

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

In the Matter of:)	
)	
Eugene, Inc.)	
t/a Roland's of Capitol Hill)	
)	
Application for Renewal of the)	
Single Sales Exception to a)	License No. ABRA-078514
Retailer's Class B License)	Order No. 2011-278
)	
at premises)	
333 Pennsylvania Avenue, S.E.)	
Washington, D.C. 20003)	
)	

Eugene, Inc., t/a Roland's of Capitol Hill (Applicant)

Neil Glick, Chairperson, Advisory Neighborhood Commission (ANC) 6B

BEFORE: Nick Alberti, Interim Chairperson
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

**ORDER ON APPLICATION FOR EXCEPTION
TO SINGLE SALE MORATORIUM AND ON VOLUNTARY AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Eugene, Inc., t/a Roland's of Capitol Hill, Applicant for Renewal of the Exception to Single Sales Restriction, located at 333 Pennsylvania Avenue, S.E., Washington, D.C., and ANC 6B have entered into a Voluntary Agreement (Agreement), dated May 10, 2011, setting forth the terms and conditions that govern the operation of the Applicant's establishment and incorporating an agreement to waive the single sales restriction.

The Applicant does not have any primary or secondary tier violations within twelve months preceding the date of the Application and the ANC 6B supports this request, as demonstrated in the Voluntary Agreement among the Parties to waive the single sales restriction for this establishment subject to the terms and conditions therein. For these reasons, the Board finds no significant adverse impacts and grants the Application. The Agreement has been reduced to writing and has been properly executed

Eugene, Inc.
t/a Roland's of Capitol Hill
License No. ABRA-078514
Page 2

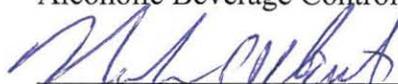
and filed with the Board. The Applicant and Chairperson Neil Glick, on behalf of ANC 6B, are signatories to the Agreement.

Accordingly, it is this 8th day of June 2011, **ORDERED** that:

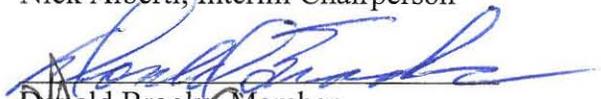
1. The Application filed by Eugene, Inc., t/a Roland's of Capitol Hill for Renewal of the Exception to the Single Sales Restriction at the location of 333 Pennsylvania Avenue, S.E., Washington, D.C., is **GRANTED**;
2. The Board's approval of this Application is perpetual and not limited to one year;
3. The above-referenced Voluntary Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant and to ANC 6B.

Eugene, Inc.
t/a Roland's of Capitol Hill
License No. ABRA-078514
Page 3

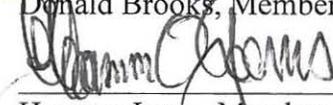
District of Columbia
Alcoholic Beverage Control Board



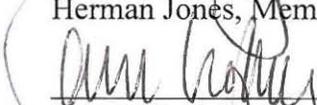
Nick Alberti, Interim Chairperson



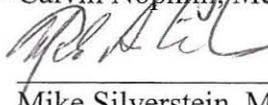
Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, 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, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT is made on this 10th day of May, 2011 by and between Eugene, Inc., t/a Roland's of Capitol Hill and Advisory Neighborhood Commission 6B.

WITNESSETH

WHEREAS, Applicant's renewal of an exemption for singles sales is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises at 333 Pennsylvania Ave SE is within the boundaries of the ANC, and,

WHEREAS, the Parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailer Class B Liquor License (ABRA #60816) at the subject premises; and,

WHEREAS, the Parties are desirous of entering into a Voluntary Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to promote the peace, order and quiet of the neighborhood. Both parties recognize the importance of business neighborhoods that are safe, clean, and "pedestrian friendly".

NOW, THEREFORE, the parties agree as follows:

1. ***Recitals Incorporated.*** The recitals set forth above are incorporated herein by reference.
2. ***Nature of the Business.*** The Applicant will manage and operate a Retailer Class B license under the following:
 - a. That the Applicant will comply with all laws and regulations governing the operations of the establishment at 333 Pennsylvania Ave SE, within the District of Columbia, including the laws and regulations governing the Class A (Retail) license to which this Voluntary Agreement applies, as applied for and previously approved by the District of Columbia in the name of the Licensee,
 - b. That the Applicant and its officers and employees will cooperate with Advisory Neighborhood Commission 6B to address any alleged violation of the laws and regulations and in any request by the ANC that the appropriate enforcement agency investigate any violations,
 - c. That notwithstanding the restriction on sales imposed by D.C. Code §25-346 the Applicant is authorized sell, give, offer, expose for sale, or deliver an individual container

of beer, malt liquor, or ale if the container is 70 ounces or less, as well as spirits (liquor) sold in half-pints or smaller volumes.

