

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

**In the Matter of:**

Yes Organic Eastern Market, Inc.  
t/a Yes Organic Market

Applicant for a Renewal of a  
Retailer's Class B

at premises  
410 8<sup>th</sup> Street, S.E.  
Washington, D.C. 20003

Case No. 14-PRO-00080  
License No. ABRA-089539  
Order No. 2014-485

Yes Organic Eastern Market, Inc., t/a Yes Organic Market (Applicant)

Brian Flahaven, Chairperson, Advisory Neighborhood Commission (ANC) 6B

**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Mike Silverstein, Member  
Hector Rodriguez, Member  
James Short, Member

**ORDER ON SETTLEMENT AGREEMENT AND  
WITHDRAWAL OF PROTEST OF ANC 6B**

The Application filed by Yes Organic Eastern Market, Inc., t/a Yes Organic Market (Applicant), for renewal of its Retailer's Class B License, was protested; however, a Roll Call Hearing scheduled for November 17, 2014, was not held, because the Parties submitted a Settlement Agreement before the hearing.

The official records of the Board reflect that the Applicant and ANC 6B, have entered into a Settlement Agreement (Agreement), dated October 31, 2014, that governs the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Brian Flahaven, on behalf of ANC 6B, are signatories to the Agreement.

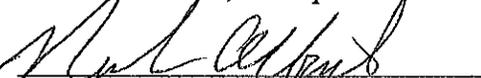
This Agreement constitutes a withdrawal of the Protest filed by ANC 6B.

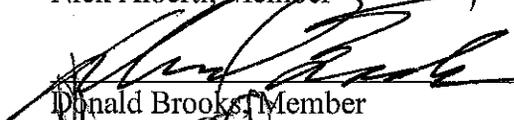
Accordingly, it is this 19<sup>th</sup> day of November, 2014, **ORDERED** that:

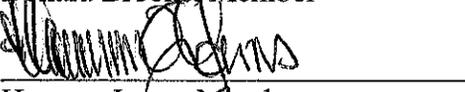
1. The Application filed by Yes Organic Eastern Market, Inc., t/a Yes Organic Market, for renewal of its Retailer's Class B License, located at 410 8<sup>th</sup> Street, S.E., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 6B in this matter is hereby **WITHDRAWN**;
3. The above-referenced Settlement 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 ANC 6B.

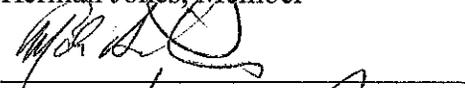
District of Columbia  
Alcoholic Beverage Control Board

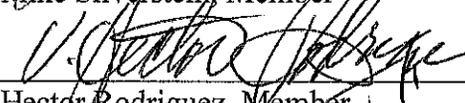
  
Ruthanne Miller, Chairperson

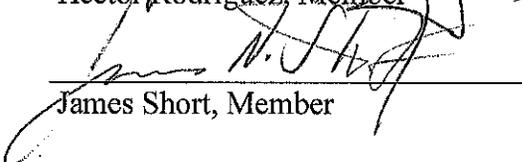
  
Nick Alberti, Member

  
Donald Brooks, Member

  
Herman Jones, Member

  
Mike Silverstein, Member

  
Hector Rodriguez, Member

  
James Short, Member

Pursuant to D.C. Official Code § 25-433, 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 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).

## SETTLEMENT AGREEMENT

This Voluntary Agreement is made on the 31<sup>st</sup> day of October, 2014 by and between Yes Organic Eastern Market, Inc. t/a Yes Organic Market and Advisory Neighborhood Commission 6B.

WHEREAS, Applicant's renewal for a Retailer's Class B license ABRA-089539 is now pending before the District of Columbia Alcoholic Beverage Control Board; and,

WHEREAS, the premises located at 410 8<sup>th</sup> Street 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 the license; 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's Class B license under the following provisions:
  - a. The Applicant will comply with all laws and regulations governing the operations of the establishment.
  - b. The Applicant agrees to post this Voluntary Agreement alongside his ABC license.
3. **Hours of Operation and Sales.**

The hours of operation and tasting permit are 7:00 a.m. – 10:00 p.m.

The hours of sales are 7:00 a.m. until 9:00 p.m. on Sunday and 7:00 a.m. until 10:00 p.m. on Monday through Saturday.
4. **Signage, Noise and Privacy.** Applicant will strictly comply with D. C. Official Code and will prohibit and prevent loitering, rowdiness, panhandling and criminal activity within 100 feet of the establishment.

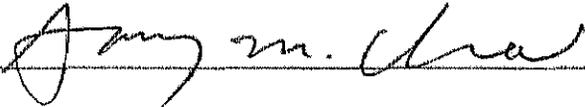
5. **Public Space Cleanliness and Maintenance.** Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition.

