

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

4:22 p.m.

CHAIRPERSON MILLER: Okay. We are back on the record to do the Board's agendas for February 18, 2015.

The first item on the Legal Agenda is an amendment to a settlement agreement between ANC-2E and Epicurean and Company dated January 27, 2015. Epicurean and Company is located at 3800 Reservoir Road, N.W., License No. 077576.

I move that we approve. Do I have a second?

MEMBER BROOKS: Second.

CHAIRPERSON MILLER: Mr. Brooks has seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON MILLER: All those opposed? All those abstaining? The motion passes 4-0-0.

The second item on the agenda is a review of a settlement agreement between

1 Protestant Group of 18 and Lee's Liquor dated
2 February 3, 2015. Lee's Liquor is located at
3 2339 Pennsylvania Avenue, S.E., License No.
4 095751.

5 I move that we approve with
6 modification, wait a minute, I may be more
7 specific, to the clause citing the failure to
8 give notice, which is right before Paragraph 14.
9 Do I have a second?

10 MEMBER BROOKS: Second.

11 CHAIRPERSON MILLER: Mr. Brooks has
12 seconded the motion.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? The motion
17 passes 5-0-0.

18 Okay. Then we go to our Supplemental
19 Legal Agenda. The first item on that is No. 1,
20 review of joint requests for reinstatement of
21 protest and application dated February 10, 2015,
22 that's Mama Put located at 3214 Georgia Avenue,

1 N.W., License No. 091361.

2 I move that we approve this request.

3 Do I have a second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks has
6 seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? The motion
11 passes 4-0-0.

12 No. 2 is a review of a letter of
13 support submitted by Chair James Turner and
14 Commissioner Brian Footer on behalf of ANC-1B
15 dated February 16, 2015. It relates to WeWork
16 located at 641 S Street, N.W., License No.
17 097412.

18 This is an FYI and no action is
19 required on that letter.

20 No. 3 is an Emergency Rulemaking for
21 MPD Reimbursable Detail.

22 I move that we approve this Emergency

1 Rulemaking. Do I have a second?

2 MEMBER SHORT: Second.

3 CHAIRPERSON MILLER: Mr. Short
4 seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 4-0-0.

10 No. 4 is a review of Proposed
11 Technical Amendment Rulemaking.

12 I move that we postpone our
13 consideration of this rulemaking one week. Do I
14 have a second?

15 MEMBER BROOKS: Second.

16 CHAIRPERSON MILLER: Mr. Brooks has
17 seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The motion
22 passes 4-0-0.

1 And similarly, No. 5 is a review of
2 Proposed Administrative and Procedural
3 Rulemaking.

4 I move that we postpone one week. Do
5 I have a second?

6 MEMBER SHORT: Second.

7 CHAIRPERSON MILLER: Mr. Short
8 seconded the motion.

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? The motion
13 passes 4-0-0.

14 That completes our Legal Agenda. We
15 have a couple of Licensing Agendas.

16 The first item on the Licensing Agenda
17 is an application for safekeeping by Fairmont
18 Market located at 2628 11th Street, N.W., License
19 No. 077898.

20 I move that we approve this
21 application for a period of six months. Do I
22 have a second?

1 MEMBER RODRIGUEZ: Second.

2 CHAIRPERSON MILLER: Mr. Rodriguez
3 seconded the motion.

4 All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those
7 opposed? All those abstaining? The motion
8 passes 4-0-0.

9 No. 2 is an application for
10 safekeeping of license by Chalin's Restaurant
11 located at 4250 Connecticut Avenue, N.W., License
12 No. 008737.

13 I move that we approve this
14 application for six months. Do I have a second?

15 MEMBER RODRIGUEZ: Second.

16 CHAIRPERSON MILLER: Mr. Rodriguez
17 seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The motion
22 passes 4-0-0.

1 No. 3 is an application for
2 safekeeping for Columbia Wine & Liquors located
3 at 1151 Bladensburg Road, N.E., License No.
4 060113.

5 I move we approve this application for
6 a period of six months. Do I have a second?

7 MEMBER BROOKS: Second.

8 CHAIRPERSON MILLER: Mr. Brooks has
9 seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes 4-0-0.

15 No. 4 is a request for a change of
16 hours by Whole Foods Market located at 4530 40th
17 Street, N.W., License No. 076139. Whole Foods
18 wants to start an hour earlier. They now start
19 at 8:00 and they want to start at 7:00.