d. That the Applicant will only sell individual containers of beer, malt liquor, or ale in a clear or translucent bag,

e. That the Applicant will not allow the illegal public consumption of alcohol in or around its immediate area and will participate in an ABC Board-approved course in alcoholic beverage sales management,

f. That the Applicant will not sell or provide cups or single servings of ice,

g. That the Applicant will not sell alcohol before or after ABC regulated hours,

h. That the Applicant agrees to post this Voluntary Agreement alongside the Applicant's ABC license.

3. ***Hours of Operation and Sales.*** The Applicant's hours of operation shall be as follows:

For Class B applicants, the sale of alcohol shall be restricted to the following hours:

1. 9:00 a.m. – 10:00 p.m. Monday – Friday
2. 9:00 a.m. – 10:00 p.m. Saturday
3. 10:00 a.m. – 10:00 p.m. Sunday

4. ***Signage, Noise and Privacy.*** Applicant will strictly comply with D.C. Official Code § 25-725 and take all necessary actions to ensure that noise in and around its immediate area is not audible within the adjacent residential or commercial properties. Applicant will prohibit and prevent loitering, rowdiness, criminal activity, and panhandling within 100 feet of the establishment by:

a. Maintaining a "No Loitering/Panhandling" sign on the outside of the establishment, and

b. Posting a notice kept in good repair and visible from point of entry, which states:

1. The minimum age requirement for purchase of alcohol; and
2. The obligation of the patron to produce a valid identification document in order to purchase alcohol.

c. Requiring loiterers to move whenever they are observed outside of the establishment;

d. Calling the Metropolitan Police Department (MPD) to remove loiterers if they refuse Applicant's request to move on or if illegal activity is observed;

e. Keeping a written record of dates and time when the MPD was called for assistance. Applicant's log shall be provided to the Board, and for good cause shown to the Board, to any valid protestant during hearings involving future renewals or contested proceedings involving the Applicant's license; and

f. Opposing the installation of payphones outside the establishment.

5. ***Public Space Cleanliness and Maintenance.*** Applicant will maintain the public space (minimally the front sidewalk up to and including the gutter in front of the subject premises, and the alleyway behind the subject premises) adjacent to the establishment in a clean and litter-free condition by:

a. Exercising due diligence to prevent and/or rid vermin infestation in and around establishment, including, minimally the recommendation and guidelines of the Vector Control Division of the Department of Public Works;

b. Picking up trash, including beverage bottles and cans, daily on a regular basis;

c. Maintaining regular trash removal service. Obtain a dumpster to be placed in the rear of the building and ensure that the area around the dumpster is kept clean at all times. Garbage area can not encroach on abutting properties. Disposal of commercial trash pick up make take place only between 7:00 a.m. – 9:00 p.m.;

d. Removing snow and/or ice from sidewalks in front (and including sidewalks at the side of corner buildings) within time limits set by the District of Columbia for such snow and/ice removal; and

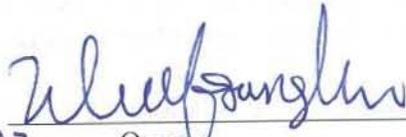
e. Planting, watering, and generally tending to tree boxes directly in front of subject premises, if any.

6. ***Security Cooperation in Stemming Illegal Drugs and Public Drinking.*** Applicant agrees that it shall take all necessary steps to minimize such problems, including, without limitation, designating a sufficient number of employees to assure adequate security and to control unruly patrons. Applicant shall to the full extent permissible by law discourage loitering in the front of the Premises at all times when the Establishment is open to the public, and shall request that any individuals who are loitering are asked to move along.

7. ***License Ownership and Compliance with ABRA Regulations.*** Applicant promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licensees. This agreement will remain in full force and effect in the event applicant sells this business.

