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police service to Mount Pleasant Street, N.W., especially in the number of disorderly calls for police service, and that MPD officers within Patrol Service Area 301 have made fewer alcohol-related arrests. Specifically, the statistical data presented by MPD revealed that the number of calls for police service to Mount Pleasant Street, N.W., has decreased from one thousand, four hundred and twenty-three (1,423) calls in 2000 to eight hundred and thirty-four (834) calls in 2004. Furthermore, the number of disorderly calls for police service to Mount Pleasant Street, N.W., has decreased from four hundred and eighty-six (486) calls in 2000 to two hundred and forty (240) calls in 2004. The testimony of Laurie Collins, Marika Torok, and Joan Gordon, on behalf of MPNA, revealed that the Mount Pleasant neighborhood has experienced a dramatic quality of life improvement since the single sales moratorium provision took effect as there has been noticeably less public consumption of alcoholic beverages, public urination, public intoxication, panhandling, and a significant reduction in the amount of litter scattered throughout the surrounding streets, alleyways, tree boxes, and front yards of neighborhood residences.

The testimony of Affected Licensees Deanna Bayer, Miceal Dedros, David Hwank, and Dale Park revealed that they were not opposed to a renewal of the single sales moratorium provision; however, each expressed concern that their establishments have undergone a severe financial impact as a result of the subsequent statutory change in the closing time of Retailer's License Class "A" and Class "B" establishments including from midnight to 10:00 p.m. for Class "B" retailer's establishments. The Board also heard testimony from other Affected Licensees in opposition to MPNA's request to renew the single sales moratorium provision for a four (4) year period. The testimony of Affected Licensees Chong Lee and Berouz Rakani revealed that on a monthly basis their establishments experience a monetary loss because of the single sales moratorium provision and that other ABC establishments within close proximity, but outside of the Mount Pleasant area, are able to profit from the single sales moratorium provision because the provision only applies to the Affected Licensees. The Board originally rendered a decision on this matter on December 15, 2004 and found the written request of MPNA, based upon the testimony and comments it received, to warrant the renewal of the existing single sales moratorium provision contained in the voluntary agreements of the Affected Licensees for a four (4) year period. Additionally, based upon comments expressed by some of the Affected Licensees regarding the economic loss that has been suffered due to the statutory change in the closing time of Retailer's License Class "A" and Class "B" establishments, the Board found it appropriate to amend the Licensee's existing voluntary agreement by deleting paragraph A, which prohibits each Affected Licensee from selling alcoholic beverages prior to 9:30 a.m. The Board notes that Mount Pleasant resident Laurie Collins did not object to this change.

On December 27, 2004, the Board received a Motion for Reconsideration of the Board's December 15, 2004 decision from ANC 1D, which indicated that ANC 1D did

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not receive written notice of the December 1, 2004 fact finding hearing regarding MPNA's request to renew the Mount Pleasant area single sales moratorium provision. The Board found that ANC 1D was not notified of the December 1, 2004 hearing and granted the Motion for Reconsideration and held another fact finding hearing on April 20, 2005 in an effort to receive comments from ANC 1D. The Board recognizes that pursuant to D.C. Official Code § 1-309.10(d) (2001) and D.C. Official Code § 25-609 (2001), an ANC's properly adopted written recommendations are entitled to great weight from the Board. During the April 20, 2005 hearing, the testimony of Jack McKay, Chair, on behalf of ANC 1D, revealed that on April 2, 2005 a resolution was passed by ANC 1D requesting the ABC Board "to extend the moratorium on specific single sales containers of alcohol, and to use this extension period to examine and study the overall impact, importance and extent the moratorium has played in changing the social landscape of Mount Pleasant Street, and to provide the legally required proof of the continuing need for the moratorium in Mount Pleasant." The Board notes that during the April 20, 2005 hearing it received a copy of the April 2, 2005 ANC 1D resolution and that prior to the end of the comment period, which expired on April 30, 2005, it received written comments from four (4) Single Member District Commissioners within ANC 1D and Najiya Shana'a, Executive Director, Neighbors' Consejo, explaining that their individual support for an extension of the Mount Pleasant moratorium is contingent upon a study being conducted to analyze the overall effects of the moratorium. On April 20, 2005, the Board also received testimony from Gregg Edwards, Chair, on behalf of All-Ways Mount Pleasant ("AMP"), requesting that the Board notify and invite testimony from a larger range of civic associations including ANC 1D, AMP, the Mount Pleasant Business Association, the Mount Pleasant Main Street, MPNA, and Neighbors' Consejo, regarding alcoholic beverage control issues. At the conclusion of the April 20, 2005 hearing, the Board took the matter under advisement.

