS Pharmacy #1354 2601 Connecticut Ave NW License #88912 Retailer B ANC 3C New Application

Disposition: The Board will hold oral arguments on outstanding motions for a date to be determined. The Board will reschedule the Protest Hearing for a date to be determined.

#### Show Cause Hearing

10:00 AM

#### Case # 11-CMP-00308

Esteban Ramirez & Franciso Nunez, t/a Carolina Palace 3700 14th Street NW License #76011 Retailer CR ANC 4C

Failed to File Quarterly Statements (1st Quarter 2011, 2nd Quarter 2011)

Disposition: The Office of the Attorney General filed a Consent Motion for Continuance which was approved by the Board. The Board continued the Show Cause Hearing to January 16, 2013 at 2:30 pm, 5-0.

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11:00 AM

#### Case # 12-CMP-00153

1218 Wisconsin, Inc., t/a Third Edition 1218 Wisconsin Ave NW License #604 Retailer CT ANC 2E Violation of Voluntary Agreement

Disposition: The Board held a Closed Meeting under the Open Meetings Act and will issue an Order within 90 days.

**BOARD RECESS AT 12:00 PM** 

ADMINISTRATIVE AGENDA 1:00 PM

### **Fact Finding Hearing**

1:30 PM

Case # 12-251-00250 MPAC, LLC, t/a The Scene 2221 Adams Place NE License #78642 Retailer CX ANC 5B Assault with a Deadly Weapon

Disposition: The Board took no further action.

Board's Calendar

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#### **Fact Finding Hearing**

2:30 PM

#### Case # 11-CMP-00564

Trinidad and Tobago Association of Washington, DC t/a T&T Associates 5123 Georgia Ave NW

License #17426

Retailer CX

ANC 4D

Request for a License Class Change from a "CX" Private Club to a "CX" Multipurpose, Substantial Change, Trade Name Change, Interfered with an **ABRA** Investigation

Disposition: The Board held a Closed Meeting under the Open Meetings Act and will issue an Order within 90 days.

#### **Show Cause Hearing**

3:00 PM

#### Case # 12-CMP-00056

TBM Holdings, LLC, t/a TruOrleans 400 H Street NE License #86210 Retailer CR

ANC 6C

Violation of Voluntary Agreement, Failed to Obtain a Cover Charge Endorsement

Disposition: The Board continued the Show Cause Hearing to January 16, 2013 at 10:00 am.

4:00 PM

#### **Show Cause Hearing**

### Case # 11-CMP-00324, # 11-CMP-00331, & # 11-CMP-00457

Sami Restaurant, LLC, t/a Bistro 18 2420 18th Street NW

License #86876

Retailer CR

ANC 1C

Substantial Change (Sidewalk Café), No ABC Manager on Duty, Substantial Change (Sidewalk Café), No ABC Manager on Duty, Failed to Obtain an Entertainment Endorsement, Operating After Board Approved Hours

Disposition: The Board accepted an Offer in Compromise: \$6,500 to be paid within 90 days; two days suspension, one day served on November 29, 2012, and one day stayed for one year, 5-0.

#### NOTICE OF MEETING AGENDA

# WEDNESDAY, NOVEMBER 14, 2012 AT 1:00 PM 2000 $14^{TH}$ STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

- 1. Review of Manager's Application for Emily E. Wessel. \*\* *Decision: Approved, 4-0.*
- 2. Review of Manager's Application for Carmin D. Ruggiero. \*\* *Decision: Approved*, 4-0.
- 3. Review of request from Michael Fonseca on behalf of PQ New York, Inc., seeking approval to allow payments from PQ New York, Inc. for the alcoholic beverage purchases of various PQ Subsidiary DC Licensees from District of Columbia Wholesalers. *Decision: Approved, 4-0.*
- 4. Review of Summer Garden Application for 12 seats. *Proposed Sidewalk Café Hours of Operation and Hours of Alcoholic Beverage Sales/Service:* Sunday through Thursday 11am-2am, Friday and Saturday 11am-3am. No pending investigative matters. Pending fine. No voluntary agreement. ANC 2E. *Taj of India*, 2807 M Street NW Retailer CR02, Lic.#: 60065.

Decision: Placard, 4-0.

- 5. Review of letter from Licensee informing ABC Board of intended changes to business operations. Pending investigative matters. Pending fines/citations. ANC 2F. *Mood*, 1318 9th Street NW Retailer CT02, Lic.#: 86037.

