

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:)

S & U Enterprises, Inc.)
t/a Bodegas Los Primos)

Application for a Retailer's Class)
B License)
at premises)
3170 Mt. Pleasant Street, N.W.)
Washington, D.C.)

Application no. 11163

BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Laurie Collins, Member
Judy Moy, Member
Ellen Opper-Weiner, Esquire, Member
Audrey E. Thompson, Member

3014-23C

ORDER ON VOLUNTARY AGREEMENT

The licensee, the Mount Pleasant Neighborhood Alliance (MPNA) and the Advisory Neighborhood Commission (ANC) 1E entered into an agreement on September 21, 2000. The agreement is one of several voluntary agreements between ABC establishments in the Mt. Pleasant area, MPNA and ANC 1E. The Board approved the license application conditioned on the applicant's compliance with the terms of the voluntary agreement, and incorporated the text of the same into the Order dated May 2, 2001.

On October 3, 2001, the Board held a fact finding on these voluntary agreements, focusing on the prohibition on the sale of single beers. On October 24, 2001, the Board took the matter under advisement and rendered its decision to continue the prohibition on the sale of single beers.

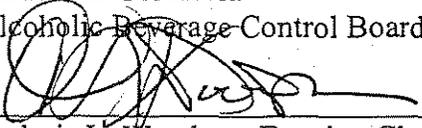
Accordingly, it is this 21st day of November 2001, **ORDERED** that:

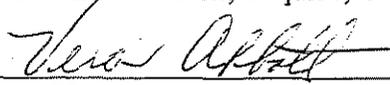
- 1) The existing voluntary agreement containing the provision prohibiting the sale of single beer, be, and the same hereby, is **CONTINUED** for one (1) year between the parties; and

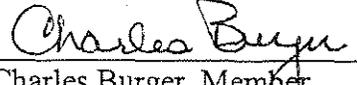
S & U Enterprises, Inc.
t/a Bodegas Los Primos
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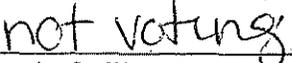
- 2) The Board shall hold a fact finding hearing prior to the expiration of the restriction to determine whether to extend or eliminate the prohibition on single sales;
- 3) The permanent restriction prohibiting the licensee from selling alcoholic beverages prior to 9:30 a.m. shall remain in place; and
- 4) Copies of this Order shall be sent to the licensee, the Mount Pleasant Neighborhood Alliance and ANC 1E.

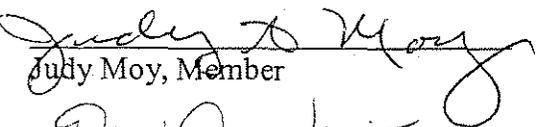
District of Columbia
Alcoholic Beverage Control Board


Roderic L. Woodson, Esquire, Chair

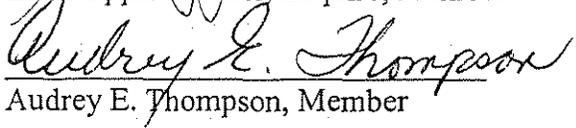

Vera Abbott, Member


Charles Burger, Member


Laurie Collins, Member


Judy Moy, Member


Ellen Opper-Weiner, Esquire, Member


Audrey E. Thompson, Member

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:

S & U Enterprises, Inc.
T/a Bodega Los Primos

Application for a Retailer's
Class B - renewal
at premises

3170 Mt. Pleasant Street, NW
Washington, DC 20009

Case No. 11163-00018

**Laurie Collins, President, Mount Pleasant Neighborhood Alliance (MPNA),
Bill Mosley, Chair, Mount Pleasant Neighborhood Commission (ANC) 1E, and
Marika Torok
Protestants**

Un J. Kim, President, 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 PROTEST AND VOLUNTARY AGREEMENT

This matter, having been protested, was scheduled for a roll call hearing on February 9, 2000, in accordance with D.C. Code Section 25-115(c)(5) (1999 Supp.), providing for the protestants to be heard. The Board received a timely protest letter from Laurie Collins, President, MPNA, dated January 13, 2000; Bill Mosley, Chair, ANC 1E, dated January 19, 2000; and Marika Torok, dated January 24, 2000.

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 September 21, 2000, the protestants have agreed to withdraw the opposition, provided, however, the Board's approval of the

S & U Enterprises, Inc.
T/a Bodega Los Primos
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pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement. The agreement reached between the Mount Pleasant Neighborhood Alliance and Bodegas Los Primos, dated March 28, 2000, is superceded by the September 21, 2000 agreement.