The Board is satisfied that the testimony and evidence presented by MPD, MPNA, and several Mount Pleasant residents warrants the renewal of the Mount Pleasant single sales moratorium provision contained in paragraph B of the Licensee's voluntary agreement. However, the Board is renewing the single sales moratorium provision contained in the voluntary agreements of the Affected Licensees for a three (3) year period instead of the four (4) year period sought by MPNA. Specifically, testimony and comments submitted by ANC 1D and AMP revealed that the social and economic landscape of the Mount Pleasant area has changed significantly over the last four (4) years, creating a need to re-evaluate, over the course of the three (3) year moratorium period, whether such changes will render the moratorium necessary for the future. ANC 1D also requested that the Board conduct a study of the effects of the moratorium. While the Board believes that ANC 1D's request for a study on the effects of the Mount Pleasant moratorium would prove useful, the Board, as a matter of practice cannot and does not have the appropriate resources to perform such a study. However, the Board

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would welcome and give consideration to all relevant information that is obtained from any future studies performed pertaining to this issue. Additionally, in an effort to alleviate some of the economic hardship experienced by the Affected Licensees, the Board is repealing the restriction that prohibits each Affected Licensee from selling alcoholic beverages prior to 9:30 a.m. As a result, the Affected Licensees may begin selling alcoholic beverages at 9:00 a.m., on those days that they are approved to sell alcoholic beverages.

Accordingly, it is this 12th day of October 2005, **ORDERED** that:

1. Paragraph B of the Licensee's existing voluntary agreement, approved on May 8, 2001, prohibiting the sale of single beers or malt liquors, is **CONTINUED** for a three (3) year period, expiring on October 4, 2008;
2. The Licensee's existing voluntary agreement, approved on November 21, 2001, is **AMENDED** by deleting paragraph A, which prohibited the Licensee from selling alcoholic beverages prior to 9:30 a.m.; and,
3. Copies of this Order shall be sent to the Signatories of the voluntary agreement.

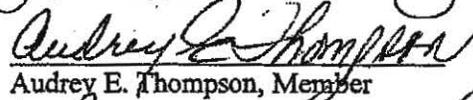
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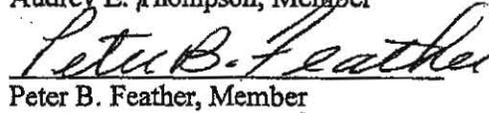
District of Columbia
Alcoholic Beverage Control Board

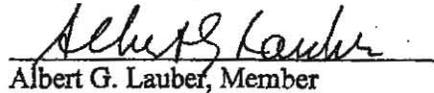
Charles A. Burger, Chairperson

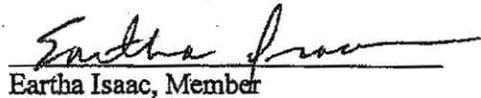
Vera M. Abbott, Member


Judy A. Moy, Member


Audrey E. Thompson, Member


Peter B. Feather, Member


Albert G. Lauber, Member


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.

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:

Kum Cha & Young Chol Kim
T/a Brown Street Market

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

3320 Brown Street, NW
Washington, DC 20010

Case No. 26090-00033P

Douglas E. Fierberg, Esquire, on behalf of the Mount Pleasant Neighborhood Alliance (MPNA), Protestant

Kum Cha & Young Chol Kim, 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

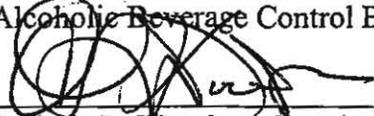
This matter, having been protested, was scheduled for a roll call hearing on April 19, 2000, in accordance with D.C. Code Section 25-115(c)(5) (1999 Supp.), providing for the protestants to be heard. The Board received a timely protest letter from Marika Torok, President, MPNA, dated April 4, 2000.

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 May 8, 2001, 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.

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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.

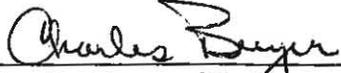
District of Columbia
Alcoholic Beverage Control Board



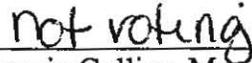
Roderic L. Woodson, Esquire, Chair



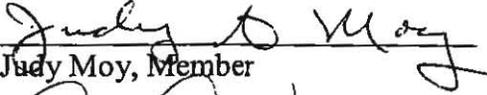
Vera Abbott, Member



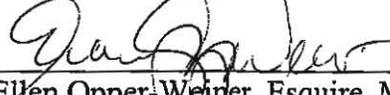
Charles Burger, Member



Laurie Collins, Member



Judy Moy, Member



Ellen Opper-Weiner, Esquire, Member



Audrey E. Thompson, Member

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

The following provisions will be effective from the date this Agreement is signed by both parties.

- A. That Licensee will agree not to sell alcoholic beverages before 9:30 A.M.
- B. That Licensee will not sell beer or malt liquor in single containers of 40 ounces or less. ^{Final Nov 14, 2001 KCL/MT} On or about forty-five days prior to expiration of the 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 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 the Licensee.
- C. As in the past, Licensee will continue to discourage loitering in front and rear of the establishment.
- D. As Licensee has not done in the past, Licensee will not 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 crimes 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.

The parties agree further:

- E. That MPNA will support the renewal of the Licensee's ABC license in consideration of agreement to these provisions.
- F. That the parties will reasonably work with the Metropolitan Police to eliminate illegal alcohol sale and consumption and loitering in the Commission's jurisdiction.
- G. That MPNA will meet with the Licensee at Licensee's reasonable request or that the Licensee will meet with MPNA at MPNA's reasonable request to discuss and resolve matters of mutual concern at a mutually agreeable time and place.

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

For BROWN STREET MARKET:

FOR MOUNT PLEASANT
NEIGHBORHOOD ALLIANCE

BY: [Signature]

BY: [Signature]

DATE: 05-07-01

DATE: 05-08-01