  \*\*Decision: FYI.\*\*
- 6. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales/Service and Hours of Entertainment. Current Hours of Operation: Sunday through Thursday 11am-3am, Friday and Saturday 11am-3am. Current Hours of Alcoholic Beverage Sales/Service: Monday through Sunday 11am-2am. Current Hours of Entertainment: Monday through Sunday 6pm-2am. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Monday through Sunday 11am-3am. Proposed Hours of Entertainment: Monday through Sunday 6pm-3am. Pending investigative matters. No outstanding fines/citations. No voluntary agreement. ANC 5A. Lace, 2214 Rhode Island Avenue NE Retailer CT01, Lic.#: 76369.

- 7. Review of request to extend Safekeeping until September 2013 to find a new location. To Be Determined (Formerly Rendezvous), Retailer CN (Nude Dancing), Lic.#: 90529. Decision: The Board will schedule this matter for a Fact Finding Hearing, 4-0.
- 8. Review of Change of Hours Application to Change Sunday Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Current Sunday Hours of Operation and Hours of Alcoholic Beverage Sales/Service: 5:30pm-2am. Proposed Sunday Hours of Operation and Hours of Alcoholic Beverage Sales/Service: 11am-2am. No pending investigative matters. No outstanding fines/citations. No voluntary agreement. ANC 2F. Ceiba, 1341 G Street NW Retailer CR03, Lic.#: 60702.

  Decision: Approved, 4-0.
- 9. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. *Current Hours of Operation and Hours of Alcoholic Beverage Sales:* Monday through Saturday 9am-12am. *Proposed Hours of Operation and Hours of Alcoholic Beverage Sales:* Monday through Thursday 9am-10pm, Friday and Saturday 9am-11pm. No pending investigative matters. No outstanding fines/citations. No voluntary agreement. ANC 8C. *Mart Liquors*, 2931 Martin Luther King Jr. Avenue SE Retailer A, Lic.#: 90154.

- 10. Review of letter withdrawing application, dated October 15, 2012, and responses from Don Padou, dated October 22, 2012, and Christopher Nwaeze, dated October 24, 2012. Hush Restaurant and Lounge, 2121 New York Avenue NE Retailer CT03, Lic.#: 89332. Decision: Withdrawal approved; Padou motion rendered moot, 3-1 (Miller).
- 11. Review of letter, dated October 30, 2012, from Christopher Wells requesting that the Board schedule an additional Show Cause Hearing to allow him to present evidence. Club Timehri, 2439 18th Street NW Retailer CT01, Lic.#: 77730.\*

  Decision: Postponed until the Office of the Attorney General has the opportunity to respond, 4-0.
- 12. Review of letter, dated November 1, 2012, from Sanjeev Tuli requesting 90 additional days to make the \$16,000 payment required via Board Order No. 2012-309. *Heritage India Brassiere & Lounge*, 1337 Connecticut Avenue NW Retailer CR04, Lic.#: 75074.\* *Decision: Denied*, 3-1 (Miller).
- 13. Review of letter, dated October 26, 2012, from Nevaldo Bailey requesting an extension for his \$5,000 fine. *Island Café*, 829 Upshur Street NW Retailer CT01, Lic.#: 60578.\* *Decision: Denied*, 3-1 (Miller).

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- 14. Review of Motion in Limine, dated October 17, 2012, from Paul Pascal requesting the Board to exclude testimony and evidence not related to the "appropriateness" of the establishment. *CVS Pharmacy* #1354, 2601 Connecticut Avenue NW Retailer B, Lic.#: 88912.\* *Decision: Postponed until Motion Hearing, 4-0.*
- 15. Review of correspondence, dated October 31, 2012, from Makan Shirafkan requesting interpretation of The Park Place at 14th's Voluntary Agreement. *The Park Place at 14th*, 920 14th Street NW Retailer CN04, Lic.#: 75548.

  \*\*Decision: Approved. 4-0.
- 16. Review of Glover Park Moratorium Zone Emergency Rulemaking. *Decision: Approved, 4-0.*
- \* In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.
- \*\* In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations. The Board's vote will be held in an open session, and the public is permitted to attend.

