

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

| | | |
|--|---|----------------------|
| <hr/> |) | |
| In the Matter of: |) | |
| |) | |
| East Capitol Food, Inc. |) | |
| t/a D.C. Express |) | |
| |) | |
| Application for a Retailer's Class |) | Application no. 6654 |
| B License – Transfer to a New Location |) | 2002-02 |
| at premises |) | |
| 1500 East Capitol Street, N.E. |) | |
| Washington, D.C. |) | |
| <hr/> |) | |

Paul L. Pascal, Esquire, on behalf of the Applicant

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

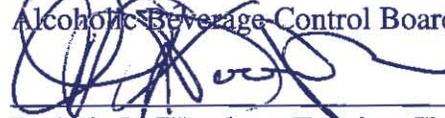
ORDER ON VOLUNTARY AGREEMENT

This matter came before the Board for approval on August 22, 2001. The signatories to the attached voluntary agreement dated January 8, 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 23rd day of February 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.

East Capitol Food, Inc.
t/a D.C. Express
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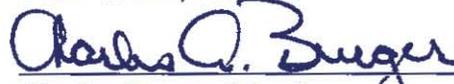
District of Columbia
Alcoholic Beverage Control Board



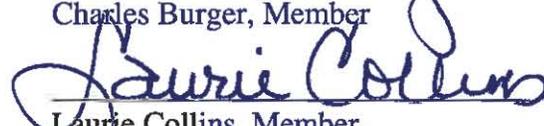
Roderic L. Woodson, Esquire, Chair



Vera Abbott, Member



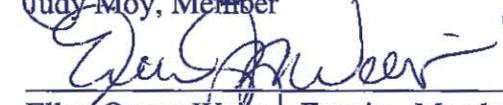
Charles Burger, Member



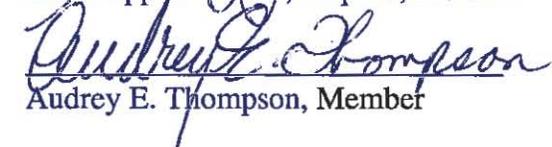
Laurie Collins, Member



Judy Moy, Member



Ellen Opper-Werner, Esquire, Member



Audrey E. Thompson, Member

~~ABC~~
#60381

AGREEMENT

Made this 8th day of January 2002, by and between East Capital Food, Inc., t/a D.C. Express, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "B" license for premises, 1504 East Capital Street, NE, Washington, DC 20002, ABC Application #60381, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "B" Liquor License at the subject premises;

WHEREAS, ANC 6B finds that the sale of single containers of beer, of 40 ounces or less ("singles"), is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter.

NOW, THEREFORE, the parties agree as follows:

1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
 - a. maintaining a "No Loitering/No Panhandling" sign on the outside of the establishment; and,
 - b. posting a sign inside the establishment requesting customers not to contribute to panhandlers; and,
 - c. asking loiterers to move on whenever they are observed outside the establishment; and,
 - d. applicant will not sell alcohol products prior to 9:30am; and,
 - e. applicant will have no pricing signage for alcohol products in the front windows; and,
 - f. not installing an outdoor payphone outside the establishment, and by opposing the efforts of any other party to install an outdoor payphone on or adjacent to the establishment; and,
 - g. keeping a written record of dates and times when the MPD is called for assistance.

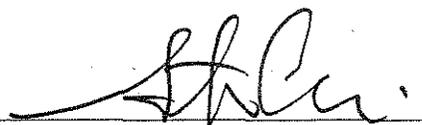
2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
 - a. picking up trash, including beverage bottles and cans, on a daily basis, or more often if needed.
 - b. sweeping the outside of the establishment on a daily basis, or more often if needed.
3. Applicant will not sell or provide cups or single servings of ice, and will not sell "Blunts" or tobacco rolling papers.
4. Applicant will maintain the interior and exterior in a clean, well-painted and graffiti-free condition.
5. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales management.
6. Applicant agrees to sell single containers of beer of 40 or fewer ounces ("singles") only in clear or translucent plastic bags.
7. Applicant will sell goods which reflect the community's needs – including but not limited to grocery products, fresh foods, dairy products and household products.
8. Applicant will de-emphasize sweets and snacks.
9. Applicant place alcohol products in the rear of the store.
10. In consideration of, and reliance upon, the commitments reflected in above paragraphs, the ANC will not oppose the applicant's pending license application.
11. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By:



Steve Choi
President

By:



Kenan Jarboe
Chairperson, ANC 6B