20 I move that we approve. Do I have a
21 second?

22 MEMBER BROOKS: Second.

1 CHAIRPERSON MILLER: Mr. Brooks has
2 seconded the motion.

3 All those in favor say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? The motion
7 passes 4-0-0.

8 No. 5 is a re-application for an
9 entertainment endorsement to include DJ on
10 weekends and a weekly karaoke night. This is in
11 ANC-6C. The establishment is Po Boy Jim located
12 at 709 H Street, N.E., License No. 087903.

13 I move that we placard this
14 application. Do I have a second?

15 MEMBER SHORT: Second.

16 CHAIRPERSON MILLER: Mr. Short has
17 seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The motion
22 passes 4-0-0.

1 No. 6 is an application for a
2 manager's license for Keith Erickson, ABRA No.
3 097932.

4 I move that we approve the
5 application. Do I have a second?

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: Mr. Brooks has
8 seconded the motion.

9 All those in favor say aye.

10 CHAIRPERSON MILLER: Aye.

11 MEMBER SILVERSTEIN: Aye.

12 MEMBER RODRIGUEZ: Aye.

13 MEMBER ALBERTI: Aye.

14 MEMBER BROOKS: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? The motion
17 passes.

18 MEMBER SHORT: Abstain.

19 CHAIRPERSON MILLER: Okay. The motion
20 passes 4-0-1.

21 MEMBER ALBERTI: It's a little more
22 difficult to count.

1 CHAIRPERSON MILLER: It's 5, yes.

2 MEMBER ALBERTI: Five.

3 CHAIRPERSON MILLER: 5-0-1. Okay.

4 MEMBER SILVERSTEIN: Thank you, Madam
5 Chair.

6 CHAIRPERSON MILLER: Okay. All right.
7 Okay. That completes the Licensing Agenda. We
8 have a Supplemental Licensing Agenda.

9 No. 1 is a request for approval to
10 provide gifts more than \$50 but not to exceed
11 \$500 by Premium Distributors located at 3500 Fort
12 Lincoln Drive, N.E., License No. 060290.

13 I move that we approve this
14 application.

15 MEMBER ALBERTI: Second.

16 CHAIRPERSON MILLER: Okay. Mr.
17 Alberti seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The motion
22 passes 5-0-0.

1 I'm sorry, I want to go back to No. 6
2 on the regular Licensing Agenda to note that it
3 is Mr. Short who abstained. Correct? The vote
4 was 5-0-1. Okay.

5 We have a Cancellation Agenda.

6 The first item on the Cancellation
7 Agenda is ABRA-088686, Mayalen located at 301 New
8 York Avenue, N.E.

9 The establishment appears to have
10 ceased operations. The licensee was advised in
11 an email dated 1/14/15 to place license in
12 safekeeping within 10 days and the licensee
13 acknowledged receipt of the email, but has not
14 submitted the application.

15 ABRA Investigators also received an
16 email from the licensee indicating that the
17 establishment was closed.

18 Therefore, I move that this license be
19 canceled. Do I have a second?

20 MEMBER SILVERSTEIN: Second.

21 CHAIRPERSON MILLER: Mr. Silverstein
22 seconded the motion.

1 All those in favor say aye.

2 ALL: Aye.

3 CHAIRPERSON MILLER: All those
4 opposed? All those abstaining? The motion
5 passes 6-0-0. And this cancellation will be
6 memorialized in Board Order 2015-051.

7 Second on the Agenda for Cancellation
8 is ABRA-072288, Old Dominion Brewhouse located at
9 1207-1219 9th Street, N.W.

10 The licensee has indicated that the
11 establishment is closed and will not be
12 transferred and the license should therefore be
13 canceled.

14 Therefore, I move to cancel the
15 license. Do I have a second?

16 MEMBER RODRIGUEZ: Second.

17 CHAIRPERSON MILLER: Mr. Rodriguez
18 seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 6-0-0. And this cancellation will be
2 memorialized in Board Order 2015-052.