Accordingly, it is this 2nd day of May 2001, **ORDERED** that:

1. The opposition of the Mount Pleasant Neighborhood Alliance, Advisory Neighborhood Commission (ANC) 1E, and Marika Torok, be, and the same hereby is **WITHDRAWN**;

2. The application of S & U Enterprises, Inc., t/a Bodega Los Primos, for a retailer's class B license renewal at premises 3170 Mt. Pleasant Street, NW, Washington, DC 20009, be, and the same hereby, is **GRANTED**; and

3. The above-referenced agreement between the parties, be, and the same hereby is **INCORPORATED** and part of this **ORDER**; and;

4. Copies of this Order shall be sent to the Protestant and the Applicant.

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL
BOARD

Roderic L. Woodson, Esquire, Chair

Vera M. Abbott
Vera Abbott, Member

Charles Burger
Charles Burger, Member

not voting
Laurie Collins, Member

Judy Moy
Judy Moy, Member

Ellen Opper-Weiner
Ellen Opper-Weiner, Esquire, Member

Audrey Thompson
Audrey Thompson, Member

#11163

VOLUNTARY AGREEMENT BETWEEN
S & U Enterprise Inc. t/a Bodegas Los Primos,
THE MOUNT PLEASANT ADVISORY NEIGHBORHOOD COMMISSION, AND THE
MOUNT PLEASANT NEIGHBORHOOD ALLIANCE

Whereas, S & U Enterprises, Inc., t/a Bodegas Los Primos ("Licensee") has applied for renewal of an ABC Class B license for the premises located at 3170 Mt. Pleasant Street, N.W., Washington, D.C., Case No. 11163-00018P; and

Whereas, the Mount Pleasant Advisory Neighborhood Commission ("ANC 1E") and the Mount Pleasant Neighborhood Alliance (MPNA) have filed a protest to the renewal of the license: and

Whereas, the parties have discussed the concerns of the neighborhood and have reached an understanding relating to the operation of the establishment and cooperative efforts of the Licensee, ANC 1E, and MPNA.

Now, therefore, in consideration of the agreements set forth herein, ANC 1E and MPNA agree to withdraw its protest and Licensee agrees to comply with the terms of the agreement as set forth hereinafter.

Further, all the parties agree to participate in an on-going, structured process of consultation to identify and resolve problems. Protest of ABC Board actions is viewed as a last resort.

Upon acceptance by the ABC Board, this agreement supersedes and replaces all previous Voluntary Agreements previously entered into and attached to the license.

Licensee agrees:

- A. Licensee will comply with all laws and regulations governing the operation of the establishment, including laws and regulations governing the Class B license to which this agreement applies, as applied for and approved by the District of Columbia in the name of Licensee.
- B. Licensee, its officers and employees, will cooperate with ANC 1E and MPNA to address any alleged violation of the laws and regulations referred to in Provision A above and in any request that the appropriate enforcement agency investigate an alleged violation.
- C. Licensee, in cooperation with ANC 1E and MPNA, will support community organizations that seek to alleviate alcohol abuse problems, by participation in meetings and programs, and by other assistance as the circumstances may warrant.
- D. Licensee will participate in the Mount Pleasant business community in an effort to enlist wider business support for cleaner streets and sidewalks, responsible alcohol service, support of alcohol abuse prevention organizations, and law enforcement activities, including supporting efforts to supplement current efforts to hire private trash services to keep Mount

Pleasant Street clean on a daily basis. This role includes, but is not limited to, consultation with ANC 1E and MPNA when such participation and consultation are reasonably requested.

- E. Licensee will notify ANC 1E and MPNA of any application to transfer the license when filing such application with the Alcoholic Beverage Control Board.
- F. Licensee agrees to maintain trash, garbage and recycling material storage facilities in which all containers have lids which are kept securely closed at all times, which containers shall be sufficient to contain all trash, garbage and recycle materials generated by the establishment, and to assure that trash, garbage, and recycle materials are removed at least three times per week, and only during the hours between 9:00 AM and 9:00 PM. Where the Licensee does not control the trash collection, the ANC and Licensee will work with the landlord to establish appropriate hours for pickup.
- G. Licensee will take reasonable measures to assure that that the immediate environs of the establishment are kept free of litter and debris. "Immediate environs" is defined in Section 720.2 of the ABC Regulations as including: "all property on which the premises are located; all property used by the licensee to conduct its business, whether part of the premises or not, including parking lots and the portion of alleys, sidewalks, or other public property immediately adjacent to the premises or adjacent to the property used by the licensee to conduct its business."
- H. Licensee will discourage loitering in front and rear of the establishment, and will cooperate with the Metropolitan Police to enforce this policy.
- I. Licensee will post signs in the establishment in both English and Spanish ^{no} informing patrons that drinking in public is illegal and subject to possible fine or imprisonment, and that no sales will be made to minors, intoxicated persons, or persons accompanying such persons.
- J. Licensee agrees to work cooperatively, with ANC 1E and MPNA, to improve the overall environment on Mount Pleasant Street to make it a more pleasant, safe area for residents, customers and businesses.
- K. Licensee will not, directly or indirectly, knowingly sell or deliver alcoholic beverages to any intoxicated person, or to any person of intemperate habits, or to any person who appears to be intoxicated, and will cooperate with the Metropolitan Police and health and social service agencies to identify such persons. A person of intemperate habits shall be defined as any person arrested or cited for alcohol-related offenses by the Metropolitan Police for any alcohol-related crime three times or more in any one year and who has been so identified to the licensee by the Metropolitan Police Department by giving a photo and name to the licensee.

