

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

_____)	
In the Matter of:)	
)	
Old Glory-DC, LLC)	
t/a Old Glory)	
)	
Holder of a)	License No. ABRA-076435
Retailer's Class CR License)	Order No. 2013-257
)	
at premises)	
3139 M Street, N.W.)	
Washington, D.C. 20007)	
_____)	

Old Glory-DC, LLC, t/a Old Glory (Licensee)

Ron Lewis, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 2E

Jennifer Altemus, President, Citizens Association of Georgetown (CAG)

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Mike Silverstein, Member
Herman Jones, Member

ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Old Glory-DC, LLC, t/a Old Glory, (Licensee), ANC 2E, and CAG entered into a Settlement Agreement (Agreement), dated December 5, 2006, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated April 10, 2013, in accordance with D.C. Official Code § 25-446 (2001).

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee; Chairperson Ron Lewis, on behalf of ANC 2E; and Jennifer Altemus, on behalf of CAG, are signatories to the Amendment.

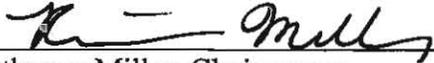
Old Glory-DC, LLC
t/a Old Glory
License No. ABRA-076435
Page 2

Accordingly, it is this 5th day of June, 2013, **ORDERED** that:

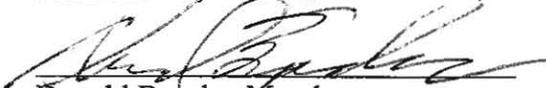
1. The above-referenced Amendment to Settlement Agreement, dated April 10, 2013, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the original Agreement, not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee, ANC 2E, and CAG.

Old Glory-DC, LLC
t/a Old Glory
License No. ABRA-076435
Page 3

District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson

Nick Alberti, Member


Donald Brooks, Member


Mike Silverstein, Member

Herman Jones, Member

Pursuant to D.C. Official Code § 25-433, any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

AMENDMENT TO SETTLEMENT AGREEMENT

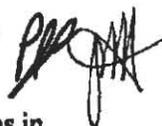
THIS AMENDMENT is made this 10th day of Apr. 1, 2013, by and among Capital Restaurant Concepts, Ltd, a District of Columbia Corporation ("Applicant"), Advisory Neighborhood Commission 2E (the "Commission"), and Citizens Association of Georgetown, a District of Columbia not for profit Corporation ("CAG")

WHEREAS, Applicant owns and operates "Old Glory" located at 3139 M Street, NW and is the holder of a Retailer's License Class CR, License No. 21725, issued by the District of Columbia Alcoholic Beverage Control Board ("ABC Board")

WHEREAS, the parties entered into a Voluntary Agreement dated December 5, 2006 in connection with the Applicant's application for an entertainment endorsement to the License;

WHEREAS, the parties desire to amend the Agreement upon the terms hereinafter set forth.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises set forth herein, the parties hereto agree as follows.

1. Recitals Incorporated. The recitals above are incorporated herein by reference.
2. Amendments to Agreement. Paragraph 1 of the Agreement is hereby amended to provide that the maximum capacity for the summer garden is ~~eighty~~ eighty-five ~~80~~ 85 ~~sq. ft.~~ sq. ft. 
3. Full Force and Effect. Except as specifically provided herein, the Agreement remains in full force and effect.

[SIGNATURE BLOCKS ON FOLLOWING PAGE]
WHEREFORE, the parties have entered into this Amendment on the date set forth below.

APPLICANT:

Capital Restaurant Concepts, Ltd.

By: Paul J. Cohn

Print Name/Title: PAUL J COHN
SENIOR EXECUTIVE OFFICER + CO-FOUNDER

Date Signed: 3.28.2013

ANC ~~2B~~ 2E

By: Ron Lewis

Bill Starrels, Vice Chair Ron Lewis, Chair

Date Signed: 4.10.2013

CAG

By: Jennifer Altemus

Jennifer Altemus, President

Date Signed: 4.10.13

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

<u>In the Matter of:</u>)	
)	
Capital Restaurant Concepts, Ltd.)	
t/a Old Glory)	
)	
Application for a Retailer's Class CR)	License no.: 21725
License – Substantial Change)	Case no.: 10485-07/003P
at premises)	Order no.: 2007-001
3139 M Street, N.W.)	
Washington, D.C.)	
)	

Capital Restaurant Concepts, Ltd., Applicant

Victoria G.K. Rixey, President, on behalf of the Citizens Association of Georgetown, and Ed Solomon, Chairperson, on behalf of Advisory Neighborhood Commission 2E, Protestants

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

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST

The substantial change application for an entertainment endorsement, having been protested, came before the Board on October 25, 2006, in accordance with D.C. Official Code § 25-601 (2001). Victoria G.K. Rixey, President, on behalf of the Citizens Association of Georgetown ("CAG"), and Ed Solomon, Chairperson, on behalf of Advisory Neighborhood Commission ("ANC") 2E, filed timely oppositions by letter.

