

App. file

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

_____)
In the Matter of:)
)
Wheeler Liquor's, Inc.)
t/a Whelan's Liquor Store)
	Case No. 444-93050P)
Application for a Retailer's)
License Class A - renewal)
at premises)
3903 12th Street, N.W.)
Washington, D.C.)
_____)

Matthew P. Binkewicz, Protestant
Howard Gordon, President, on behalf of Applicant

BEFORE: MARY EVA CANDON, ESQUIRE, Chairperson
Merci L. Drake, Member^{1/}
JAMES C. JEFFERSON, Member
JAMES L. O'DEA, III, ESQUIRE, Member
BARBARA L. SMITH, ESQUIRE, Member

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on May 12, 1993, and was continued until June 16, 1993 and July 28, 1993 in accordance with D.C. Code 25-115 (c)(5)(1991 Supp.), providing for remonstrants to be heard. Matthew P. Binkewicz filed timely protest petition dated April 27, 1993.

The official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing and has been properly executed and filed with the Board.^{2/} Pursuant to the Agreement, the Protestant has agreed to

^{1/} Merci L. Drake is no longer a member of the Board.
^{2/} See Agreement dated October 15, 1993.

Wheeler Liquors, Inc.
t/a Whelan's Liquor Store
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withdraw his protests provided, however, that 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 _____ day of _____, 1997, ORDERED that:

1. The protest of Matthew P. Binkewicz, be, and the same hereby, is WITHDRAWN;

2. The above-referenced Agreement between the parties be, and the same hereby, is INCORPORATED as part of this Order;

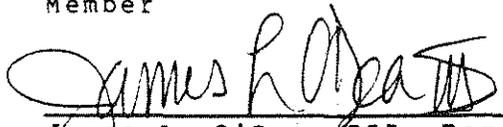
3. The application of Wheeler Liquors, Inc. t/a Whelan's Liquor Store for a retailer's license class - A (renewal) at premises 3903 12th Street, N.E., be, and the same hereby, is GRANTED; and,

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

District of Columbia
Alcoholic Beverage Control Board


Mary Eva Candon, Esquire
Chairman


James C. Jefferson,
Member


James L. O'Dea, III, Esquire
Member


Barbara L. Smith, Esquire
Member

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BEFORE THE ALCOHOLIC BEVERAGE CONTROL BOARD
FOR THE DISTRICT OF COLUMBIA

RECEIVED

Oct 13 1 00 PM '93

IN RE:

The application of Wheeler Liquors, Inc.
t/a Whelan's Liquor Store
3903 12th Street, N.E.
Retailer's License Class A

)
) CASE NO.
) 444-93050P
)
)

SETTLEMENT AGREEMENT

THIS MATTER came before the Board on the application of Wheeler Liquors, Inc. for the renewal of a Retailer's License Class A at the premises cited above, and such application was protested by neighboring residents.

The parties have negotiated their differences and agree as follows in consideration of said protest being withdrawn:

- 1 . The licensee will refrain from selling alcoholic beverages to intoxicated individuals or individuals of notoriously intemperate habits. Licensee may consult with neighborhood residents concerning the identity of such individuals.
- 2 . The licensee will refrain from the sale of alcoholic beverages after 9 PM on Saturdays and weekdays before public holidays.
- 3 . The licensee shall not maintain a public telephone inside or outside the licensed premises.
- 4 . The licensee shall take reasonable steps to discourage loitering in the immediate vicinity of the establishment, including its parking lot. Such steps may include asking such persons to move on or calling the Metropolitan Police Department for assistance.
- 5 . The licensee will close its parking lot after business hours and will equip said lot with high sodium type or diffused lights.
- 6 . The licensee will not install any billboards on top of its premises.

7. Management will pick up litter on the premises and abutting sidewalk at least daily, and will keep exterior areas of premises in clean and well-maintained condition.

FOR LICENSEE:

BY:

TITLE:

DATE:

Howard M. Gush

PRESIDENT

OCT 15 1993

FOR PROTESTANTS:

BY:

DATE:

Matthew Paul Bunker

September 23, 1993

ADDENDUM

Made this 7th day of May, 1997 to the agreement made October 15, 1993 by and between Wheeler Liquors, Inc. t/a Whelan's Liquor Store and Advisory Neighborhood Commission (ANC) 5A.

WITNESSETH

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control (ABC) Board, the reissuance of a Class "Ret.A" license for premises 3903 -12th Street, N.E.; and

WHEREAS, the parties to the above referenced agreement wish to continue the agreement in full force for the period of the reissuance;

NOW, THEREFORE, the Advisory Neighborhood Commission 5A voted unanimously at ANC 5A Single Member District 5A-06 Community meeting scheduled Wednesday, May 7, 1997, to recommend to the ABC Board non-objection to the reissuance of the license.

IN WITNESS WHERE OF, the parties have fixed hereunto their hands and seals in the years and day first above written.

By: Howard M. Gordon
Wheeler Liquors, Inc.

Mary Baird Currie
Mary Baird Currie, ANC 5A's Commissioner 5A-06

Joseph L. Bowser
Joseph L. Bowser, Chairperson, ANC 5A

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ANC 5A

ADVISORY NEIGHBORHOOD COMMISSION 5A

SLOWE SCHOOL DEMOUNTABLE

14TH & IRVING STREETS, N.E. • WASHINGTON, D.C. 20017

TELEPHONE (202) 635-6563 • FAX (202) 635-6565



May 12, 1997

RECEIVED
ALCOHOLIC BEVERAGE
CONTROL DIVISION
MAY 14 12 35 PM '97

OFFICERS

Joseph L. Bowser
Chairperson

Etta M. Marshall
Vice Chairperson

Norma M. Broadnax
Recording Secretary

Cyril Crocker
Correspondence Secretary

Isaac Williams, Jr.
Treasurer

John Muchell, Sr.
Parliamentarian

Ms. Mary Eva Candon, Esq.
Chairperson
Alcoholic Beverage Control Board
Room 807, North Potomac Building
614 "H" Street, NW
Washington, D.C. 20001

Re: App. No. 444 - Wheeler Liquors, Inc.
t/a Whelans Liquors, Class "Ret.A"

Dear Ms. Candon:

Advisory Neighborhood Commission (ANC) 5A's Single Member District (SMD) 5A-06 unanimously voted at a community meeting held on Wednesday, May 7, 1997, not to object to the reissuance of this Class "Ret. A" license. However, this was contingent upon the community, management of Wheeler Liquors, Inc. and ANC 5A to an addendum to continue this agreement for the period of reissuance.

COMMISSIONERS

- 5A01 Etta M. Marshall
- 5A02 Norma M. Broadnax
- 5A03 Joseph L. Bowser
- 5A04 Grace Lewis
- 5A05 Dareck D. Parks
- 5A06 Mary Baird-Currie
- 5A07 John Mitchell, Sr.
- 5A08 Cyril Crocker
- 5A09 Isaac Williams, Jr.
- 5A10 Ruth Goodwin
- 5A11 Karen M. Lancaster
- 5A12 Robert (Bob) King

At this community meeting, a majority of ANC 5A's Commissioners were in attendance and agreed to support the community in their efforts to continue the voluntary agreement that has been previously agreed upon. On May 28, 1997, ANC 5A will take an official vote.

The enclosed agreement is forwarded showing that "good faith" efforts have been demonstrated by all parties involved. This ANC accordingly has no objection to the renewal of this license.

OFFICE MANAGER
Angela D. Ellis

Sincerely,

Mary Baird Currie
Commissioner 5A-06

Joseph L. Bowser
Chairperson, ANC 5A

Attachments