- L. Licensee will not sell or deliver alcoholic beverages to any person or persons under the age of 21, and will prominently display the fact that such sales are prohibited and that patrons are subject to being asked to produce valid proof of age. *NO deliveries*
- M. Licensee will not sell or deliver alcoholic beverages to anyone accompanying a person who has been denied service if there is an apparent attempt to deliver the alcoholic beverage to the person who has been denied service.
- N. Licensee will not provide "go-cups" to customers. A "go-cup" is defined in Section 709.7 of the ABC regulations as a "drinking utensil provided at no charge or a nominal charge to customers for the purpose of consuming beverages." *NO*
- O. Licensee will assure that all alcoholic beverage sales staff receives appropriate training in the sale and handling of alcoholic beverages. Licensee will also assure that the ABC Board-approved manager or approved corporate officer on duty in the establishment has received training of the type offered by TIPS, and is displaying identification as an ABC approved manager. *1- HWA CHA, KIM*
- P. Licensee will comply with DC law and regulation concerning advertising and signage, including historic preservation regulations and guidelines.
- Q. Licensee will not sell, deliver or allow consumption of alcohol before or after legal hours of sale, as modified by this Voluntary Agreement.
- R. Licensee will meet quarterly with a representative of ANC 1E and MPNA to discuss issues and solutions to problems concerning the operation of the establishment in the neighborhood, if so requested by ANC 1E and MPNA.
- S. Licensee will support ANC 1E and MPNA in its efforts with the Metropolitan Police and Emergency Medical Service personnel to establish and carry out an "interdiction" program to identify persons of notoriously intemperate habits and assure that licensees refrain from selling alcoholic beverages to such persons.
- T. Licensee will not sell alcoholic beverages of any kind before 9:30 AM.
- U. For a period of one year, from November 14, 2000 up through and including November 14, 2001, Licensee shall not sell beer or malt liquor in single containers of any size. On or about forty-five days prior to expiration of the one year prohibition on single sales set forth herein, all parties to this Agreement shall jointly petition the ABC Board for a fact-finding hearing concerning the effect this prohibition on single sales has had with respect to issues in the neighborhood involving peace, order and quiet, trash, loitering and service to intoxicated or intemperate persons. As a result of such hearing, the Board shall determine whether to extend or eliminate the prohibition on single sales by Licensee.

V. This Voluntary Agreement will be posted in the licensee's establishment along with the license granted by the Alcoholic Beverage Control Board.

ANC 1E and MPNA agree:

1. ANC 1E and MPNA will support renewal of the Licensee's ABC license in consideration of agreement to these provisions.
2. ANC 1E and MPNA will work with the Metropolitan Police to assure protection of licensee against any action by any patron denied service.
3. ANC 1E and MPNA will work with the Metropolitan Police to eliminate illegal alcohol sale and consumption and loitering in the Commission's jurisdiction.
4. ANC 1E and MPNA will provide the signs referred to in Provision I, above.
5. ANC 1E and MPNA will meet with the Licensee at Licensee's request to discuss and resolve matters of mutual concern.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year stated below.

For Class B Establishment:

Ch. Jan. [Signature]

Date: 9/21/00

For the Mount Pleasant Neighborhood Alliance:

Maika Towh

Date: 9/21/00

For Advisory Neighborhood Commission 1E:

Jaurie Collins

Date: 9/21/00

BEA: ABC
rec'd. 9/22/00
#11163

September 21, 2000

Ms. Laura S. Byrd
Alcoholic Beverage Control Board
Business Regulation Administration
Department of Consumer and Regulatory Affairs
941 North Capitol Street, NE
Washington, DC 20002

RE: S & U Enterprises, Inc. t/a Bodegas Los Primos
3170 Mt. Pleasant Street, N.W.
Washington, D.C., Case No. 11163-00018P

Dear Ms. Byrd:

This is to inform you that the Advisory Neighborhood Commission (ANC) 1E has joined together with the Mount Pleasant Neighborhood Alliance (MPNA) and signed a voluntary agreement with S & U Enterprise, t/a Bodegas Los Primos. The attached agreement is for the board's approval.

Please be advised that ANC 1E withdraws its protest and both MPNA and the ANC supports the renewal of their license.

Sincerely,



Laurie Collins
ANC Commissioner, 1E04