

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

In the Matter of:)	
)	
Hu Nam Kim)	
t/a Mark's Market)	
)	
Application for a Retailer's Class)	Case No. 9814-04/040P
B License – renewal)	2004-36
at premises)	
3933 14 th Street, N.W.)	
Washington, D.C.)	
)	

Timothy A. Jones, Chairperson, Advisory Neighborhood Commission 4C, Kristen L. Barden, Secretary, Advisory Neighborhood Commission 4C, Protestants

Hu Nam Kim, Applicant

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

**ORDER ON WITHDRAWN PROTEST
AND VOLUNTARY AGREEMENT**

The application, having been protested, came before the Board on December 17, 2003, in accordance with D.C. Official Code Section 25-601 (2000 Edition). Timothy A. Jones, Chairperson, Advisory Neighborhood Commission 4C, and Kristen L. Barden, Secretary, Advisory Neighborhood Commission 4C, filed a timely protest letter.

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 March 14, 2004, the protestants have 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.

Hu Nam Kim
t/a Mark's Market
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Accordingly, it is this 14 day of April 2004, **ORDERED**
that:

1. The opposition of Timothy A. Jones, Chairperson, Advisory Neighborhood Commission 4C, and Kristen L. Barden, Secretary, Advisory Neighborhood Commission 4C, is **WITHDRAWN**;
2. The application of Hu Nam Kim t/a Mark's Market for a Retailer's class B license (renewal) at 3933 14th Street, N.W., Washington, D.C. is **GRANTED**;
3. The above-referenced agreement between the parties is **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Protestants and the Applicant.

District of Columbia
Alcoholic Beverage Control Board

Charles A. Burger, Chair
Charles A. Burger, Chair

Vera Abbott, Member
Vera Abbott, Member

Judy A. Moy, Member
Judy A. Moy, Member

Audrey E. Thompson, Member
Audrey E. Thompson, Member

Peter B. Feather, Member
Peter B. Feather, Member

Cooperative Agreement

Made this 14 day of March of 2004 by and between Bong Hui Yoon on behalf of HU NAN KIM dba **Mark's Market** (the Applicant/Licensee) and Kristen Barden, ANC 4C05 Commissioner representing ANC4C (the Protctant).

Witnesseth

Whereas, Applicant's application for the renewal of a Class B liquor license for premises, **3933 14th Street, NW, Washington, DC 20011**, ABRA Case Number 9814-04/040P is now pending before the District of Columbia Alcoholic Beverage Regulation Administration (ABRA) and,

Whereas the premises is within the boundaries of ANC 4C05 and,

Whereas, The parties desire to enter into an agreement governing certain understandings regarding the issuance of a Class B Liquor License at the subject premises; and,

Whereas, the strict enforcement of health, safety and security regulations enhances compliance with such regulations, and in turn, preserves and enhances the peace, order and quiet of communities within the District of Columbia; and,

Now THEREFORE in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the parties agree as follows:

a) **Hours of operation:**

The Applicant shall not sell alcoholic beverages of any kind before 9:30 AM or after 10:00 PM daily.

b) **Lighting:**

The Applicant shall have security lights lit around the establishment from dusk until 11PM.

c) **Products:**

The Applicant shall NOT sell any of the following:

- (1) ~~single serving containers of beer or malt liquor alcoholic beverages;~~
- (2) ~~single wine containers under 750 ml;~~
- (3) ~~malt liquor beverages in packaging that consists of containers of more than 24 ounces;~~
- (4) "alcopops" (e.g. Smirnoff Ice or similar malt beverages that are teen-marketed alcoholic beverages); and
- (5) low cost single cigars or short stuffy cigars commonly known as "blunts," pipes, bong, jewelry bags, or any other products associated with illegal drug activities.

d) **Litter, Debris and Rodents:**

Applicant shall take reasonable steps to assure the immediate environs of the establishment are kept free of litter and debris. Applicant shall clean the sidewalk in front of the premises up to and including the curb twice per day. Applicant shall 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 recyclable materials generated by the establishment, and to assure that trash,

garbage and recyclable materials are removed twice a week by a licensed refuse contractor. Applicant shall fill in rat holes and maintain pest and animal control of the property. Applicant shall also work with the city inspectors and private contractors to ensure that the rodent problem in the area does not impact the establishment or the property on which it sits.

e) **Loitering:**

Applicant shall take all reasonable measures to discourage loitering in front of (14th Street side) and on the side (Shepherd Street) of the establishment. Applicant shall maintain "No Loitering" signs in English and in Spanish inside and outside in the front of the premises and instruct loiterers to leave and by calling the Metropolitan Police Department (MPD). The Applicant shall keep a daily log of all calls made to the MPD. The Protestants shall have the right to review the log upon request during the establishment's business hours.

f) **Respect for peace, order and quiet:**

Applicant shall place signs in both English and Spanish and maintain said signs inside the premises, which instruct patrons to respect the peace, order and quiet of the neighborhood in recognition of the residential quality of the immediate area. Applicant shall encourage patrons to cease from engaging in violent behavior in the vicinity of the establishment. Applicant shall encourage patrons to refrain from drinking and urinating in public, and leaving empty beer bottles or any other garbage in public or on private property around the neighborhood.