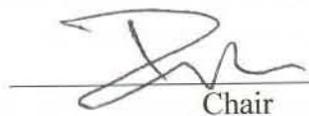
IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

Applicant: Eugene, Inc
Rolands of Capitol Hill
333 Pennsylvania Ave SE
Washington, DC 20003
Attn: Keun Hae Uh, owner
Phone: 202 546 9592
Fax: 202 546 4866



Owner

ANC: Advisory Neighborhood Commission 6B
703 D Street, SE
Washington, DC 20003
Attn: Neil Glick, Chair
(202) 543-3344
Fax (202) 543-3705



Chair
Ivan Friskberg
for Neil Glick

 **ANC 6B**
Capitol Hill / Southeast

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATION ADMINISTRATION

2011 MAY 13 P 5:00

703 D Street, SE
Washington, DC 20003
202.543.3344
FAX 202.543.3507

May 11, 2011

OFFICERS

Chairperson
Neil Glick

Vice Chairperson
Ivan Frishberg

Secretary
Jared Critchfield

Treasurer
Carol Green

Parliamentarian
Brian Flahaven

Charles Brodsky, Chair
Alcoholic Beverage Regulation Administration
C/o Martha Jenkins
2000 14th Street, NW, Suite 400S
Washington, DC 20009

**RE: Roland's of Capitol Hill
Application # ABRA-60816
333 Pennsylvania Ave., SE
Renewal of Exemption from the Ban on the Sale of Singles**

COMMISSIONERS

SMD 1 *David Garrison*
SMD 2 *Ivan Frishberg*
SMD 3 *Norman Metzger*
SMD 4 *Kirsten Oldenburg*
SMD 5 *Brian Pate*
SMD 6 *Jared Critchfield*
SMD 7 *Carol Green*
SMD 8 *Neil Glick*
SMD 9 *Brian Flahaven*
SMD 10 *Francis Campbell*
SMD 11 *Vacant*

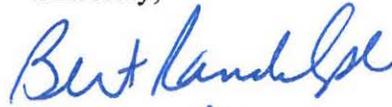
Dear Mr. Brodsky:

At a regularly called and properly noticed (via postings at Southeast Library, Eastern Market, ANC 6B website, and ANC 6B's constituents emailing list) meeting on May 10, 2011, with a quorum present (6 being a quorum), ANC 6B voted unanimously (9-0-0) to support the renewal of Roland's of Capitol Hill exemption from the sale of singles and half-pint or smaller spirits after having satisfied the one-year evaluation period without any violations.

Enclosed please find the Cooperative (Voluntary) Agreement that has been executed by Roland's of Capitol Hill and ANC 6B for your review and approval.

Please contact me should you have any questions regarding this matter.

Sincerely,



Neill Glick
Chair, ANC 6B

Enclosure:

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

In the Matter of:)	
)	
Eugene, Inc.)	
t/a Roland's of Capitol Hill)	License No. 78514
)	Order No. 2010-352
Application for Single Sales)	
Exception to a Retailer's)	
Class B License)	
at premises)	
333 Pennsylvania Avenue, S.E.)	
Washington, D.C. 20003)	

Eugene, Inc., t/a Roland's of Capitol Hill

David F. Garrison, Chair, Advisory Neighborhood Commission (ANC) 6B

BEFORE: Charles Brodsky, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Michael Silverstein, Member
Calvin Nophlin, Member

**ORDER ON APPLICATION FOR EXCEPTION
TO SINGLE SALE MORATORIUM AND ON VOLUNTARY AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Eugene, Inc., t/a Roland's of Capitol Hill, Applicant for Exception to Single Sales Restriction, located at 333 Pennsylvania Avenue, S.E., Washington, D.C., and David F. Garrison, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 6B (collectively, the Parties) have entered into a Voluntary Agreement (Agreement) dated May 6, 2010, setting forth the terms and conditions that govern the operation of the Applicant's establishment and incorporating an agreement to waive the single sales restriction.

Although the Applicant has violations within 12 months preceding the date of the Application, the ANC supports this request, as demonstrated in the Voluntary Agreement among the Parties to waive the single sales restriction for this establishment subject to the terms and conditions therein. For these reasons, the Board finds no significant adverse impacts and grants the Application. The Agreement has been reduced to writing and has

been properly executed and filed with the Board. The Applicant and Chairperson David Garrison are signatories to the Agreement.

Accordingly, it is this 2nd day of June 2010, **ORDERED** that:

1. The Application filed by Eugene, Inc., t/a Roland's of Capitol Hill for an Exception to the Single Sales Restriction at the location of 333 Pennsylvania Avenue, S.E., Washington, D.C., is **GRANTED**;
2. The Board's approval of this Application is limited to one year from the date of this Order;
3. The above-referenced Voluntary Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant and to ANC 6B.

