

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:)

E.A. Green & Associates)

t/a Badlands)

Application for a Retailer's)

License Class "CN" - renewal)

at premises)

1415 22nd Street, N.W.)

Washington, D.C.)

Case No. 10819-95015P

Russell Gamble, Chair, on behalf of Advisory Neighborhood Commission 2B,
Protestant

Glen R. Thompson, President, on behalf of Applicant

BEFORE: MARY EVA CANDON, ESQUIRE, Chairperson

JAMES C. JEFFERSON, Member

JAMES L. O'DEA, III, ESQUIRE, Member

BARBARA L. SMITH, ESQUIRE, Member

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on November 2, 1994, and was continued until November 30, 1994, in accordance with D.C. Code Section 25-115 (c)(5)(1992 Supp.), providing for remonstrants to be heard. Russell Gamble, Chair, on behalf of the Advisory Neighborhood Commission 2B (hereinafter "ANC 2B") filed a timely protest letter dated October 14, 1994.

The official records of the Board reflect that parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board.^{1/} Pursuant to the Agreement, the Protestant has agreed to withdraw the protest provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

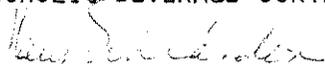
^{1/} See Agreement dated November 16, 1994.

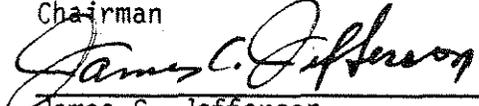
E.A. Green & Associates
t/a Badlands
Page two

Accordingly, it is this 1st day of February 1994,
ORDERED that:

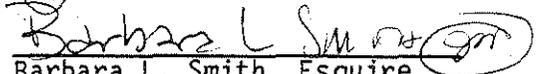
1. The protest of Russell Gamble, Chair, on behalf of ANC 2B, be, and the same hereby, is WITHDRAWN;
2. The above-referenced Agreement between the parties be, and the same hereby, is INCORPORATED as part of this Order;
3. The application of E.A. Green & Associates t/a Badlands for a retailer's license class CN - renewal at premises 1415 22nd Street, N.W., be, and the same hereby, is GRANTED; and,
4. Copies of this Order shall be sent to the Protestant and the Applicant.

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD


Mary Eva Candon, Esquire
Chairman


James C. Jefferson,
Member


James L. O'Dea, III, Esquire
Member


Barbara L. Smith, Esquire
Member

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#10819

VOLUNTARY AGREEMENT

Made this 16th of November, 1999, by and between

E.A. GREEN & ASSOC., t/a BADLANDS
1415 22nd Street, N.W.
Washington, D.C.
("Applicant")

AND

DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION 2B
1601 Connecticut Avenue N.W. Suite 802
Washington, DC 20009
("Protestant")

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WHEREAS, Applicant's application for a Retailer's Class "CT" License (App. No. 10819) is pending before the District of Columbia Alcoholic Beverage Control Board ("Board"); and

WHEREAS, the premises 1415 22nd Street, N.W. are within the jurisdictional boundaries of Protestant Dupont Circle Advisory Neighborhood Commission 2B (ANC 2B); and

WHEREAS, Dupont Circle ANC 2B is recognized by the Board as a protestant in said case; and

WHEREAS, Applicant and Protestant mutually desire to resolve said protest;

NOW THEREFORE, in consideration of the mutual covenants and promises set forth below, and subject to the approval of this Agreement by the Board, the parties agree as follows:

- 1) From the date of adoption of this agreement by the Board and throughout the term thereof, Applicant shall not offer entertainment by nude performers on the premises.
- 2) From the date of adoption of this agreement by the Board and throughout the term thereof, Applicant shall not permit any dancing by performers, or entertainers (although dancing in conjunction with vocal singing or lip-synchronized performances may be permitted).
- 3) From the date of adoption of this agreement by the Board and throughout the term thereof, Applicant will contract with a pest control company to eliminate rodents from the premises, and will periodically bait the alley to prevent rodent harborage. Applicant will dispose of all trash or garbage in Department of Public Works approved containers that are kept closed and sealed at all times. Applicant will ensure the areas immediately around it's outside trash containers are clean and free of debris and

trash. Applicant will make it's best effort to keep the area in front of it's premises clean and free of trash and debris, as required by D.C. Law.

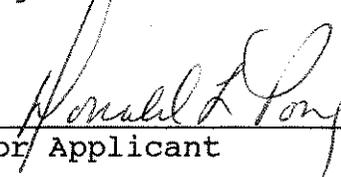
4) Applicant agrees to keep all windows and doors closed in the rear of the premises and to soundproof any air vents in the rear of the premises in order to prevent interior noise from disturbing adjacent residential buildings. Patrons will not be permitted to exit the rear, except in emergencies, and rear doors will be armed with "panic" hardware to discourage use.

5) In consideration of, and reliance upon, the foregoing commitments, and with the understanding that the stated conditions will be made part of Applicant's license, protestants hereby agree to withdraw their protest to Applicant's App. No. 10819 and support reissuance of the license.

6) The Applicant acknowledges that any failure to adhere to the foregoing commitments will constitute grounds for Protestant to petition the Board for revocation of Applicant's ABC license following a Show Cause Hearing pursuant to 23 DCMR 1513.5. or for Protestant to petition the Board to impose any applicable fines for violation of this Agreement, in order to gain Applicant's compliance with this Agreement. Protestant agrees to notify Applicant in writing of any alleged violation of this Agreement and shall afford Applicant fourteen (14) calendar days to correct, or to begin to correct, the violation, prior to notifying the Board.

7) This Agreement shall not preclude Protestant from exercising any other rights under the ABC statute or regulations, nor from challenging Applicant's compliance with any other District of Columbia laws or regulations not covered in this Agreement.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures:



for Applicant



for Protestant
Dupont Circle ANC 2B

DONALD L. PONG

Print Name
Nov 17, 1994

Date

Russell Gamble

Print Name
Nov 16, 1994

Date