

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

In the Matter of:)
)
Mt. Vernon Wine & Spirits, Inc.)
t/a Good Libations)
)
Holder of a Retailer's)
Class A License)
at premises)
1201 5th Street, N.W.)
Washington, D.C. 20001)
)

License No. 73063
Order No. 2009-069

BEFORE: Peter B. Feather, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Charles Brodsky, Member
Donald Brooks, Member
Herman Jones, Member

ALSO PRESENT: Ronald Green, on behalf of the Licensee

Miles Groves, Downtown Neighborhood Association and Charley
Docter, Advisory Neighborhood Commission 6C, Protestants

Martha Jenkins, Acting General Counsel
Alcoholic Beverage Regulation Administration

**ORDER ON APPLICATION FOR EXCEPTION
TO SINGLE SALE MORATORIUM
AND VOLUNTARY AGREEMENT**

On March 11, 2009, the Alcoholic Beverage Control Board (Board) held a Fact Finding Hearing to consider the application filed by Class A Retailer Mt. Vernon Wine & Spirits, Inc., t/a Good Libations (Applicant), 1201 5th Street, N.W., Washington, D.C. for an exception to the statutory single sale moratorium that currently exists in Ward 6.

The official records of the Board reflect that the Applicant has provided the required information, including a Voluntary Agreement dated January 7, 2009 from Advisory Neighborhood Commission (ANC) 2C supporting the Application. The official records also reflect a letter in opposition to the Application from ANC 6C. The Board considered several factors in reaching its decision. This included the testimony and support of the witnesses, the testimony of the opponents, the absence of any primary or secondary tier violations, evidence regarding adverse community impact and other supporting documentation comprising the Board's official file.

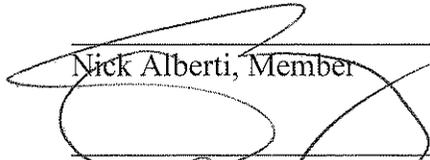
Mt. Vernon Wine & Spirits, Inc.
t/a Good Libations
License No. 73063
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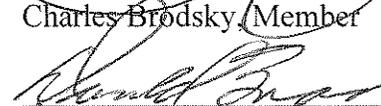
Accordingly, the Board does hereby, this 18th day of March, 2009, **APPROVE** the Application filed by Mt. Vernon Wine & Spirits, Inc., t/a Good Libations located at premises 1201 5th Street, N.W., Washington, D.C, for an exception to the single sale moratorium in Ward 2. The Board's approval of this Application is limited to one year from the date of this Order. Copies of this Order shall be sent to the Applicant and to ANC 2C.

District of Columbia
Alcoholic Beverage Control Board

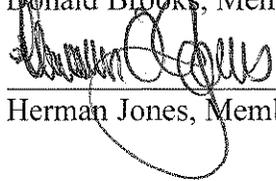

Peter B. Feather, Chairperson


Mital M. Gandhi, Member


Nick Alberti, Member


Charles Brodsky, Member


Donald Brooks, Member


Herman Jones, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

VOLUNTARY AGREEMENT

Mt. Vernon Wine & Spirits, Inc. t/a Good Libations
1201 5th Street, NW

THIS VOLUNTARY AGREEMENT ("Agreement") is made on this 7th day of January 2009 by and between Mt. Vernon Wine & Spirits, Inc. t/a Good Libations, License #073063 ("Applicant"), Advisory Neighborhood Commission 2C ("ANC 2C"), and the Mount Vernon Square Neighborhood Association ("MVSNA") (collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant has applied for an exception to the Single Serve Moratorium for a business establishment ("Establishment") located at 1201 5th Street, NW, Washington, D.C. ("Premises");

WHEREAS, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Control Board ("ABC Board") approve the Applicant's exception conditioned upon the Applicant's compliance with the terms of this written Agreement; and

WHEREAS, the Parties desire to enter into a Voluntary Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to minimize the effect on (i) the peace, order and quiet of the neighborhood; and (ii), and as a condition of the community's support pursuant to Section 2 of the "Consolidated Mt. Pleasant, Ward 2, and Ward 6 Single Sales Moratorium Act of 2008" (to be codified at D.C. Code § 25-346(c)(2)).

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. **RECITALS INCORPORATED.** The recitals set forth above are incorporated herein by reference.
2. **HOURS OF OPERATION.** The Applicant's hours of operation shall be within those permitted by D.C. law.
3. **RESTRICTIONS ON SINGLE SALES; ONE-YEAR TRIAL PERIOD.** Pursuant to an exemption provided under the "Consolidated Mt. Pleasant, Ward 2, and Ward 6 Single Sales Moratorium Act of 2008," the Applicant may sell single containers of beer, ale, or malt liquor of more than 20 ounces upon approval of the ABC Board. All other provisions of the Act shall apply to the Applicant. This exemption shall expire on March 1, 2010 upon the filing of a revocation of support with the ABC Board by ANC 2C or the MVSNA after providing 60-days notice to the Applicant.