## NOTICE OF MEETING SUPPLEMENTAL AGENDA

# WEDNESDAY, NOVEMBER 14, 2012 AT 1:00 PM 2000 $14^{\mathrm{TH}}$ STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of letter, dated November 13, 2012, from Rod Woodson requesting a temporary license to permit Costco to stock alcoholic beverages in its inventory until it gets a permanent Certificate of Occupancy and license. *Costco Wholesale* #1120, 2441 Market Street NE Retailer A, Lic.#: 89498.

Decision: Approved, 4-0.

- 2. Review of letter, dated October 31, 2012, from Rod Woodson requesting permission to use its federal trademark "Costco Wholesale" on external signage and in-store advertisements. *Costco Wholesale #1120*, 2441 Market Street NE Retailer A, Lic.#: 89498. *Decision: Approved*, 4-0.
- 3. Review of letter, dated November 2, 2012, from Andrew Kline stating that there is no Bill of Sale for Radius that can be furnished in order to complete the license transfer. A release of liens executed by the Office of Tax and Revenue were provided in lieu of the Bill of Sale. Review of second letter, dated November 13, 2012, indicating that the Applicant has submitted all necessary and sufficient documentation to effect the transfer. *Radius*, 3155 Mount Pleasant Street NW Retailer CR01, Lic.#: 81818.\*

  Decision: Approved to proceed with Transfer, 4-0.
- Review of letter, dated November 12, 2012, from Charles Benoit requesting clarification of Board Order No. 2012-415. *Federal Spirits*, 1629 K Street NW Retailer A, Lic.#: 89730. *Decision: Approved for Internet Placarding*, 4-0.
- 5. Review of District of Columbia's Consent Motion for Continuance, dated November 13, 2012, from Fernando Rivero. *Carolina Palace*, 3700 14th Street NW Retailer CR01, Lic.#: 21055.

Decision: Approved, 4-0.

\* In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.

#### NOTICE OF MEETING CHANGE OF HOURS AGENDA

# WEDNESDAY, NOVEMBER 14, 2012 AT 1:00 PM 2000 $14^{TH}$ STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

- 1. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No voluntary agreement. ANC 1C. Casa Lebrato, 1733 Columbia Road, NW, Retailer's B, Lic.#: 080584. Decision: Approved, 4-0.
- 2. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Saturday 7am-12am. No voluntary agreement. ANC 1B. Florida Liquors, 2222 14<sup>th</sup> Street, NW, Retailer's A, Lic.#: 019710. *Decision: Approved, 4-0.*
- 3. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-9pm. No voluntary agreement. ANC 8B. Alabama Convenience, 2209 Alabama Avenue, SE, Retailer's B, Lic.#: 080896. Decision: Approved, 4-0.
- 4. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Saturday 7am-12am. No voluntary agreement. ANC 8B. Shipley Liquors, 2281 Savannah Street, SE, Retailer's A, Lic.#: 085215.

  Decision: Approved, 4-0.
- 5. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-9pm. No voluntary agreement. ANC 7C. A&S Grocery, 4748 Sheriff Road, NE, Retailer's B, Lic.#: 075444.

  Decision: Approved, 4-0.
- 6. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Saturday 7am-12am. No voluntary agreement. Pending Show Cause. ANC 6A. New York Liquors, 1447 Maryland Avenue, NE, Retailer's A, Lic.#: 076234.

7. Review of Change of Hours Application to change Hours of Alcoholic Beverage Sales. Proposed Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-8pm. No voluntary agreement. ANC 4C. **Gold Corner Market**, 5501 Colorado Avenue, NW, Retailer's B, Lic.#: 025637.

Decision: Approved, 4-0.

8. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Friday 7am-10pm, Saturday and Sunday 8am-10pm. No conflict with Voluntary Agreement. ANC 8C. Charlies Corner, 2600 Wade Street, SE, Retailer's B, Lic.#: 071301.

Decision: Approved, 4-0.

9. Review of Change of Hours Application to change Hours of Alcoholic Beverage Sales. Proposed Hours of Alcoholic Beverage Sales: Monday through Saturday 7am-6pm. No conflict with Voluntary Agreement. ANC 1B. **Daily Fish of Chesapeake**, 2250 Sherman Avenue, NW, Retailer's B, Lic.#: 072260.

Decision: Approved, 4-0.