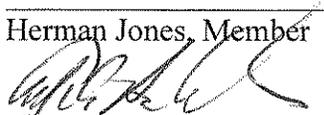
District of Columbia
Alcoholic Beverage Control Board

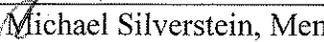

Charles Brodsky, Chairperson

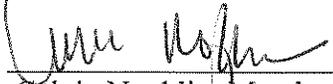

Mital M. Gandhi, Member


Nick Alberti, Member


Donald Brooks, Member


Herman Jones, Member


Michael Silverstein, Member


Calvin Nophlin, 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, 1250 U Street, N.W., 3rd Floor, Washington, D.C. 20009.

VOLUNTARY (COOPERATIVE) AGREEMENT

THIS VOLUNTARY AGREEMENT ("Agreement") is made on this 6th day of May, 2010 by and between Eugene, Inc., t/a Roland's of Capitol Hill ("Applicant"), and Advisory Neighborhood Commission 6B, Collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant's application for renewal of a Retailer Class B license for premises, 333 Pennsylvania Ave., SE, Washington, DC, 20003, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC, and,

WHEREAS, the Parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailer Class B Liquor License at the subject premises; and,

WHEREAS, the Parties are desirous of entering into a Cooperative (Voluntary) Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to promote the peace, order and quiet of the neighborhood. Both parties recognize the importance of business neighborhoods that are safe, clean, and "pedestrian friendly".

NOW, THEREFORE, the parties agree as follows:

1. ***Recitals Incorporated.*** The recitals set forth above are incorporated herein by reference.
2. ***Nature of the Business.*** The Applicant will manage and operate a Retailer Class B license under the following:
 - a. That the Applicant will comply with all laws and regulations governing the operations of the establishment at 333 Pennsylvania Ave., SE, within the District of Columbia, including the laws and regulation governing the Class B (Retail) license to which this Cooperative Agreement applies, as applied for and previously approved by the District of Columbia in the name of the Licensee,
 - b. That the Applicant and its officers and employees will cooperate with Advisory Neighborhood Commission 6B (ANC 6B) to address any alleged violatin of the laws and regulations and in any request by the ANC that the appropriate enforcement agency investigate any violations,

c. That notwithstanding the restriction on sales imposed by D.C. Code §25-346 the Applicant is authorized sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale if the container is 70 ounces or less: provided further that the Applicant will not sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale if the container is 70 ounces or less, after one year of the effect of this agreement unless this agreement is renewed by both parties or unless an exception to the Ward 6 Single Sales Restriction is granted by the ABC Board,

d. That the Applicant will only sell individual containers of beer, malt liquor, or ale in a clear or translucent bag,

e. That the Applicant will not allow the illegal public consumption of alcohol in or around its immediate area and will participate in an ABC Board-approved course in alcoholic beverage sales management,

f. That the Applicant will not sell or provide cups or single servicing of ice,

g. That the Applicant will not sell alcohol before or after ABC regulated hours,

h. That the Applicant agrees to post this Cooperative Agreement, alongside the Applicant's ABC license.

3. **Hours of Operation and Sales.** The Applicant's hours of operation shall be as follows:

For Class B applicants, the sale of alcohol shall be restricted to the following hours:

1. 9:00 a.m. – 10:00 p.m. Monday – Friday
2. 9:00 a.m. – 10:00 p.m. Saturday
3. 10:00 a.m. – ~~10~~:00 p.m. Sunday

K.U / DFG

4. **Signage, Noise and Privacy.** Applicant will strictly comply with D.C. Official Code § 25-725 and take all necessary actions to ensure that noise in and around its immediate area is not audible within the adjacent residential or commercial properties. Applicant will prohibit and prevent loitering, rowdiness, criminal activity, and panhandling within 100 feet of the establishment by:

a. Maintaining a "No Loitering/Panhandling" sign on the outside of the establishment, and

b. Posting a notice keep in good repair and visible from point of entry a sign, which states:

1. The minimum age requirement for purchase of alcohol,
2. The obligation of the patron to produce a valid identification document in order to purchase alcohol, and

3. Requiring loiterers to move whenever they are observed outside of the establishment, and

4. Calling the Metropolitan Police Department (MPD) to remove loiterers if they refuse Applicant's request to move on or if illegally activity is observed, and

5. Keeping a written record of dates and time when the MPD was called for assistance. Applicant's log shall be provided to the Board, and for good cause shown to the Board, to any valid protestant during hearings involving future renewals or contested proceedings involving the Applicant's license, and

6. Opposing the installation of payphones outside the establishment, and

7. Applicant will ensure timely disposal of trash that is the least disruptive to the neighbors and that commercial trash pick up will only take place between 7:00 a. m. – 7:00 p.m.

