

*to be done
no hearing yet*

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

In the Matter of:)
)
Asia 21, Inc.)
t/a Pan Asian Noodles & Grill)
)
Application for a Retailer's Class CR)
License – renewal)
at premises)
2020 P Street, NW)
Washington, D.C.)
)

Application no.: 28155-04/100P
Order no.: 2005-04

Asia 21, Inc., Applicant

Darren A. Bowie, Chairperson, on behalf of the Advisory Neighborhood Commission 2B, Protestant

BEFORE: Charles A. Burger, Chairperson
Vera M. Abbott, Member
Judy Moy, Member
Audrey E. Thompson, Member
Peter B. Feather, Member
Albert G. Lauber, Member
Eartha Isaac, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST

The application, having been protested, came before the Board on September 15, 2004, in accordance with D.C. Official Code § 25-601 (2001). Darren A. Bowie, Chairperson, on behalf of the Advisory Neighborhood Commission 2B, Protestant, filed timely opposition by letter dated August 17, 2004.

The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. The Board is approving the agreement subsequent to the following changes. The Board is striking the phrase "revocation of the Applicant's ABC license following" in provision 8 of the agreement for not being an appropriate penalty under Title 25 of the D.C. Official Code or Title 23 of the District of Columbia Municipal Regulations ("DCMR"). The Board is also striking the citation "25 DC CODE 1513.5" in provision 8 of the agreement and replacing it with the correct citation "D.C. Official Code § 25-447." Pursuant to the agreement, dated September 14, 2004, the Protestant has agreed to

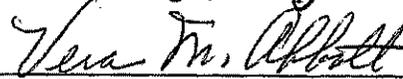
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24/08/04*

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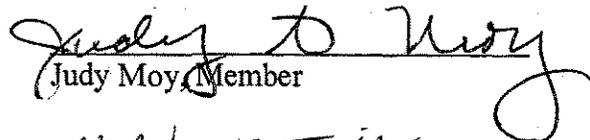
District of Columbia
Alcoholic Beverage Control Board



Charles A. Burger, Chairperson



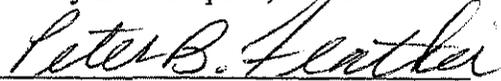
Vera M. Abbott, Member



Judy Moy, Member

NON VOTING

Audrey E. Thompson, Member



Peter B. Feather, Member



Albert G. Lauber, Member

NON VOTING

Eartha Isaac, 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

This Voluntary Agreement entered into this 19th day of September, 2004, by and between Asia 21, Inc. (Hereinafter referred to as Applicant), and Dupont Circle Advisory Neighborhood Commission 2B (hereinafter referred to as ANC 2B), pursuant to 35 DCR No.26, Section 1513:

WHEREAS, Applicant's application No. 28155 for renewal Class CR Retailer's License at premises 2020 P Street, NW is pending before the District of Columbia Alcoholic Beverage Control Board (hereinafter referred to as the "Board"); and

WHEREAS, premises 2020 P Street, NW, is within the jurisdictional boundaries of Dupont Circle ANC 2B; and

WHEREAS, Dupont Circle ANC 2B reviewed the renewal application at its duly called meeting on Wednesday, August 11, 2004 and a quorum being present; and

WHEREAS, the Applicant and ANC 2B, mutually desiring to enter into this Voluntary Agreement:

NOW THEREFORE, Applicant and ANC 2B set forth their mutual Agreement with the intent to be bound thereby, as follows, and request that the Board approve and incorporate the text of this Voluntary Agreement in its order granting Application No. 28155:

- 1) The Applicant will neither apply for nor request for any additional outside telephones.
- 2) The Applicant will maintain the paint on the east wall of 2020 P Street, NW (the wall facing Hopkins Street) a neutral color of tan or beige and coat an area 12 feet high along the entire east wall with a compound which repels graffiti. Throughout the term of this agreement, the Applicant will be responsible for the removal of any additional graffiti from the building.
- 3) With the exception of two drums to be used for recycling used cooking oil (stored in a tightly sealed container), the Applicant will not store any trash on the east side of the building facing Hopkins Street. Applicant acknowledges leaks in the three prior oil storage drums during this previous Agreement; the Applicant agrees that, in the event of a further leak in an oil storage drum, the Applicant will discontinue his current supplier and find a new recycling cooking oil company. If an oil storage drum leaks for a second time, the owner will construct, at his own expense, a galvanized tray to cover the outdoor storage area with at least a 6 inch high lip to retain any future oil leaks or spills.
- 4) The Applicant will store all trash in the rear of the building in locked dumpsters. No dumpster will be overstuffed and any additional trash will be stored inside the building until the morning of a trash pick up. The Applicant will provide for six (6) trash pick ups per week, including holidays. The Applicant will wash and clean the dumpsters, concrete storage areas, and side walks at least 3 times a week with ammonia, clorox, or other cleaning solvent Any

FEDERAL TRADE
GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B



FACSIMILE TRANSMISSION COVER SHEET

TO: Fred Moosally, Esq.
Alcoholic Beverage Regulation
Administration

**FACSIMILE
TRANSMISSION NUMBER:** (202) 442-9563

FROM: Darren A. Bowie
Chair, ANC 2B (Dupont Circle)
(202) 326-2018

SUBJECT: September 15, 2004 Roll Call Hearing

Application No. 28155
Asia 21, Inc., T/A Pan Asian Noodles
& Grill, 2020 P Street NW

**Date of
transmission:** September 14, 2004

**Total number of pages
transmitted, including
this cover sheet:**

4

Mr. Moosally - In connection with the hearing scheduled for tomorrow in the above matter, attached is a Voluntary Agreement signed by the applicant and ANC 2B.

Please call me if there are any questions. Thank you.

**IN CASE OF TRANSMISSION ERRORS,
CALL SENDER AT (202) 326-2018.**