3 Okay. That completes our agendas.
4 And we will just do the motion for the closed
5 meeting for next week.

6 As Chairperson of the Alcoholic
7 Beverage Control Board for the District of
8 Columbia and in accordance with Section 405 of
9 the Open Meetings Amendment Act of 2010, I move
10 that the ABC Board hold a closed meeting on
11 February 25, 2015 for the purpose of seeking
12 legal advice from our counsel on the matters
13 identified on the Board's Agenda for February 25,
14 2015 as published in the DC Register on February
15 20, 2015.

16 Is there a second?

17 MEMBER SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: Mr. Silverstein
19 has seconded the motion. I'll now take a roll
20 call vote on the motion before us now that it has
21 been seconded.

22 Mr. Brooks?

1 MEMBER BROOKS: I agree.

2 CHAIRPERSON MILLER: Mr. Alberti?

3 MEMBER ALBERTI: I agree.

4 CHAIRPERSON MILLER: Mr. Rodriguez?

5 MEMBER RODRIGUEZ: I agree.

6 CHAIRPERSON MILLER: Ms. Miller

7 agrees.

8 Mr. Silverstein?

9 MEMBER SILVERSTEIN: I agree.

10 CHAIRPERSON MILLER: Mr. Short?

11 MEMBER SHORT: I agree.

12 CHAIRPERSON MILLER: It appears that

13 the motion has passed by a 6-0-0 vote.

14 I hereby give notice that the ABC
15 Board will hold this aforementioned closed
16 meeting pursuant to the Open Meetings Amendment
17 Act of 2010. Notice will also be posted on the
18 ABC Board hearing room bulletin board, placed on
19 the electronic calendar on ABRA's website and
20 published in the DC Register in as timely a
21 manner as practicable.

22 As Chairperson of the Alcoholic

1 Beverage Control Board for the District of
2 Columbia and in accordance with Section 405 of
3 the Open Meetings Amendment Act of 2010, I move
4 that the ABC Board hold a closed meeting on
5 February 25, 2015 for the purpose of discussing
6 and hearing reports concerning ongoing or planned
7 investigations of alleged criminal or civil
8 misconduct or violations of law or regulations
9 and seeking legal advice from our counsel on the
10 Board's Investigative Agenda for February 25,
11 2015 as published in the DC Register on February
12 20, 2015.

13 Is there a second?

14 MEMBER SILVERSTEIN: Second.

15 CHAIRPERSON MILLER: Mr. Silverstein
16 seconded the motion. I'll now take a roll call
17 vote on the motion before us now that it has been
18 seconded.

19 Mr. Brooks?

20 MEMBER BROOKS: I agree.

21 CHAIRPERSON MILLER: Mr. Alberti?

22 MEMBER ALBERTI: I agree.

1 MEMBER RODRIGUEZ: I agree.

2 CHAIRPERSON MILLER: Mr. Rodriguez?

3 MEMBER RODRIGUEZ: I agree. I'm

4 sorry.

5 CHAIRPERSON MILLER: Okay. Ms. Miller

6 agrees.

7 Mr. Silverstein?

8 MEMBER SILVERSTEIN: I agree.

9 CHAIRPERSON MILLER: Mr. Short?

10 MEMBER SHORT: I agree.

11 CHAIRPERSON MILLER: It appears that

12 the motion has passed by a 6-0-0 vote.

13 I hereby give notice that the ABC
14 Board will hold this aforementioned closed
15 meeting pursuant to the Open Meetings Amendment
16 Act of 2010. Notice will also be posted on the
17 ABC Board hearing room bulletin board, placed on
18 the electronic calendar on ABRA's website and
19 published in the DC Register in as timely a
20 manner as practicable.

21 Okay. And that concludes our
22 business, at least out on the dias for February

1 18, 2015. And we are adjourned. Okay.

2 (Whereupon, the A.B.R.A. Agenda in the
3 above-entitled matter was concluded at 4:35 p.m.)