5. ***Public Space Cleanliness and Maintenance.*** Applicant will maintain te public space (minimally the front sidewalk up to and including the gutter in front of the subject premises, and the alley way behind the subject premises) adjacent to the establishment in a clean and litter-free condition by:

a. Exercising due diligence to prevent and/or rid vermin infestation in and around establishment, including, minimally the recommendation and guidelines of the Vector Control Division of the Department of Public Works, and

b. Picking up trash, including beverage bottles and cans, and all trash daily on a regular basis, and

c. Maintaining regular trash removal service. Obtain a dumpster to be placed in the rar of the building ensuring that the area around the dumpster is kept clean at all times. Garbage area can not encroach on abutting properties and timely disposal of commercial trash pick up takes place between 7:00 a.m. – 7:00 p.m., and

d. Removing snow and/or ice from sidewalks fronting (includes sidewalks o the sidewalk of corner buildings) within time litimits det by the District of Columbia for such snow and/ice removal, and

e. Planting, watering, and generally tending to tree boxes directly in front of subject premises, if any.

6. ***Security Cooperation in Stemming Illegal Drugs and Public Drinking.*** Applicant agrees that it shall take all necessary steps to minimize such problems, including, without limitation, designating a sufficient number of employees to assure adequate security and to control unruly patrons. Applicant shall to the full extent permissible by law discourage

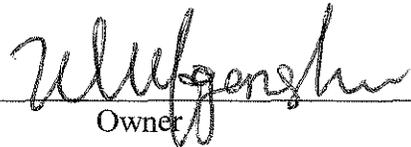
loitering in the front of the Premises at all times when the Establishment is open to the public, and shall request that any individuals who are simply loitering are asked to move along.

7. ***License Ownership and Compliance with ABRA Regulations.*** Applicant promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licensees. This agreement will remain in full force and effect in event applicant sells this business.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

Applicant:

Eugene, Inc.
Roland's of Capitol Hill
333 Pennsylvania Ave., SE
Washington, DC 2003
Attn: Keun Hae Uh, Owner
Phone:
Fax:


Owner

ANC:

Advisory Neighborhood Commission
703 D Street, SE
Washington, DC 20003
Attn: David F. Garrison, Chair
(202) 543-3344
Fax (202) 543-3705


Chair

ANC 6B

Capitol Hill / Southeast

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATORY ADMINISTRATION
2010 MAY 26 P 3:57
REC'D BY _____

703 D Street, SE
Washington, DC 20003
202.543.3344
FAX 202.543.3507

May 19, 2010

OFFICERS

Chairperson
David Garrison

Vice Chairperson
Ken Jarboe

Secretary
Kirsten Oldenburg

Treasurer
Carol Green

Parliamentarian
Neil Glick

Charles Brodsky, Chair
ABC Board
C/o Martha Jenkins
1250 U Street, NW, 3rd Floor
Washington, DC 20002

**RE: Roland's of Capitol Hill
Application # ABRA-60816
333 Pennsylvania Ave., SE
Cooperative (Voluntary) Agreement**

Dear Mr. Brodsky:

Per ABRA's instructions to remove certain language from the Cooperative (Voluntary) Agreement that was previously submitted for Roland's of Capitol Hill, please find the fully executed revised Agreement enclosed for your review and approval.

Please contact me should you have any questions regarding this matter.

Sincerely,



David F. Garrison
Chair, ANC 6B

COMMISSIONERS

SMD 1 *David Garrison*
SMD 2 *Mary Wright*
SMD 3 *Norman Metzger*
SMD 4 *Kirsten Oldenburg*
SMD 5 *Kenan Jarboe*
SMD 6 *Will Hill*
SMD 7 *Carol Green*
SMD 8 *Neil Glick*
SMD 9 *Michael Patterson*
SMD 10 *Francis Campbell*
SMD 11 *Vacant*

Enclosure: Voluntary (Cooperative) Agreement

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

In the Matter of:)	
)	
Eugene, Inc.,)	License No.: 78514
t/a Roland's of Capitol Hill)	ORDER NUMBER: 2009-210
)	
Holder of a Retailer's)	
Class B License)	
at premises)	
333 Pennsylvania Avenue, S.E.)	
Washington, D.C. 20003)	

BEFORE: Peter B. Feather, Chairperson
Mital Gandhi, Member
Nick Alberti, Member
Charles Brodsky, Member
Donald Brooks, Member
Herman Jones, Member

AMENDED ORDER ON VOLUNTARY AGREEMENT

On February 11, 2009, the Alcoholic Beverage Control Board (the "Board") approved the Voluntary Agreement between Eugene Inc, t/a Roland's of Capitol Hill and Advisory Neighborhood Commission ("ANC") 6B (hereinafter "the Parties"). On July 31, 2009, the Parties submitted a letter to advise the Board that the Sunday closing time in the Voluntary Agreement was intended to be 10:00 p.m., rather than 8:00 p.m. Both Parties signed this letter in an effort to amend the Voluntary Agreement to reflect this correction.