10. Review of Change of Hours Application to change Hours of Alcoholic Beverage Sales. Proposed Hours of Alcoholic Beverage Sales: Sunday 7am-9pm, Monday through Saturday 7am-10pm. No voluntary agreement. ANC 3E. Fresh & Green, 4330 48<sup>th</sup> Street, NW Retailer's B, Lic.#: 087502.

### NOTICE OF MEETING INVESTIGATIVE AGENDA

# WEDNESDAY, NOVEMER 14, 2012 2000 $14^{TH}$ STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On November 14, 2012 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed "to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations."

1. Case#12-251-00296 Miriam's Cafeteria, 3931 14TH ST NW Retailer C Restaurant, License#: ABRA-075536

Decision: No Further Action.

2. Case#12-CMP-00454 Rugby Cafe, 1065 WISCONSIN AVE NW Retailer C Restaurant, License#: ABRA-075703

Decision: Refer to Enforcement.

3. Case#12-CMP-00519 El Amigo Restaurant, 3612 14TH ST NW Retailer C Restaurant, License#: ABRA-070876

Decision: Staff Settlement.

4. Case#12-CMP-00502 DC Star, 2135 QUEENS CHAPEL RD NE Retailer C Nightclub, License#: ABRA-078881

Decision: No Further Action.

5. Case#12-CMP-00381 Don Juan Restaurant & Carryout, 1660 LAMONT ST NW Retailer C Restaurant, License#: ABRA-015934

Decision: Show Cause.

6. Case#12-CC-00112 Spaghetti Garden Brass Monkey Peyote Roxanne, 2317 - 2319 18th ST NW Retailer C Restaurant, License#: ABRA-010284 *Decision: Staff Settlement.* 

7. Case#12-251-00202 Sesto Senso/ Andalu/Spot/Lupe/M I A, 1214 18TH ST NW Retailer C Tavern, License#: ABRA-081092

Decision: Show Cause.

8. Case#12-CMP-00574 Stadium, 2127 QUEENS CHAPEL RD NE Retailer C Nightclub,

License#: ABRA-082005

Decision: Staff Settlement.

9. Case#12-CMP-00573 Pho Bar and Grill, 1360 H ST NE Retailer C Restaurant, License#: ABRA-087813

Decision: Staff Settlement (Violation of Section 25-113(a)(2)(A)).

10. Case#12-CMP-00564 Black & Orange, 1931 14TH ST NW Retailer C Restaurant, License#: ABRA-088273

Decision: Show Cause.

11. Case#12-CC-00110 MERKATO ETHIOPIAN RESTAURANT, 1909 9TH ST NW Retailer C Restaurant, License#: ABRA-089019

Decision: Sale to Minor Warning Letter.

- 12. Case#12-CC-00092 Axum Restaurant/Axum's Level X Lounge, 1934 9TH ST NW Retailer C Restaurant, License#: ABRA-060474 (Previously published in the 10/10/12 DC Register) Decision: No Further Action.
- 13. Case#12-CMP-00396 Cava Restaurant, 527 529 8TH ST SE Retailer C Tavern, License#: ABRA-081014 (Previously published in the 10/3/12 DC Register)

Decision: No Further Action.

### NOTICE OF MEETING INVESTIGATIVE AGENDA

## WEDNESDAY, NOVEMBER 14, 2012 2000 $14^{TH}$ STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On November 14, 2012, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matter identified below. Under Section 406(3) of the Open Meetings Act, it was not practical to publish notice of this matter in the District of Columbia Register. However, the notice requirements of section 406 (1)-(2) were satisfied.

1. Case#11-CMP-00308(a) Carolina Palace, 3700 14TH ST NW Retailer C Restaurant,

License#: ABRA-021055

Decision: No Further Action.

#### NOTICE OF MEETING INVESTIGATIVE AGENDA

#### WEDNESDAY, NOVEMBER 14, 2012 2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On November 14, 2012, the Alcoholic Beverage Control Board will hold an emergency closed meeting regarding the matter identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed for the following reasons: (1) To consult with an attorney to obtain legal advice; (2) To discuss and hear a report concerning alleged criminal or civil misconduct or violations of the law or regulations; and (3) To discuss and take action regarding specific methods and procedures to protect the public from substantial dangers to the public, and to receive briefings by staff members, legal counsel, or law enforcement concerning these methods and procedures.

1. Case#12-251-00352 Odalis Restaurant, 827 KENNEDY ST NW Retailer C Restaurant,

License#: ABRA-076432 *Decision: Show Cause.*