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A			
\$50 11:10	aye 2:16,17 3:13,14 4:7 4:8 5:5,6,18,19 6:9,10 7:4,5,18,19 8:10,11 9:3,4,18,19 10:9,10 10:11,12,13,14 11:18 11:19 13:1,2,19,20	Company 2:8,9	Five 11:2
\$500 11:11		completes 6:14 11:7 14:3	Foods 8:16,17
A.B.R.A 1:6 18:2		concerning 16:6	Footer 4:14
ABC 14:10 15:14,18 16:4 17:13,17		concluded 18:3	Fort 11:11
above-entitled 18:3		concludes 17:21	FYI 4:18
ABRA 10:2 12:15	B	Connecticut 7:11	G
ABRA's 15:19 17:18	back 2:4 12:1	consideration 5:13	Georgia 3:22
ABRA-072288 13:8	behalf 4:14	Control 1:2,11,11 14:7 16:1	gifts 11:10
ABRA-088686 12:7	Beverage 1:2,11,11 14:7 16:1	Correct 12:3	give 3:8 15:14 17:13
Abstain 10:18	Bladensburg 8:3	counsel 14:12 16:9	go 3:18 12:1
abstained 12:3	board 1:2,11 13:6 14:2 14:7,10 15:15,18,18 16:1,4 17:14,17,17	count 10:22	Group 3:1
abstaining 2:19 3:16 4:10 5:8,21 6:12 7:7 7:21 8:13 9:6,21 10:16 11:21 13:4,22	Board's 2:4 14:13 16:10	couple 6:15	H
acknowledged 12:13	Boy 9:11	criminal 16:7	H 9:12
Act 14:9 15:17 16:3 17:16	Brewhouse 13:8	D	hearing 1:6,11 15:18 16:6 17:17
action 4:18	Brian 4:14	D.C 1:12	HECTOR 1:17
adjourned 18:1	Brooks 1:16 2:13,14 3:10,11 4:4,5 5:15,16 8:7,8,22 9:1 10:6,7,14 14:22 15:1 16:19,20	dated 2:8 3:1,21 4:15 12:11	hold 14:10 15:15 16:4 17:14
Administrative 6:2	Building 1:12	days 12:12	hour 8:18
advice 14:12 16:9	bulletin 15:18 17:17	DC 14:14 15:20 16:11 17:19	hours 8:16
advised 12:10	business 17:22	Detail 4:21	I
aforementioned 15:15 17:14	C	dias 17:22	identified 14:13
agenda 1:6,6 2:6,21 3:19 6:14,16 11:7,8 12:2,5,7 13:7 14:13 16:10 18:2	calendar 15:19 17:18	difficult 10:22	include 9:9
agendas 2:4 6:15 14:3	call 14:20 16:16	discussing 16:5	indicated 13:10
agree 15:1,3,5,9,11 16:20,22 17:1,3,8,10	cancel 13:14	Distributors 11:11	indicating 12:16
agreement 2:7,22	canceled 12:19 13:13	District 1:1 14:7 16:1	investigations 16:7
agrees 15:7 17:6	cancellation 12:5,6 13:5,7 14:1	DJ 9:9	Investigative 16:10
Alberti 1:16 10:13,21 11:2,15,17 15:2,3 16:21,22	ceased 12:10	Dominion 13:8	Investigators 12:15
Alcoholic 1:2,11,11 14:6 15:22	Chair 4:13 11:5	DONALD 1:16	item 2:6,21 3:19 6:16 12:6
alleged 16:7	Chairperson 1:12,15 2:3,14,18 3:11,15 4:5 4:9 5:3,7,16,20 6:7,11 7:2,6,16,20 8:8,12 9:1 9:5,16,20 10:7,10,15 10:19 11:1,3,6,16,20 12:21 13:3,17,21 14:6 14:18 15:2,4,6,10,12 15:22 16:15,21 17:2,5 17:9,11	Drive 11:12	J
amendment 2:7 5:11 14:9 15:16 16:3 17:15	Chalin's 7:10	E	James 1:18 4:13
ANC-1B 4:14	change 8:15	earlier 8:18	January 2:8
ANC-2E 2:8	citing 3:7	electronic 15:19 17:18	Jim 9:11
ANC-6C 9:11	civil 16:7	email 12:11,13,16	joint 3:20
appears 12:9 15:12 17:11	clause 3:7	Emergency 4:20,22	K
application 3:21 6:17 6:21 7:9,14 8:1,5 9:14 10:1,5 11:14 12:14	closed 12:17 13:11 14:4,10 15:15 16:4 17:14	endorsement 9:9	karaoke 9:10
approval 11:9	Columbia 1:1 8:2 14:8 16:2	entertainment 9:9	Keith 10:2
approve 2:11 3:5 4:2,22 6:20 7:13 8:5,20 10:4 11:13	Commissioner 4:14	Epicurean 2:8,9	L
Avenue 3:3,22 7:11 12:8		Erickson 10:2	law 16:8
		establishment 9:11 12:9,17 13:11	Lee's 3:1,2
		exceed 11:10	legal 2:6 3:19 6:14 14:12 16:9
		F	letter 4:12,19
		failure 3:7	license 2:10 3:3 4:1,16 6:18 7:10,11 8:3,17 9:12 10:2 11:12 12:11 12:18 13:12,15
		Fairmont 6:17	licensee 12:10,12,16 13:10
		favor 2:16 3:13 4:7 5:5 5:18 6:9 7:4,18 8:10 9:3,18 10:9 11:18 13:1,19	Licensing 6:15,16 11:7 11:8 12:2
		February 1:9 2:5 3:2,21 4:15 14:11,13,14 16:5 16:10,11 17:22	
		first 2:6 3:19 6:16 12:6	

