

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

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| In the Matter of: |) |
| |) |
| The Bards of Washington, LLC |) |
| t/a James Hoban's |) |
| |) |
| Holder of a |) |
| Retailer's Class CR License |) |
| |) |
| at premises |) |
| 1 Dupont Circle, N.W. |) |
| Washington, D.C. 20036 |) |
| <hr/> |) |

License No. ABRA-077039
Order No. 2013-097

The Bards of Washington, LLC, t/a James Hoban's (Licensee)

Will Stephens, Chairperson, on behalf of Advisory Neighborhood Commission (ANC)
2B

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

ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that a previous holder of a license for the premises and ANC 2B entered into a Voluntary Agreement dated June 5, 2002 (Agreement) and it was approved by the Board on July 24, 2002. The Bards of Washington, LLC, t/a James Hoban's (Licensee), as the current holder of a Retailer's Class CR license, is required to comply with the terms of the Agreement, dated June 5, 2002, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated March 26, 2013, in accordance with D.C. Official Code § 25-446 (2001).

The Bards of Washington, LLC
t/a James Hoban's
License No. ABRA-077039
Page 2

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Will Stephens, on behalf of ANC 2B, are signatories to the Amendment.

Accordingly, it is this 24th day of April, 2013, **ORDERED** that:

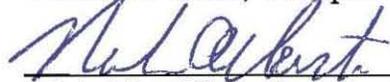
1. The above-referenced Amendment to Settlement Agreement, dated March 26, 2013, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the original Agreement, not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee and ANC 2B.

The Bards of Washington, LLC
t/a James Hoban's
License No. ABRA-077039
Page 3

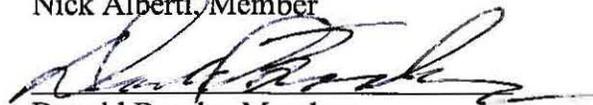
District of Columbia
Alcoholic Beverage Control Board



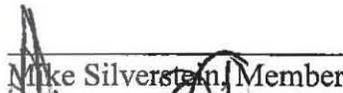
Ruthanne Miller, Chairperson



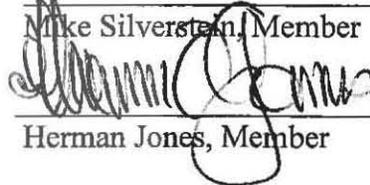
Nick Alberti, Member



Donald Brooks, Member



Mike Silverstein, Member



Herman Jones, Member

Pursuant to D.C. Official Code § 25-433, any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

Amendment to Voluntary Agreement¹ between James Hoban's and ANC 2B

This Amendment is made on this 26th day of March 2013, by the owners of The Bards of Washington, LLC, dba James Hoban's Irish Restaurant and Bar ("James Hoban's" or "the Establishment"), License # , and Advisory Neighborhood Commission 2B ("ANC 2B"), (collectively, "the Parties").

WITNESSETH

WHEREAS, the Establishment has an existing Class CR License, License Number 077039, for a business establishment located at One Dupont Circle, NW, Washington, D.C.;

WHEREAS, the Parties previously entered into a Voluntary Agreement dated June 5, 2002, which has not previously been amended or withdrawn;

WHEREAS, the Establishment has requested a change of hours for its sidewalk café, and has appeared before ANC 2B to address questions concerning the terms and conditions of this change;

WHEREAS, the Parties have agreed to amend the existing Voluntary Agreement dated June 5, 2002 and request that the Alcoholic Beverage Control ("ABC") Board approve the license changes incorporated herein, conditioned upon the Establishment's compliance with the terms of this Amendment; and

NOW, THEREFORE, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the Parties agree as follows:

1. *Hours of Operation and Sales:*

- a. The Hours of Operation for the interior of the Establishment and the Hours of Alcohol Sales for the interior of the Establishment will continue to be the same as reflected in the Establishment's existing ABC license.
- b. The Establishment's sidewalk cafe on the New Hampshire Avenue side of the building at One Dupont Circle will have the following Hours of Operation and Hours of Alcohol Sales:

¹ The Parties acknowledge that under D.C. law, the new term for an agreement such as this is "Settlement Agreement" rather than "Voluntary Agreement." However, because the existing document dated June 5, 2002 is entitled "Voluntary Agreement," the Parties continue to use that term in this Amendment.

SUNDAY

Hours of Operation 10 a.m. to 2 a.m.
Hours of Alcohol Sales 10 a.m. to 2 a.m.