Applicant shall post signs in both English and Spanish that encourage responsible alcohol consumption.

g) **Payphones:**

The Applicant shall remove any pay phones located in and around the establishment and prevent to the extent possible any future installation of pay phones in and around the establishment.

at expiration of current case (12/04)

h) **Training of staff:**

The Applicant will assure that all alcoholic beverage sales staff receives appropriate training in the sale and handling of alcoholic beverages. Licensee will also ensure 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.

i) **Compliance with the Law:**

Applicant shall not, directly or indirectly, knowingly sell or deliver alcoholic beverages to any intoxicated persons, or to any person who appears to be intoxicated, and will cooperate with the Metropolitan Police Department as needed.

Applicant shall 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.

The Applicant shall comply with D.C. Official Code 25-713 which requires the licensee to post a notice, maintained in good repair and in place clearly visible from the point of entry to the establishment, which states: (1) the minimum age requirement for the purchase of alcoholic beverages; and (2) the obligation of the patron to produce a valid identification document displaying proof of age. The Applicant shall further check the ID of all patrons

that are not known to the establishment's management as being twenty-one (21) years of age or older.

Applicant shall not sell or deliver alcoholic beverages to any individuals who refuse or are unable to produce a valid identification document to verify proof of age, 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. The Board notes that D.C. Official Code 25-101 (53), defines a valid identification document as an official identification issued by an agency of government (local, state, federal or foreign) containing, at a minimum, the name, date of birth, signature and photograph of the bearer.

These specific sale restrictions shall be posted in English and Spanish on signs in the establishment.

Applicant shall comply with all District of Columbia rules and regulations that apply to the ownership and operation of a business establishment.

Applicant will support ANC4C in its efforts with the MPD and Emergency Medical Service personnel to establish and carry out an "interdiction" program to identify persons of notoriously intemperate habits and assure that licensee refrains from selling alcoholic beverages to such persons.

j) **Participation in Community Meetings:**

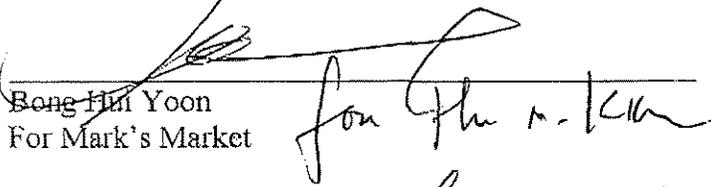
Owners and/or managers of the establishment shall: (1) attend ANC4C ~~monthly meetings~~ (second Tuesday of each month at 7 PM at the MPD 801 Shepherd Street, NW); 2) ~~participate in community oversight and attend quarterly status meetings with Protestants at Protestant's request;~~ 3) attend Police Service Area (PSA) monthly meetings and inform the MPD of concerns regarding police response and protection. Protestants shall provide two weeks notice to Applicant for meeting request. The applicant and protestants should maintain an open dialogue to address mutual concerns and provide constructive remedial actions whenever necessary.

Should the protestants observe problematic situations that need to be addressed, including customers, health code violations, security, lighting, specific types of products including alcohol, etc., the establishment shall meet with the protestants within seven (7) days of receiving notice to resolve the issue(s).

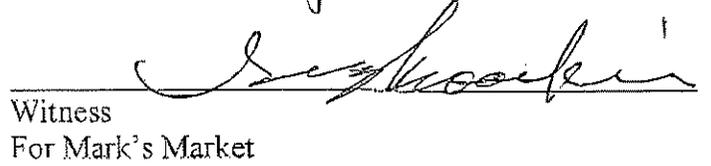
1. In consideration of, and reliance upon, the commitments reflected in above covenants the Protestants hereby withdraw their opposition to the applicant's pending renewal license application;
2. The parties further agree that any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the Protestants to petition the ABRA Board to review the Class B license for premises at 3933 14th Street, NW and for the Protestants to petition the ABRA Board for issuance of an order to show cause pursuant to 23 D.C.M.R. Section 1513.5 (1997) or any regulation of similar purpose adopted by the ABRA Board, to revoke the Class B license for the premises, **Mark's Market**;
3. This cooperative agreement shall be binding on anyone to whom this ~~liquor license~~ ^X is sold, transferred or assigned. The Protestants hereby request that the ANC and surrounding neighbors be notified at least 30 days prior to the license sale, transfer or assignment;

4. This Voluntary Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but all of which together shall constitute an agreement binding on all the parties hereto. Facsimile signatures shall be considered to be execution of the original.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and signatures.


Bong-Hui Yoon
For Mark's Market

3/14/04
Date


Witness
For Mark's Market

3/14/04
Date


Kristen L. Barden
For ANC 4C

March 14, 2004
Date



ALLIANCE FOR JUSTICE

FAX

Date: March 15, 2004

To: Zandra Goode/Laura Byrd

Fax # 202-727-9685 or 442-9563

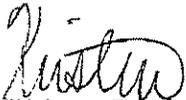
From: Kristen Barden, Secretary ANC 4C

Re: Mark's Market signed voluntary agreement

Total pages: 5

Zandra/Laura – Please see attached signed voluntary agreement with Mark's Market, 3933 14th Street, NW.

Thanks,


Kristen Barden
Secretary ANC4C
ANC4C05