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 December 5, 2006, the Protestants have agreed to withdraw their protests, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

Capital Restaurant Concepts, Ltd.

t/a Old Glory

License no. 21725

Case no. 10485-07/003P

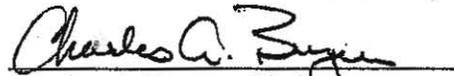
Page two

Accordingly, it is this 10th day of January 2007, **ORDERED** that:

1. The protests of Victoria G.K. Rixey, President, on behalf of CAG, and Ed Solomon, Chairperson, on behalf of ANC 2E, are **WITHDRAWN**;
2. The substantial change application of Capital Restaurant Concepts, Ltd., t/a Old Glory, for an entertainment endorsement at 3139 M 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 Protestants and the Applicant.

Capital Restaurant Concepts, Ltd.
t/a Old Glory
License no. 21725
Case no. 10485-07/003P
Page three

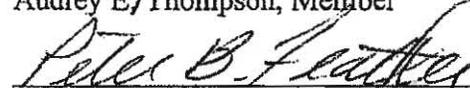
District of Columbia
Alcoholic Beverage Control Board


Charles A. Burger, Chairperson

Vera M. Abbott, Member


Judy A. Moy, Member


Audrey E. Thompson, Member


Peter B. Feather, Member


Albert G. Lauber, 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.

AGREEMENT

THIS AGREEMENT ("Agreement") is made this 5th day of December, 2006, by and among Capital Restaurant Concepts, Ltd., a District of Columbia corporation, (the "Applicant"), Advisory Neighborhood Commission 2E (the "Commission"), and the Citizens Association of Georgetown, a District of Columbia not-for-profit corporation ("CAG")

WHEREAS, Applicant filed with the District of Columbia Alcoholic Beverage Control Board (the "Board") an application (the "Application") for an Entertainment Endorsement to License #21725 for its establishment known as "Old Glory" located at 3139 M Street, NW ("Establishment"), which Application is pending before the Board

WHEREAS, the Commission represents the residents and taxpayers living within the boundaries of ANC 2E 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, CAG represents its members who are residents of the neighborhood in which the Establishment is located, 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 Applicant is seeking written consent from the Commission and CAG for approval of the Application; and

WHEREAS, in order to secure the consent of the Commission and CAG to the grant of the Application, Applicant has agreed to enter into this Agreement commemorating certain understandings regarding the Applicant's operation;

NOW, THEREFORE, in consideration of the foregoing and the mutual promises set forth herein, the parties hereto agree as follows:

1. Occupancy and safety. The Establishment shall have a maximum capacity of 120: eighty on the first floor and forty on the second floor. The maximum capacity for the summer garden is forty-nine. These limits shall be prominently posted and shall not be exceeded.
2. Entertainment. There shall be no promoters or dancing. Music shall not be audible outside the Establishment except during the normal passage of persons into or out of the Establishment.

3. M Street Sidewalk. The Establishment shall not allow a queue to gather on the sidewalk outside the Establishment knowing that it is public space and should be kept open at all times for the flow of pedestrian traffic. Use of rope and or stands is prohibited.
4. Consent. The Commission and CAG hereby withdraw any protest to the grant of the Application and consent to approval thereof by the Board.

This Agreement constitutes the only agreement between the parties with regard to the Application and may be modified only by the written agreement of all parties.

Executed this 5th day of December, 2006.

Capital Restaurant Concepts, Ltd.

BY: Paul J. White

ADVISORY NEIGHBORHOOD COMMISSION 2E

BY: Bill Starrels
Bill Starrels, Vice-Chair, ANC 2E and Chair, ABC Committee

CITIZENS ASSOCIATION OF GEORGETOWN

BY: Victoria Rixey
Victoria Rixey, President

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown and Hillandale

3265 S Street, NW • Washington, DC 20007

(202) 338-7427 • FAX (202) 338-0279 • anc2e@erols.com

December 6, 2006

Mr. Charles Burger, Chair
Alcoholic Beverage Control Board
941 N. Capitol Street, NE., Seventh Floor
Washington, DC 20002

RE: License # 21725, Old Glory, 3139 M St, NW

Dear Mr. Chairman and Members of the Board:

On December 5 2006, ANC 2E held its regularly scheduled meeting which was duly noticed and attended by all seven commissioners. The above-referenced item was on the agenda and the following action by unanimous vote was taken:

ANC 2E approves the Voluntary Agreement for Old Glory at
3139 M St, NW therefore we withdraw our protest.

The Voluntary Agreement as adopted is attached.

Sincerely,



Ed Solomon
Chair, ANC 2E

COMMISSIONERS:

Ed Solomon, District 1 John Lever, District 2 Bill Skelsey, District 3 Brett Clements, District 4
Bill Starrels, District 5 Gunnar Halley, District 6 Charles Eason, District 7

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