MONDAY – THURSDAY

Hours of Operation 11:30 a.m. to 2 a.m.
Hours of Alcohol Sales 11:30 a.m. to 2 a.m.

FRIDAY AND SATURDAY

Hours of Operation 11:30 a.m. to 3 a.m.
Hours of Alcohol Sales 11:30 a.m. to 3 a.m.

2. ***Sidewalk Café.*** The Establishment's New Hampshire Avenue sidewalk café provides seating for 199 patrons. ANC 2B does not object to the 199 seat patron limit. The Establishment agrees that it shall not seek to expand this capacity of the sidewalk café without additional amendment of this Agreement. The Establishment will direct that its employees inspect the sidewalk café at least once each hour to ensure its cleanliness. The sidewalk café shall close each day of the week no later than the terms agreed to in this Amendment.

3. ***Existing Voluntary Agreement.***
Except for the change in hours described in paragraph 1 above and the sidewalk café provisions in paragraph 2 above, the Parties make no other amendments to the existing Voluntary Agreement dated June 5, 2002 and the provisions of that Voluntary Agreement remain in full force and effect. The Establishment will continue to abide by all requirements of the existing Voluntary Agreement including parking, occupancy, and other specific guidelines.

4. ***Binding Effect.***
This Amendment shall be binding upon and enforceable against the successors and assigned of the Establishment during the term of the license to which the Voluntary Agreement applies.

5. ***Notices.***
Any notices required to be made under this Amendment shall be in writing and mailed by Certified Mail, Return Receipt Requested, postage prepared, or hand-delivered, to the other party to the Amendment.

Notice is to be given as follows:

- | | |
|--|---|
| a) If to the Establishment, to: Patrick Whoian James Hoban's One Dupont Circle, NW Washington DC 20036 | b) If to ANC 2B, to: Will Stephens, Chairman ANC 2B 9 Dupont Circle, NW Washington DC 20036 |
|--|---|

IN WITNESS WHEREOF, THE PARTIES HAVE EXECUTED THIS Amendment to the Voluntary Agreement as of the day and year above written.

By Patrick T. Whelan
Patrick Whelan
Owner
James Hoban's
One Dupont Circle, NW
Washington DC 20036

By Will Stephens
Will Stephens, Chairman
Advisory Neighborhood Commission 2B
9 Dupont Circle, NW
Washington DC 20036

Date 3/26/2013

Date 3/26/13

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

| | | |
|------------------------------------|---|-----------------------|
| <u>In the Matter of:</u> |) | |
| |) | |
| Primi Piatti Café, Inc. |) | |
| t/a Savino Café and Lounge |) | |
| |) | |
| Application for a Retailer's Class |) | Application no. 50183 |
| CR License (new) |) | 2002-210 |
| at premises |) | |
| #1 Dupont Circle, N.W. |) | |
| Washington, D.C. |) | |
| |) | |

Vince Micone, Chairperson, on behalf of the Advisory Neighborhood Commission 2B,
and Savino and Marixenia Recine, on behalf of the Applicant, Signatories

BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Laurie Collins, Member
Judy Moy, Member
Ellen Opper-Weiner, Esquire, Member
Audrey Thompson, Member

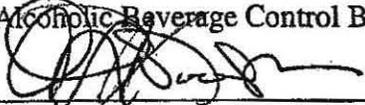
ORDER ON VOLUNTARY AGREEMENT

This matter came before the Board for approval on June 12, 2002. The signatories to the attached voluntary agreement dated June 5, 2002, submitted the agreement to the Board in accordance with 23 DCMR Section 1513 (June 1997).

Having determined that the agreement complies with all applicable laws and regulations and the applicant qualifies for licensure, the Board does hereby this 24 day of July 2002, **APPROVE** the license application conditioned on the applicant's compliance with the terms of the voluntary agreement and **INCORPORATE** the text of the same into the Order.

