

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

In the Matter of:)

Burger 1931, LLC)
t/a Black & Orange)

Applicant for a New)
Retailer's Class CR License)

at premises)
1931 14th Street, N.W.)
Washington, D.C. 20009)

Case No. 12-PRO-00003
License No. ABRA-088273
Order No. 2012-131

Burger 1931, LLC, t/a Black & Orange (Applicant)

Myla Moss, Chairperson, Advisory Neighborhood Commission (ANC) 1B

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

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member
Jeannette Mobley, Member

**ORDER ON VOLUNTARY AGREEMENT AND
WITHDRAWAL OF PROTESTS OF ANC 1B AND ANC 2B**

The Application filed by Burger 1931, LLC, t/a Black & Orange, for a new Retailer's Class CR License, located at 1931 14th Street, N.W., Washington, D.C., having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on February 13, 2012, and a Protest Status Hearing on March 21, 2012, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Board reflect that the Applicant, ANC 1B, and ANC 2B have entered into a Voluntary Agreement (Agreement), dated March 2, 2012, that governs the operation of the Applicant's establishment.

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The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant; Chairperson Myla Moss, on behalf of ANC 1B; and Chairperson Will Stephens, on behalf of ANC 2B, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protests filed by ANC 1B and ANC 2B.

Accordingly, it is this 11th day of April, 2012, **ORDERED** that:

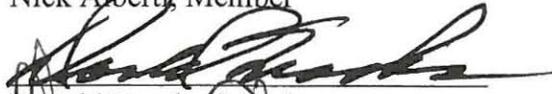
1. The Application filed by Burger 1931, LLC, t/a Black & Orange, for a new Retailer's Class CR License, located at 1931 14th Street, N.W., Washington, D.C., is **GRANTED**;
2. The Protests of ANC 1B and ANC 2B in this matter are hereby **WITHDRAWN**;
3. The above-referenced Voluntary Agreement submitted 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, and ANC 2B.

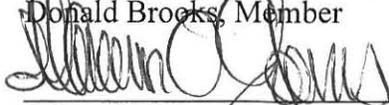
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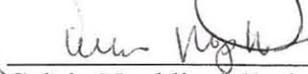
District of Columbia
Alcoholic Beverage Control Board

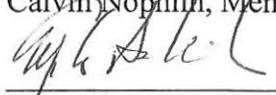

Ruthanne Miller, Chairperson

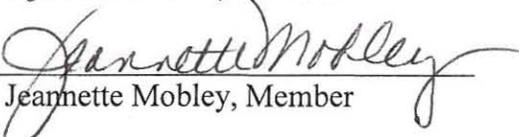

Nick Albert, Member


Donald Brooks, Member


Herman Jones, Member


Calvin Nophlin, Member


Mike Silverstein, Member


Jeannette Mobley, 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, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

VOLUNTARY AGREEMENT
CONCERNING CHANGES TO LICENSE

Made the 2nd day of March, 2012 by and between Burger 1931, LLC, d/b/a Black & Orange, at 1931 14th St NW (hereinafter "Applicant"), and ANC 1B (hereinafter "ANC 1B" or "Protestants") and ANC 2B (hereinafter "ANC 2B" or "Protestants").

WHEREAS, Applicant filed with the District of Columbia Alcoholic Beverage Control (ABC) Board (hereinafter "the Board") a request for the issuance of a Retailer's License Class C for Black & Orange, 1931 14th St NW; and,

WHEREAS, the parties subsequently have negotiated in an effort to address potential issues and/or concerns with regard to the issuance of the license; and,

WHEREAS, the parties desire to enter into a voluntary agreement, pursuant to DC Official Code Section 25-446 (2001 ed.), commemorating their agreements;

NOW, THEREFORE, the parties agree as follows:

1. **Hours.** Applicant's hours of operation will be Sunday-Wednesday 11AM-2AM and Thursday-Saturday 11AM-5AM or as designated by the Alcoholic Beverage Regulation Administration ("ABRA"). Alcoholic beverage service shall cease 12AM Sunday-Wednesday and 2AM Thursday-Saturday or as designated by the Board or ABRA.
2. **Outside Space.** Patio operations will cease no later than 11PM Sunday-Thursday and 12AM Friday-Saturday. No live music, entertainment, or stereo speakers of any kind will be permitted on the patio. Ambient sounds associated with interior speakers will not be considered a violation of the terms or intent of this provision.
3. **Trash/Rodents.** Applicant will have trash/dumpster pickup by a commercial hauler no fewer than 3 times per week. Applicant will also strictly adhere to required and/or voluntary recycling of bottles and cans. Applicant will police the immediate environs of its premises daily and make its best efforts to keep said area clean of trash and debris. Disposal of recycling shall not occur after 10PM. Trash pickup will commence no earlier than 8AM. Applicant shall deposit trash and garbage only in rodent-proof dumpsters and shall see that dumpster covers fit properly and remain fully closed except for such times when trash and garbage is being added or removed. Applicant will make every reasonable effort to eliminate accessible food sources for rodents.
4. **Maintenance of Public Space.** Applicant will maintain public space outside the premises, including disposal of trash and debris from the alley behind its premises and the area immediately in front its premises. Applicant agrees to keep front-facing windows clean and free of graffiti and debris.
5. **Security.** All security personnel employed by applicant will undergo security training to be completed no later than 45 days from the date of hire.

REC'D BY
2012 MAR 20
DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATION ADMINISTRATION

6. **Probationary Period:** Applicant agrees to a 180-day probationary period, effective upon adoption of this Voluntary Agreement, during which time ANC 1B will monitor and report to ABRA any violations of DC law governing liquor licenses or of this voluntary agreement. At the conclusion of this probationary period, the applicant and ANC 1B will, upon the mutual consent of both parties, schedule a meeting at which the parties will revisit the Applicant's Sunday-Wednesday closing hours. Any agreed-upon changes to the Sunday-Wednesday closing hours will be submitted to ABRA as a written addendum to this Agreement no later than two weeks following this meeting. Applicant also agrees to attend and hear and respond to community feedback at no fewer than one U Street Neighborhood Association meeting during this six-month period.

7. **Failure to Adhere.** Applicant acknowledges that failure to adhere to the restrictions recited in paragraphs 1 through 6, inclusive, above, will constitute grounds for the designated representative protestants, whose signatures are affixed herunto, to petition the Board for issuance of an Order to Show Cause, pursuant to DC Official Code Section 25-447 (2001 ed.), to ascertain Applicant's compliance with the terms of this Agreement and/or if necessary to obtain compliance with these terms. Prior to so petitioning, however, the Designated representative protestants shall notify Applicant of any violations and afford Applicant a minimum of fourteen (14) calendar days in which to address or rectify the perceived violation.

In further consideration of, and reliance upon the forgoing commitments by Protestants, the Applicant hereby request that its Application for Issuance of its Class C Retailer's License be issued.

In WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first above written.

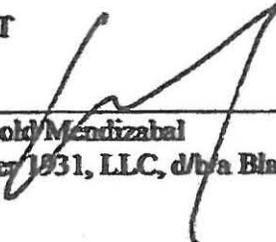
PROTESTANTS,

THROUGH THEIR DESIGNATED REPRESENTATIVE PROTESTANTS:

By: _____
ANC 1B Chairman


ANC2B Chairman

APPLICANT

By:  3/15/12
Reynold Mendizabal
Burger 1931, LLC, d/b/a Black & Orange