Based on the representation of the Parties that the intent of the Voluntary Agreement was to make the closing time on Sundays 10:00 p.m. rather than 8:00 p.m., the Board hereby accepts this representation and adopts and incorporates this correction into the Board-approved operation of this establishment.

Eugene, Inc.
t/a Roland's of Capitol Hill
License No.: 78514
Page Two

The Board, on this 5th day of August, 2009, does hereby **AMEND** Board Order Number 2009-031 as follows:

The sentence that reads:

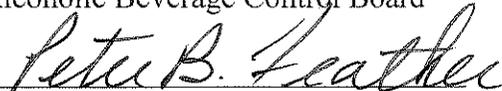
“The hours for sale and service of alcoholic beverages are from 9:00 a.m. to 10:00 p.m. on Monday through Saturday **and from 10:00 a.m. to 8:00 p.m. on Sunday.**”

is hereby amended to read:

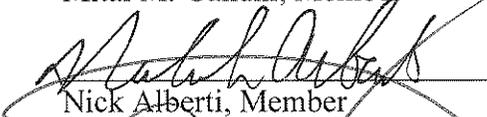
“The hours for sale and service of alcoholic beverages are from 9:00 a.m. to 10:00 p.m. on Monday through Saturday **and from 10:00 a.m. to 10:00 p.m. on Sunday.**”

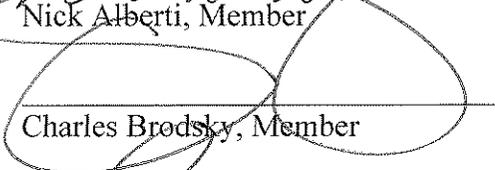
Copies of this Order shall be sent to the Licensee and ANC 6B.

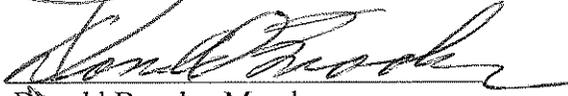
District of Columbia
Alcoholic Beverage Control Board

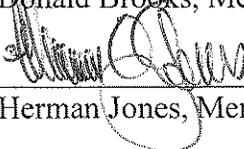

Peter B. Feather, Chairperson


Mital M. Gandhi, Member


Nick Alberti, Member


Charles Brodsky, Member


Donald Brooks, Member


Herman Jones, Member


ANC 6B
Capitol Hill / Southeast

921 Pennsylvania Ave SE
Washington, DC 20003
202.543.3344
FAX 202.543.3607

July 31, 2009

OFFICERS

Chairperson
David Garrison
Vice Chairperson
Ken Jarboe
Secretary
Kirsten Oldenburg
Treasurer
Carol Green
Parliamentarian
Julie Olson

Peter Feather, Chair
ABC Board
Attention: Jayme Kantor
941 North Capitol Street, NE, Suite 7200
Washington, DC 20002

RE: Roland's of Capitol Hill
Application # ABRA-60816
333 Pennsylvania Ave., SE
Cooperative (Voluntary) Agreement

COMMISSIONERS

SMD 1 *David Garrison*
SMD 2 *Mary Wright*
SMD 3 *Julie Olson*
SMD 4 *Kirsten Oldenburg*
SMD 5 *Kenan Jarboe*
SMD 6 *Will Hill*
SMD 7 *Carol Green*
SMD 8 *Neil Glick*
SMD 9 *Michael Patterson*
SMD 10 *Francis Campbell*
SMD 11 *Vacant*

Dear Mr. Feather and Board Members:

It has been brought to our attention that the most recent Voluntary (Cooperative) Agreement (January 30, 2009) that was executed by ANC 6B and Roland's of Capitol Hill had an error in the closing hours for Sunday nights. The purpose of this letter is to amend the Voluntary Agreement for the Roland's of Capitol Hill's to show the correct Sunday closing hour. The time for Sunday hours in the Voluntary (Cooperative) Agreement should read 10:00 a.m. until 10:00 p.m.

We thank you in advance for your assistance in making this correction.

Please contact me should you have any questions regarding this matter.