4. **DISCOURAGING AND REPORTING DRUG ACTIVITY.** Applicant agrees to assist ANC 2C and MVSNA to improve the quality of life in the Mount Vernon Square / Shaw neighborhoods. To that end, Applicant agrees to contact police in the event of suspected drug activity on/near the Premises and to cooperate with law enforcement in prosecuting violations. Applicant agrees not to sell single cigarettes, cigarette-rolling papers, glassine bags, plastic bags smaller than sandwich size or in non-prepackaged form, or other form of drug paraphernalia.
5. **DISCOURAGING LOITERING AND PUBLIC INTOXICATION.** Applicant will post a prominent "No Loitering" sign and will actively discourage loitering in the vicinity of the Establishment. Applicant shall discourage public consumption of alcoholic beverages by refraining from selling or giving away plastic or paper cups in quantities of 10 or less or providing individual servings of ice. This provision does not prohibit, however, the Applicant from holding special events, such as tastings.
6. **MAINTENANCE OF PREMISES.** Applicant shall keep the sidewalk (up to and including the curb) and exterior areas of the Premises free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall police these areas sufficiently to assure that refuse and other materials are promptly removed. Applicant agrees to oppose installation of any public telephones on or near the Premises.
7. **ADVERTISEMENTS.** In accordance with Title 25, Chapter 7, of the D.C. Code, the Applicant shall limit window advertisements to the permitted twenty-five percent (25%) of the window space. Applicant shall display no advertisement of any kind relating to alcoholic beverages on the exterior of any window or the exterior or interior of any door. Applicant agrees that violation of District of Columbia or federal law or an ABC regulation, rule, or statute is a material breach of this agreement.
8. **LICENSE OWNERSHIP AND COMPLIANCE WITH ABRA REGULATIONS.** Applicant agrees to abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licensees, and agrees that Parties shall have standing to ask the ABC Board to enforce any violations of this agreement. Applicant also agrees to be the sole owner of the ABC license and agrees not to transfer or sell to any other entity before obtaining approval from the ABC Board. Applicant agrees to notify any prospective transferee, assignee, or successor in interest by contract, statute, or testamentary transfer of the existence of this Agreement and to provide them with a copy.
9. **PARTICIPATION IN THE COMMUNITY.** Applicant agrees to maintain open communication with the community, local law enforcement, and the Parties. To this end, Applicant shall occasionally attend ANC 2C public meetings, which currently occur on the first Wednesday of each month at 6:30 p.m. at the Kennedy Recreation Center, and MVSNA meetings, which occur on the third Tuesday of the month at a location posted on the Association's website, <http://www.mvnsa.org>. Applicant, upon notice from ANC 2C or MVSNA, shall send a representative of the Establishment to a meeting(s) to confer and deal in good faith with issues raised under this Agreement.
10. **NOTICE AND OPPORTUNITY TO CURE.** In the event of a violation of the provisions of this agreement, Applicant shall be notified in writing of such violation and shall be entitled

to a reasonable opportunity to cure as a condition precedent to seeking enforcement of this agreement. Applicant agrees to respond to written response to any notice under this agreement within ten (10) business days. Notices shall be sent via first class mail postage prepaid, hand delivery, or by recognized overnight delivery service at the following address:

If to Applicant: ATTN: Ron Greene, Owner
 Good Libations
 1201 5th Street, NW
 Washington, DC 20001
 (202) 347-1006

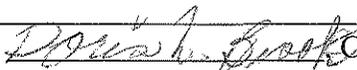
Failure to give notice shall not constitute waiver or acquiescence to the violation, but notice shall be a prerequisite to the filing of a complaint with the ABC Board or any other enforcement action.

11. **COUNTERPARTS.** This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all of which, when taken together, constitute one and the same document. The signature of any party to any counterpart shall be deemed a signature to, and may be appended to, any other counterpart.
12. **SUPPORT OF EXEMPTION.** The Parties join with Applicant in requesting that the ABC Board accept this Agreement as a condition of approval of the exemption pursuant to Section 2 of the "Consolidated Mt. Pleasant, Ward 2, and Ward 6 Single Sales Moratorium Act of 2008" (to be codified at D.C. Code § 25-346(c)(2)).

For Mt. Vernon Wine & Spirits, Inc. t/a Good Libations


By: Ronald Green, Owner

For Advisory Neighborhood Commission 2C (ANC 2C)

By:  Chairperson
Doris Brooks

For Mount Vernon Square Neighborhood Association (MVSNA)


By: Cary Silverman, President