Lincoln 11:12
Liquor 3:1,2
Liquors 8:2
little 10:21
located 2:9 3:2,22 4:16
 6:18 7:11 8:2,16 9:11
 11:11 12:7 13:8

M

Madam 11:4
Mama 3:22
manager's 10:2
manner 15:21 17:20
Market 6:18 8:16
matter 1:5 18:3
matters 14:12
Mayalen 12:7
meeting 1:3 14:5,10
 15:16 16:4 17:15
Meetings 14:9 15:16
 16:3 17:15
Member 1:16,16,17,17
 1:18 2:13 3:10 4:4 5:2
 5:15 6:6 7:1,15 8:7,22
 9:15 10:6,11,12,13,14
 10:18,21 11:2,4,15
 12:20 13:16 14:17
 15:1,3,5,9,11 16:14
 16:20,22 17:1,3,8,10
memorialized 13:6 14:2
met 1:11
MIKE 1:17
Miller 1:13,15 2:3,14,18
 3:11,15 4:5,9 5:3,7,16
 5:20 6:7,11 7:2,6,16
 7:20 8:8,12 9:1,5,16
 9:20 10:7,10,15,19
 11:1,3,6,16,20 12:21
 13:3,17,21 14:18 15:2
 15:4,6,6,10,12 16:15
 16:21 17:2,5,5,9,11
minute 3:6
misconduct 16:8
modification 3:6
months 6:21 7:14 8:6
motion 2:15,19 3:12,16
 4:6,10 5:4,8,17,21 6:8
 6:12 7:3,7,17,21 8:9
 8:13 9:2,6,17,21 10:8
 10:16,19 11:17,21
 12:22 13:4,18,22 14:4
 14:19,20 15:13 16:16
 16:17 17:12
move 2:11 3:5 4:2,22
 5:12 6:4,20 7:13 8:5
 8:20 9:13 10:4 11:13
 12:18 13:14 14:9 16:3
MPD 4:21

N

N.E 8:3 9:12 11:12 12:8
N.W 1:12 2:10 4:1,16
 6:18 7:11 8:17 13:9
New 12:7
NICK 1:16
night 9:10
note 12:2
notice 3:8 15:14,17
 17:13,16

O

Okay 2:3 3:18 10:19
 11:3,6,7,16 12:4 14:3
 17:5,21 18:1
Old 13:8
ongoing 16:6
Open 14:9 15:16 16:3
 17:15
operations 12:10
opposed 2:19 3:16 4:10
 5:8,21 6:12 7:7,21
 8:13 9:6,21 10:16
 11:21 13:4,22
Order 13:6 14:2

P

P-R-O-C-E-E-D-I-N-G-S
 2:1
p.m 2:2 18:3
Paragraph 3:8
passed 15:13 17:12
passes 2:20 3:17 4:11
 5:9,22 6:13 7:8,22
 8:14 9:7,22 10:17,20
 11:22 13:5 14:1
Pennsylvania 3:3
period 6:21 8:6
placard 9:13
place 12:11
placed 15:18 17:17
planned 16:6
Po 9:11
posted 15:17 17:16
postpone 5:12 6:4
practicable 15:21 17:20
Premium 11:11
PRESENT 1:14
presiding 1:13
Procedural 6:2
Proposed 5:10 6:2
protest 3:21
Protestant 3:1
provide 11:10
published 14:14 15:20
 16:11 17:19
purpose 14:11 16:5
pursuant 15:16 17:15