Sincerely,



David F. Garrison
Chair, ANC 6B

Agreed:



Date: 08/01/09

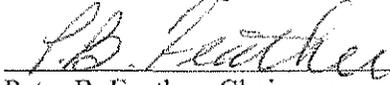
Keun Hae Uh
Owner, Roland's of Capitol Hill

Eugene, Inc.
t/a Roland's of Capitol Hill
License No. 78514
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Accordingly, it is this 11th day of February 2009, **ORDERED** that:

1. The above-referenced Voluntary Agreement between Eugene, Inc. t/a Roland's of Capitol Hill located at 333 Pennsylvania Avenue, S.E., Washington, D.C., and ANC 6B to govern the operations of the Applicant's establishment is **APPROVED**;
2. This Agreement is **INCORPORATED** as part of this Order; and
3. Copies of this Order shall be sent to the Applicant and to ANC 6B.

District of Columbia
Alcoholic Beverage Control Board


Peter B. Feather, Chairperson

Mital M. Gandhi, Member


Nick Alberti, Member

Charles Brodsky, Member


Donald Brooks, Member

Donald Brooks, Member


Herman Jones, 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.

COOPERATIVE (VOLUNTARY) AGREEMENT

THIS VOLUNTARY AGREEMENT ("Agreement") is made on this 30 day of January, 2009 by and between Eugene, Inc., t/a Roland's of Capitol Hill ("Applicant"), and Advisory Neighborhood Commission 6B, Collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant's application for issuances of a Retailer's Class "B" License, 333 Pennsylvania Avenue, SE, Washington, DC, 20003, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC, and,

WHEREAS, the Parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailer's Class "B" Liquor License at the subject premises; and,

WHEREAS, the Parties are desirous of entering into a Cooperative (Voluntary) Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to promote the peace, order and quiet of the neighborhood. Both parties recognize the importance of business neighborhoods that are safe, clean, and "pedestrian friendly".

NOW, THEREFORE, the parties agree as follows:

1. ***Recitals Incorporated.*** The recitals set forth above are incorporated herein by reference.
2. ***Nature of the Business.*** The Applicant will manage and operate a Retailer's Class B license under the following provisions:
 - a. That the Applicant will comply with all laws and regulations governing the operations of the establishment at 333 Pennsylvania Avenue, SE, within the District of Columbia, including the laws and regulations governing the Class B (Retail) license to which this Cooperative Agreement applies, as applied for and previously approved by the District of Columbia in the name of the Licensee,
 - b. That the Applicant and its officers and employees will cooperate with Advisory Neighborhood Commission 6B ("ANC") to address any alleged violation of the laws and regulations and in any request by the ANC that the appropriate enforcement agency investigate any alleged violation,

- c. That the Applicant will not divide a manufacturer's package of more than one container of beer, malt liquor, or ale to sell an individual container of the package if the container is less than 70 ounces or less,
- d. That the Applicant will not sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale if the container is 70 ounces or less, as well as spirits (liquor) sold in half-pints or smaller volumes,
- e. That the Applicant will not allow the illegal public consumption of alcohol in or around its immediate area and will participate in an ABC Board-approved course in alcoholic beverage sales management,
- f. That the Applicant will not sell or provide cups or single servicing of ice,
- g. That the Applicant will not sell alcohol before or after ABC regulated hours,
- h. That the Applicant agrees to post this Cooperative Agreement, alongside his ABC license.

Any change from this model concerning later hours shall be considered by both Parties to be a substantial change in operation of great concern to residents and requires prior approval by the ABC Board.

- 3. *Hours of Operation and Sales.* The Applicant's hours of operation shall be as follows:
 - a. For Class A applicants, the sale of alcohol shall be restricted to the following hours:
 - 1. 9:00 a.m.-10:00 p.m. Monday – Friday
 - 2. 9:00 a.m.-10:00 p.m. Saturday
 - b. For Class B applicants, the sale of alcohol shall be restricted to the following hours:
 - 1. 9:00 a.m. -10:00 p.m. Monday – Friday
 - 2. 9:00 a.m. -10:00 p.m. Saturday
 - 3. 10:00 a.m.- 8:00 p.m. Sunday
- 4. *Signage, Noise and Privacy.* Applicant will strictly comply with D.C. Official Code § 25-725 and and take all necessary actions to ensure noise in and around its immediate area is not audible within the adjacent residential or commercial properties. Applicant will prohibit and prevent loitering, rowidness, criminal activity, and panhandling within 100 feet of the establishment by:
 - a. maintaining a "No Loitering/Panhandling" sign on the outside of the establishment, and
 - b. posting a notice kept in good repair and visible from point of entry a sign, which states:
 - 1. The minimum age requirement for purchase of alcohol,

