

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

<u>In the Matter of:</u>)	
)	
Namir, LLC)	
t/a Twist)	
)	
Application for a Retailer's Class)	Case no. 86-02/103P
CR (new))	2002-262
at premises)	
3011 M Street, N.W.)	
Washington, D.C.)	
)	

Peter Pulsifer, Chair, on behalf of the Advisory Neighborhood Commission 2E,
Protestant

Stephen J. O'Brien, 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**ORDER ON WITHDRAWN OPPOSITION
AND VOLUNTARY AGREEMENT**

The application, having been protested, came before the Board on June 19, 2002, in accordance with D.C. Official Code Section 25-601 (2000 Edition). Peter Pulsifer, Chairperson, on behalf of the Advisory Neighborhood Commission 2E, filed timely opposition.

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. Pursuant to the agreement, dated October 22, 2002, the protestant has agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

Accordingly, it is this 13th day of November 2002, **ORDERED** that:

Namir, LLC
t/a Twist
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1. The opposition of Peter Pulsifer, Chairperson, on behalf of the Advisory Neighborhood Commission 2E, is **WITHDRAWN**;
2. The application of Namir, LLC t/a Twist for a retailer's class CR license (new) at 3011 M Street, N.W., Washington, D.C., is **GRANTED**;
3. The above-referenced agreement between the parties is **INCORPORATED** as part of this Order; and
5. Copies of this Order shall be sent to the Protestant, the Attorney for the Applicant, and the Applicant.

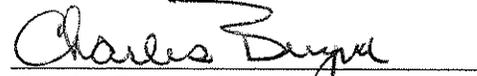
District of Columbia
Alcoholic Beverage Control Board



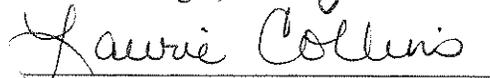
Roderic L. Woodson, Esquire, Chair

NOT VOTING

Vera Abbott, Member



Charles Burger, Member



Laurie Collins, Member



Judy Moy, Member

NOT VOTING

Ellen Opper-Weiner, Esquire, Member



Audrey E. Thompson, Member

AGREEMENT

Advisory Neighborhood Commission 2E ("the ANC") and Namir, LLC, a District of Columbia corporation, t/a Twist ("the Applicant") agree as follows:

WHEREAS, the Applicant has filed with the District of Columbia Alcoholic Beverage Control Board (the "Board") an application ("the Application") for the transfer of a Retailer's license, Class CR, application no. 86, to be used for that certain restaurant known as Twist, located at 3011 M Street, N.W. ("the establishment");

WHEREAS, the ANC represents the residents and taxpayers within its boundaries and wishes to insure that no establishment that sells alcoholic beverages will adversely affect the health, safety, and quality of life in the surrounding community; and

WHEREAS, the parties desire to enter into an agreement commemorating certain understandings regarding the Applicant's operational plans;

NOW, THEREFORE, in consideration of the premises above recited, and the covenants and promises set forth below, the parties agree as follows:

1. The Applicant shall at all times operate as a bona-fide restaurant for the primary purpose of food consumption. Alcoholic beverages shall be served primarily in conjunction with the service of food. The kitchen shall be open and hot food items shall be available until at least one hour before closing.
2. The establishment shall have a maximum capacity of 50 persons, including standing room for not more than 10 persons. The maximum capacity shall be prominently posted as required by law and shall never be exceeded.
3. The establishment shall be open from 11 a.m. to midnight on Monday through Thursday, 11 a.m. to midnight on Friday, 9 a.m. to midnight on Saturday, and 9 a.m. to midnight on Sunday. These hours may be changed following written notice to the ANC by first-class mail, provided that the closing time shall not be later than the hours listed. Notwithstanding the foregoing, however, subsequent to September 1, 2003 the establishment may be open on Friday and Saturday nights until 1 a.m., provided that no officially substantiated ABC violations (including violations of this agreement) shall have been reported to the Board before that date.
4. The applicant may provide live or recorded music for the accompaniment of dining, provided that live music be limited to unamplified string instruments and that any music shall be at levels that cannot be heard from the street outside the establishment except when patrons enter or leave the establishment.
5. The applicant shall strictly enforce the underage drinking laws of the District of Columbia by requiring valid official identification showing age and cooperating with ABC inspectors and the police department in enforcing the law.
6. The applicant shall not distribute or place fliers, placards, cards and other promotional materials in the public space.
7. The applicant shall not place its trash or litter outside the premises in any containers that are not vermin proof, and shall insure that all legal refuse containers are emptied by a licensed garbage truck hauler daily. Repeated sanitation citations by DC government inspectors will be considered a violation of this agreement.
8. A fully licensed manager who is conversant with this agreement shall be on duty at all times that the establishment is open.

9. The parties agree that the above provisions are conditions of the license and any failure of Applicant to adhere to the foregoing commitments 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. Prior to so petitioning, however, the ANC shall notify the Applicant of any perceived violations and afford Applicant seven (7) calendar days in which to address or rectify the perceived violation.

10. This written agreement constitutes the only agreement between the parties and may be modified only by the written agreement of both parties.

11. In consideration of, and reliance upon, the foregoing commitments by the establishment, the ANC requests hereby that its protest of the Application be deemed withdrawn.

Executed this 22nd day of October, 2002.

By: [Signature]
Namir, LLC

By: _____

ADVISORY NEIGHBORHOOD COMMISSION 2E

BY: [Signature]
Peter Pulsifer, Chairman