

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

In the Matter of:)	
)	
Saint Ex Group, Inc.,)	
t/a Café Saint Ex)	
)	
Application for Class Change)	
From Class CR to Class CT License)	License No. 60456
)	Order No. 2009-165
at premises)	
1874 14 th Street, N.W.)	
Washington, D.C.)	

Saint Ex, Inc., t/a Café Saint Ex

Brianne Nadeau, Chair, Advisory Neighborhood Commission 1B (ANC 1B), Peter Raia, Commissioner, ANC 1B, and Ronald Clayton, on behalf of a Group of Five, Protestants (Mike Silverstein, Chair, ANC 2B also protested this Application, but agreed to withdraw ANC 2B's protest after the Board's approval of the instant Voluntary Agreement)

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

ORDER ON VOLUNTARY AGREEMENT AND DISMISSAL OF PROTEST

The official records of the Alcoholic Control Board (Board) reflect that Saint Ex Group, Inc., t/a Café Saint Ex, Applicant for Class Change from Retailer's Class CR to Class CT License located at 1874 14th Street, N.W., Washington D.C., and Brianne Nadeau, Chair, ANC 1B, Peter Raia, Commissioner, ANC 1B, and Ronald Clayton, on behalf of a Group of Five Protestants (collectively, the Parties) have entered into a Voluntary Agreement (Agreement) dated June 16, 2009, setting forth the terms and conditions that govern the operation of the Applicant's establishment. This Agreement constitutes a withdrawal of the Protest of this Application.¹

¹ The Board notes that although three individuals, Ramon Estrada, Phyllis Klein, and Juan Mayer, seceded from the Group of Five or More Protestants represented by Ronald Clayton and are not signatories to the Voluntary Agreement, they lack standing on their own to protest this Application pursuant to D.C. Code § 25-601. Thus, their Protest is, by this Order, **dismissed** for want of standing under this provision. The Board further notes that it received a letter regarding the designation of a different representative on June 18, 2009, for certain individuals; however, that letter was received after the signed Voluntary Agreement had been submitted to the Board for approval.

Saint Ex Group, Inc.
t/a Café Saint Ex
License No. 60456
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The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant, Chairperson Nadeau, Commissioner Raia, and Mr. Clayton are signatories to the Agreement

Accordingly, it is this 24th day of June 2009, **ORDERED** that:

1. The Application filed by Saint Ex Group, Inc., t/a Café Saint Ex, for a Class Change from a Retailer's Class CR to a Class CT License located at 1874 14th Street, N.W., Washington, D.C., is **GRANTED**,

2. The Protest in this matter is hereby **DISMISSED**,

3. This above-referenced Voluntary Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and

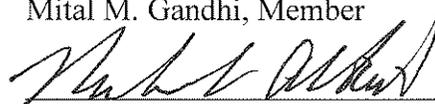
4. Copies of this Order shall be sent to the Applicant, ANC 1B, ANC 2B, Ronald Clayton, and Ramon Estrada.

District of Columbia
Alcoholic Beverage Control Board



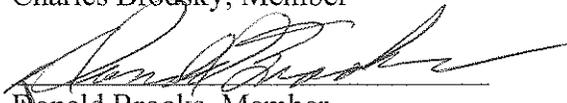
Peter B. Feather, Chairperson

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 CONCERNING CHANGE OF
LICENSE CLASS, SAINT EX GROUP, LLC**

THIS AGREEMENT, made and entered into this 16th day, June, 2009 by and among Saint Ex Group, LLC t/a Café Saint Ex (the "Applicant"), Advisory Neighborhood Commission 1B ("ANC 1B"), and Ronald Clayton, on his own behalf and on behalf of hereinafter named individual protestants ("Clayton"); (ANC 1B, and Clayton are sometimes hereinafter referred to as "Protestants")

WITNESETH

WHEREAS, Applicant is the holder of a Retailer's License Class CR02 for premises known as Café Saint Ex located at 1874 14th Street, NW, Washington, DC

WHEREAS, Applicant has filed an application with the District of Columbia Alcoholic Beverage Control Board ("ABC Board") for conversion of its license to a Class CT01;

WHEREAS, Protestants have filed a protest opposing the conversion of the license class;

WHEREAS, the parties desire to enter into this Voluntary Agreement whereby Applicant will adopt certain measures to address Protestants' concerns, such measures to be formal conditions to the approval of the license conversion, in exchange for Protestants' agreement to the license conversion and withdrawal of their protest.