2. The obligation of the patron to produce a valid identification document in order to purchase alcohol, and
 - c. requesting loiterers to move on whenever they are observed outside of the establishment, and
 - d. calling the Metropolitan Police Department (MPD) to remove loiterers if they refuse Applicant's request to move on or if illegal activity is observed, and
 - e. keeping a written record of dates and times when the MPD was called for assistance. Applicant's log shall be provided to the Board, and for good cause shown to the Board, to any valid protestant during hearings involving future renewals or contested proceedings involving the Applicant's license, and
 - f. opposing the installation of payphones outside the establishment, and
 - g. applicant will ensure timely disposal of trash that is the least disruptive to the neighbors and that commercial trash pick up will only take place between 7 a.m.-7 p.m.
 5. ***Public Space Cleanliness and Maintenance.*** Applicant will maintain the public space (minimally the front sidewalk up to and including the gutter in front of the subject premises, and the alley way behind the subject premises) adjacent to the establishment in a clean and litter-free condition by:
 - a. Exercising due diligence to prevent and/or rid vermin infestation in and around establishment, including following, minimally the recommendations and guidelines of the Vector Control Division of the Department of Public Works
 - b. Picking up trash, including beverage bottles and cans, and all trash daily on a regular basis
 - c. Maintaining regular trash removal service. Obtain a dumpster to be placed in the rear of the building ensuring that the area around the dumpster is kept clean at all times. Garbage area can not encroach on abutting properties and timely disposal of commercial trash pick up takes place between 7 a.m.-7 p.m.
 - d. Removing snow and/or ice from sidewalks fronting (includes sidewalks on the sides of corner buildings) within time limits set by the District of Columbia for such snow and/or ice removal
 - e. Planting, watering, and generally tending to tree boxes directly in front of the subject premises, if any.
 6. ***Security Cooperation in Stemming Illegal Drugs and Public Drinking.*** Applicant agrees that it shall take all necessary steps to minimize such problems, including, without limitation, designating a sufficient number of employees to control unruly patrons. Applicant shall to the full extent permissible by law discourage loitering in the front of the Premises at all times when the Establishment is open to the public, and shall request

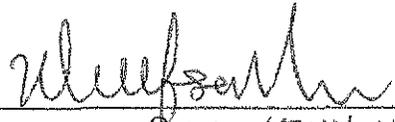
that any individuals who are simply loitering are asked to move along.

7. **License Ownership and Compliance with ABRA Regulations.** Applicant promises to abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licensees. This agreement will remain in full force and effect in event applicant sells this business.
8. **Participation in the Community.** Applicant agrees to seek to maintain open communication with the community for which the ANC acts. To this end, Applicant shall from time to time be represented at ANC 6B public meetings, which currently occur on the second Tuesday of each month at 7 p.m. at the Old Naval Hospital, 921 Pennsylvania Avenue, SE, Washington, D.C. 20003. Applicant, upon notice from the ANC, shall send a representative of the Establishment to a meeting(s) to confer and deal in good faith with issues raised under this Agreement,
9. **Notice and Opportunity to Cure.** In the event that any of the parties is in breach of this Agreement, it shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the Agreement. Unless the breach is of an emergency nature or is a repetition of a prior breach, reasonable notice and opportunity shall provide for a cure within 30 days of the date of such notice. If Applicant or the licensee fails to cure within the 30-day period (or, with respect to a breach which reasonably requires more than 30-days to cure, fails to commence cure of such breach and diligently pursues such cure) failure shall constitute a cause for seeking a Show Cause Order from the ABC Board pursuant to D.C. Official Code § 25-447. Unless otherwise noted above, any notices required to be made under this Agreement shall be in writing and mailed via certified mail, return receipt requested, postage prepaid, or hand-delivered, to the other parties to this Agreement at the following addresses. Notice shall be deemed given as of the time of receipt or refusal of receipt:

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

Applicant Eugene, Inc.
Roland's of Capitol Hill
333 Pennsylvania Avenue, SE
Washington, DC 20003
Attn: Keun Hae Uh

(phone) 202 546 9592
(fax) 202 546 4866


Owner KEUN H UH

ANC: Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue, SE
Washington, DC 20036
Attn: Julie Olson, Chair
(202) 543-3344
(202) 543-3507 (fax)


Julie Olson David F. Garrison
Chairperson