

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

In the Matter of:	)	
	)	
Albo Corporation,	)	
t/a 11 Market	)	
	)	
Application for Renewal of a	)	License No. 60236
Retailer's Class B License	)	Case No. 9753-06/007P
at premises	)	Order No. 2008-197
	)	
1936 11 <sup>th</sup> Street, N.W.	)	
Washington, D.C.	)	

Albo Corporation, t/a 11 Market, Applicant

Thomas K. D. Smith, Chair, and Philip C. Spalding, Commissioner, on behalf of  
Advisory Neighborhood Commission 1B, Protestant

**BEFORE:** Peter B. Feather, Chairperson  
Judy A. Moy, Member  
Mital M. Gandhi, Member

**ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST**

The Application filed by Albo Corporation, t/a 11 Market, to renew its Retailer's Class B license, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call hearing on February 15, 2006, in accordance with D.C. Official Code § 25-601 (2001). Philip C. Spalding, Commissioner, on behalf of Advisory Neighborhood Commission (ANC) 1B, filed a timely letter of opposition dated November 4, 2005.

The official records of the Board reflect that the Parties have reached an Agreement which has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the Agreement, dated March 3, 2008, the Protestants have agreed to withdraw the protest, provided, however, the Board's approval of the pending Application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

**Albo Corporation,  
t/a 11 Market,  
License No. 60236  
Case No. 9753-06/007P  
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Accordingly, it is this 14<sup>th</sup> day of May 2008, **ORDERED** that:

1. The protest of ANC 1B is **WITHDRAWN**;
2. The Application filed by Albo Corporation, t/a 11 Market, to renew its Retailer's Class B license, at 1936 11<sup>th</sup> Street, N.W., Washington, D.C., is **GRANTED**;
3. The above-referenced agreement is **INCORPORATED** as part of this Order;  
and
4. Copies of this Order shall be sent to the Applicant and to ANC 1B.

District of Columbia  
Alcoholic Beverage Control Board

  
Peter B. Feather, Chairperson

  
Judy A. Moy, Member

  
Mital M. Gandhi, 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

DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE  
REGULATION ADMINISTRATION

This voluntary agreement (VA) made this 3<sup>rd</sup> day of March, 2006, by and between Albo Corp. t/a 11 Market (Applicant) and Advisory Neighborhood Commission 1B (Protestants).

REC'D BY HAL

### RECITALS

Whereas, Applicant is the holder of retailer's license (60236) Class B for premises located at 1936 11<sup>th</sup> Street NW;

Whereas, Protestant has protested reissuance of the license;

Whereas, the parties have agreed to enter into this voluntary agreement pursuant to Section 1513.2 of 23 DCMR for the purpose of resolving the protest set forth in the letter dated November 4, 2005, a copy of which is attached hereto, and to request the Alcoholic Beverage control Board to approve the reissuance of the Applicant's license conditioned upon Applicant's compliance with the terms of this written agreement.

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. No sale of alcoholic beverages for consumption in public space. Applicant shall not sell alcoholic beverages to any person whom the Applicant knows, or reasonably should know, will consume the beverages in public space or will divide containers among several persons while in public space. Specifically prohibited are sales of Mad Dog 2020, blunts (single cigars) and rolling papers of any kind. No sale of single 12 ounce cans or bottles of beer.
3. Intoxicated persons. Applicant shall refuse to sell alcoholic beverages to any intoxicated person, to any person of notoriously intemperate habits, or to any person who appears intoxicated.

4. Loitering. Applicant shall actively seek to prevent person(s) from congregating in and around its immediate premises by: (a) posting clearly visible “no loitering” signs (lettering no less than five inches) on the interior and exterior of its premises and by asking loiterers to leave; (b) implementing hardscape and landscape improvements to the street fronting public space; (c) contacting MPD3D when necessary to ask its support in dispersing loiterers and in maintaining order. Applicant shall maintain a log of its calls to MPD3D with the date, time and nature of the call. The log will be made available to Protestant, upon request, for review and/or copying.

5. Maintenance of premises. Applicant shall maintain the exterior area immediately in front and behind 1936 11<sup>th</sup> Street.

6. Notices. In the event of a violation of the provisions of this Agreement, Applicant shall be notified in writing of such violation. Notices shall be sent by first class mail postage prepaid, hand delivery or by recognized overnight delivery service as follows:

If to licensee:        Enkenyelesh Desta  
                                 Albo Corp. t/a Eleven Market  
                                 1936 11<sup>th</sup> Street NW  
                                 Washington DC 20009

If to protestant:     ANC1B  
                                 PO Box 73710  
                                 Washington DC 20056

Applicant may change the notice address listed above by written notice to the signatories hereto. Applicant shall provide a written response to any notification under this Agreement within five business days. Failure to give notice shall not constitute waiver or acquiescence to the violation, but notice shall be concurrent with the filing of a complaint with the Alcoholic Beverage Control Board.

7. Signs and posters. Applicant shall not place signs/posters on more than twenty-five percent of its windows and shall not stack merchandise in front of the windows so as to obstruct visibility into the establishment. Windows shall be cleaned on a regular basis. Applicant shall maintain the property in reasonable condition that does not detract from the

adjacent residential community and shall expeditiously remove or paint over any graffiti on its immediate premises.

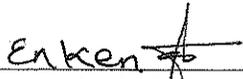
8. Withdrawal of protest. Protestant hereby withdraws its protest and joins with Applicant in requesting that the Alcoholic Beverage Control Board accept this Agreement as a condition of approval of the reissuance of Applicant's license.

9. 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.

10. Authority. Representatives executing this Agreement on behalf of the respective parties do hereby affirm that they have the authority to do so.

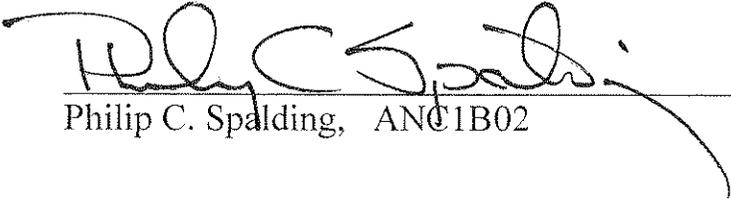
*In witness whereof, the parties have executed this Voluntary Agreement as of the day and date first above written.*

Applicant:

  
\_\_\_\_\_  
Enkenyelesh Desta

Protestant:

  
\_\_\_\_\_  
Thomas K. D. Smith, Chairman ANC1B

  
\_\_\_\_\_  
Philip C. Spalding, ANC1B02