NOW THEREFORE, in consideration of the mutual covenants and undertakings hereinafter set forth and other good and valuable consideration, the Applicant and Protestants hereby agree as follows.

A. SIDEWALK CAFÉ HOURS: Applicant shall cease seating patrons in its outdoor sidewalk café no later than 11:00 p.m. and shall cease all service and clear all patrons from the outdoor café area no later than 12:00 midnight.

B. MINIMUM FOOD SERVICE. Applicant will be held to a standard of forty percent (40%) of the gross annual receipts from the sale of food or having annual gross food sales of \$1,800.00 per occupant. Applicant agrees that the establishment will be shut down and completely vacated, except for routine maintenance and cleanup, by closing time each night. Applicant agrees that there shall be no after-hours activity.

C. RECYCLING. Applicant agrees that no glass recyclable material shall be dumped in outside containers after 9:00 p.m.

D. NOISE. Applicant acknowledges the requirements of D.C. Code Section 25-725 which prohibits the Applicant from producing sound or noise by the use of amplifiers, instruments or devices which can be heard in any premises located in a residential zone.

E. TRANSPORTATION AND PARKING. Applicant shall encourage transit use.

F. MODIFICATION OF VOLUNTARY AGREEMENT. This Agreement may be modified only by mutual agreement of the parties with the approval of the ABC Board for acceptance and enforcement.

G. 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 this Voluntary Agreement applies.

J. AUTHORITY.

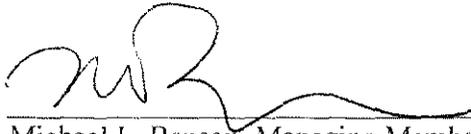
Clayton signs this Agreement on his own behalf and on behalf of Cameron Russell, Sarah De Witt, Philip McNamara, Tori Key, Yukina C. Koike, Nicholas Ackerson, Samantha Beisel, Alexander Lofgren, Dion Sutton, Jennifer Boone, Rodnex Jackson, Alex Mayer, Juliana Thorpe, Tom Lewis, Tom Coumaris, Zelda Litoin, P.D. Klein, James G. Parks, Toby J. Anderson, Norma P. Lombardi, Ken Patterson, Jennifer Taylor, Richard Tanenbaum, Liesel Danjczek, Susan B. Fulton, Tanja Bos, Eric A. Muhl, Russell L. Page, Jr., Allen W. Rotz, and Elwyn Ferris (the "Group of 5 Protestants"). Clayton warrants that he is authorized to sign this Agreement on behalf of the Group of 5 Protestants. Representatives of ANC 1B, by their signatures below, represent that they have been authorized to sign this Agreement by their respective Commission. Applicant represents that Michael L. Benson, who has signed as Managing Member of Saint Ex Group, LLC, is authorized to sign this Agreement on behalf of Applicant.

WHEREFORE, by the signing of the representatives of Applicant and Protestant, Applicant hereby agrees to aforementioned covenants and Protestants agrees to the issuance of the Class CT license to Applicant, and withdraws its protest, provided that this agreement is incorporated into the ABC Board's order issuing a Class CT license, the issuance of which is conditioned upon compliance with the Voluntary Agreement.

[SIGNATURES ON FOLLOWING PAGE]

APPLICANT:

Saint Ex Group, LLC

By: 
Michael L. Benson, Managing Member
Date: 6/8/09

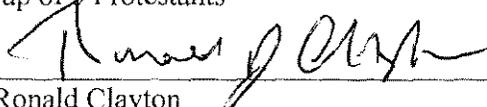
PROTESTANTS:

Advisory Neighborhood Commission 1B

By: 
Brianne Nadeau, Chair
Date: 6/15/09
By: 
Peter Raia
Date: 6/15/09

~~Advisory Neighborhood Commission 2B~~

~~By: _____
Ramon Estrada
Date: _____~~

Group of 5 Protestants
By: 
Ronald Clayton
Date: 6/16/09

Ronald Clayton

Accordingly, on this ___th day of June, 2009 it is ordered that the Voluntary Agreement between Applicant and Protestant is incorporated into the ABC Board's order issuing Applicant an amended Class CT license.