Put 3:22

Q

R

re-application 9:8
receipt 12:13
received 12:15
record 2:4
Reeves 1:12
Register 14:14 15:20
 16:11 17:19
regular 12:2
regulations 16:8
Reimbursable 4:21
reinstatement 3:20
relates 4:15
reports 16:6
request 4:2 8:15 11:9
requests 3:20
required 4:19
Reservoir 2:10
Restaurant 7:10
review 2:22 3:20 4:12
 5:10 6:1
right 3:8 11:6
Road 2:10 8:3
Rodriguez 1:17 7:1,2
 7:15,16 10:12 13:16
 13:17 15:4,5 17:1,2,3
roll 14:19 16:16
room 1:12 15:18 17:17
rulemaking 4:20 5:1,11
 5:13 6:3
Ruthanne 1:13,15

S

S 4:16
S.E 3:3
safekeeping 6:17 7:10
 8:2 12:12
second 2:12,13,21 3:9
 3:10 4:3,4 5:1,2,14,15
 6:5,6,22 7:1,14,15 8:6
 8:7,21,22 9:14,15
 10:5,6 11:15 12:19,20
 13:7,15,16 14:16,17
 16:13,14
seconded 2:15 3:12 4:6
 5:4,17 6:8 7:3,17 8:9
 9:2,17 10:8 11:17
 12:22 13:18 14:19,21
 16:16,18
Section 14:8 16:2
seeking 14:11 16:9
settlement 2:7,22
Short 1:18 5:2,3 6:6,7
 9:15,16 10:18 12:3

15:10,11 17:9,10
Silverstein 1:17 10:11
 11:4 12:20,21 14:17
 14:18 15:8,9 16:14,15
 17:7,8
similarly 6:1
six 6:21 7:14 8:6
sorry 12:1 17:4
specific 3:7
start 8:18,18,19
Street 1:12 4:16 6:18
 8:17 9:12 13:9
submitted 4:13 12:14
Suite 1:12
Supplemental 3:18
 11:8
support 4:13

T

take 14:19 16:16
Technical 5:11
Thank 11:4
timely 15:20 17:19
transferred 13:12
Turner 4:13

U

V

violations 16:8
vote 12:3 14:20 15:13
 16:17 17:12

W

wait 3:6
want 8:19 12:1
wants 8:18
Washington 1:12
website 15:19 17:18
week 5:13 6:4 14:5
weekends 9:10
weekly 9:10
WeWork 4:15
Wine 8:2

X

Y

York 12:8

Z

o

008737 7:12
060113 8:4
060290 11:12
076139 8:17
077576 2:10

077898 6:19
087903 9:12
091361 4:1
095751 3:4
097412 4:17
097932 10:3

1

1 3:19 11:9
1/14/15 12:11
10 3:21 12:12
1151 8:3
11th 6:18
1207-1219 13:9
14 3:8
14th 1:12
16 4:15
18 1:9 2:5 3:1 18:1

2

2 4:12 7:9
20 14:15 16:12
2000 1:12
20009 1:12
2010 14:9 15:17 16:3
17:16
2015 1:9 2:5,9 3:2,21
4:15 14:11,14,15 16:5
16:11,12 18:1
2015-051 13:6
2015-052 14:2
2339 3:3
25 14:11,13 16:5,10
2628 6:18
27 2:9

3

3 3:2 4:20 8:1
301 12:7
3214 3:22
3500 11:11
3800 2:10

4

4 5:10 8:15
4-0-0 2:20 4:11 5:9,22
6:13 7:8,22 8:14 9:7
9:22
4-0-1 10:20
4:22 2:2
4:35 18:3
400S 1:12
405 14:8 16:2
40th 8:16
4250 7:11
4530 8:16

5

5 6:1 9:8 11:1
5-0-0 3:17 11:22
5-0-1 11:3 12:4

6

6 10:1 12:1
6-0-0 13:5 14:1 15:13
17:12
641 4:16

7

7:00 8:19
709 9:12

8

8:00 8:19

9