Primi Piatti Café, Inc.
t/a Savino's Café and Lounge
Page two

District of Columbia
Alcoholic Beverage Control Board



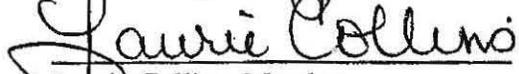
Roderic L. Woodson, Esquire, Chair



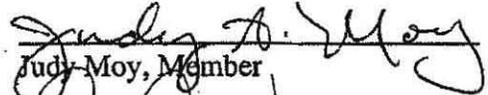
Vera Abbott, Member



Charles Burger, Member



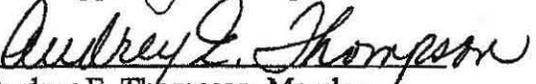
Laurie Collins, Member



Judy Moy, Member



Ellen Opper Weiner, Esquire, Member



Audrey E. Thompson, Member

Voluntary Agreement

This Voluntary Agreement is made this 5th day of June, 2002, by the owners Savino and Marixenia Recine of a restaurant to be located at One Dupont Circle, NW, Washington, D.C. The restaurant's legal name is to be Primi Piatti Café, Inc. and its trade name is Savino's Café and Lounge.

WHEREAS, the owners of the restaurant Mr. and Mrs. Recine went before the Advisory Neighborhood Commission (hereinafter "ANC") on May 8, 2002 seeking the ANC's approval of the restaurant and the outside café.

WHEREAS, after making a presentation and answering a number of questions from the ANC and from members of the audience, the ANC voted to approve all of the proposed changes discussed by Savino Recine and the ANC.

1. With regard to parking after 5:30 pm, the restaurant will provide parking for all patrons who visit the restaurant at the One Dupont Circle Building. In addition, the parties understand that the restaurant will have Valet parking for this purpose.
2. An outdoor café will be located on the west side of New Hampshire Avenue, NW, adjacent to the restaurant.
3. The hours of operation for the outdoor café will be from 11:00am to 11:00pm Sunday through Thursday and 11:00am to 1:00am Friday and Saturday. Hours of operation stipulated on the license will govern the hours of operation inside the restaurant.

4. **Binding Effect.**

This Voluntary Agreement shall be binding upon and enforceable against the successors and assigns of the Applicant during the term of the license to which the Voluntary Agreement applies.

5. **Notices**

Any notices required to be made under this Agreement shall be in writing and mailed Certified Mail, return receipt requested, postage prepaid, or hand delivered, to the other parties to this Agreement. Notice is deemed to be received upon mailing.

6. **Stipulated License**

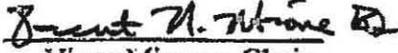
ANC 2B agreement to support a stipulated license to operate immediately before the Alcoholic Beverage Control Board.

Notice is to be given as follows:

- a) If to the Applicant, to:
Savino Recine
One Dupont Circle, NW
Washington, D.C. 20036
- b) If to the ANC, one copy to:
Vincent N. Micone
9 Dupont Circle, NW
Washington, D.C. 20036

IN WITNESS WHEREOF, THE PARTIES HAVE EXECUTED THIS Voluntary Agreement as of the day and year above written.

By: 
Savino Recine
6/04/2002
Primi Piatti Cafe, LLC
One Dupont Circle, NW
Washington, D.C. 20036

By: 
Vince Micone, Chair
ANC, 2B
6/5/02

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B



June 5, 2002

Mr. Roderic L. Woodson, Esq.
Chairperson, Alcoholic Beverage Control Board
941 North Capitol Street, NE, 7th Floor
Washington, DC 20002

RE: Primi Piatti T/A Savino's, Application #50183, Class CR, #1 Dupont Circle, NW

Dear Mr. Woodson:

At its meeting on May 8, 2002, ANC 2B considered the ABC Application #50183, for a new Class CR licence at #1 Dupont Circle, NW, for Primi Piatti T/A Savino's. With six of seven commissioners in attendance, a quorum at a duly called public meeting, the following motion was unanimously approved:

ANC 2B supports ABC Application #50183, for a new Class CR licence at #1 Dupont Circle, NW, for Primi Piatti T/A Savino's subject to a voluntary agreement addressing parking and hours of operation for the proposed sidewalk café. ANC 2B further supports an immediate stipulated licence should the terms of the voluntary agreement be finalized.

Attached is a properly signed and executed voluntary agreement addressing the concerns of ANC 2B. We respectfully request that the ABC Board stipulate the conditions of the agreement in the licence. Please note that this letter serves to document the Commission's support for a stipulated licence to immediately serve ABC-regulated beverages.

As this business is located in my Single Member District, please feel free to reach me on (202) 607-8429 or by e-mail at Vince.Micone@DupontCircleANC.net for additional information or assistance.

ON BEHALF OF THE COMMISSION:

Very truly yours,

A handwritten signature in cursive script, appearing to read "Vince Micone".

Vince Micone
Chairperson

Attachment