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

Applicant

Yes Organic Eastern Market, Inc.  
Yes Organic Market  
410 8<sup>th</sup> Street SE  
Washington DC 20003

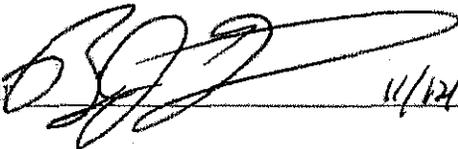
Gary Cha, Owner  
703-927-9507

  
\_\_\_\_\_

ANC

Advisory Neighborhood Commission 6B  
921 Pennsylvania Ave SE  
Ste 305  
Washington, DC 20003  
202-543-3344

Chair

  
\_\_\_\_\_ 11/12/19

# ANC 6B

*Capitol Hill / Southeast*

November 14, 2014

921 Pennsylvania Avenue SE  
Suite 305  
Washington, DC 20003-2141  
202-543-3344 (office)  
202-543-3507 (fax)  
office@anc6b.org

Ruthanne Miller, Chair  
Alcoholic Beverage Control Board  
2000 14<sup>th</sup> Street NW, Suite 400S  
Washington, DC 20009

Executive Director  
*Susan Eads Role*

VIA E-MAIL: [janea.raines@dc.gov](mailto:janea.raines@dc.gov)

RE: 14-PRO-00080, ABRA-089539, Yes Organic Market, 410 8<sup>th</sup> Street SE,  
Renewal

## OFFICERS

Chair  
*Brian Flahaven*

Vice-Chair  
*Ivan Frishberg*

Secretary  
*Nichole Opkins*

Treasurer  
*Brian Pate*

Parliamentarian  
*Philip Peisch*

Dear Ms. Miller:

At its regularly called, properly noticed meeting on November 12, 2014, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 8-0 to withdraw its protest of and support the above-referenced request.

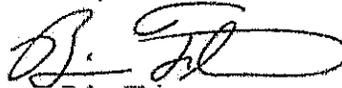
For your review and approval, please find enclosed a Settlement Agreement, which was executed by both parties.

## COMMISSIONERS

SMD 1 *Vacant*  
SMD 2 *Ivan Frishberg*  
SMD 3 *Philip Peisch*  
SMD 4 *Kirsten Oldenburg*  
SMD 5 *Brian Pate*  
SMD 6 *Nichole Opkins*  
SMD 7 *Sara Loveland*  
SMD 8 *Chander Jayaraman*  
SMD 9 *Brian Flahaven*  
SMD 10 *Francis Campbell*

Please contact Commissioner Sara Loveland, ANC 6B's Alcohol Beverage Control Committee Chair, at 202-330-8745 or [sara6b07@anc6b.org](mailto:sara6b07@anc6b.org) if you have questions or need further information. Thank you.

Sincerely,



Brian Flahaven  
Chair

Enclosure

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

**In the Matter of:** )

Yes Organic Eastern Market, Inc. )  
t/a Yes Organic Market )

Applicant for a New )  
Retailer's Class B License )

at premises )  
410 8th Street, S.E. )  
Washington, D.C. 20003 )

Case No. 12-PRO-00062  
License No. ABRA-089539  
Order No. 2012-330

Yes Organic Eastern Market, Inc., t/a Yes Organic Market (Applicant)

Andrew Jared Critchfield, Chairperson, Advisory Neighborhood Commission (ANC) 6B

**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Calvin Nophlin, Member  
Mike Silverstein, Member

**ORDER ON VOLUNTARY AGREEMENT AND  
WITHDRAWAL OF PROTEST OF ANC 6B**

The Application filed by Yes Organic Eastern Market, Inc., t/a Yes Organic Market, for a new Retailer's Class B License, was protested; however, a Roll Call Hearing scheduled for July 16, 2012, was not held, because the parties submitted a Voluntary Agreement before the hearing.

The official records of the Board reflect that the Applicant and ANC 6B, have entered into a Voluntary Agreement (Agreement), dated July 10, 2012, that governs the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Andrew Jared Critchfield, on behalf of ANC 6B, are signatories to the Agreement.

**Yes Organic Eastern Market, Inc.**  
**t/a Yes Organic Market**  
**Case No. 12-PRO-00062**  
**License No. ABRA-089539**  
**Page 2**

This Agreement constitutes a withdrawal of the Protest filed by ANC 6B.

Accordingly, it is this 1st day of August, 2012, **ORDERED** that:

1. The Application filed by Yes Organic Eastern Market, Inc., t/a Yes Organic Market, for a new Retailer's Class B License, located at 410 8th Street, S.E., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 6B in this matter is hereby **WITHDRAWN**;
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 ANC 6B.

**Yes Organic Eastern Market, Inc.**  
**t/a Yes Organic Market**  
**Case No. 12-PRO-00062**  
**License No. ABRA-089539**  
**Page 3**

District of Columbia  
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member



Nick Alberti, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, D.C. 20009



## VOLUNTARY AGREEMENT

This Agreement made July 10, 2012, by and between Yes Organic Eastern Market, Inc t/a Yes Organic Market and Advisory Neighborhood Commission 6B.

WITNESSETH

WHEREAS, Applicant's request for a Retailers Class "B" license, ABRA-089539, for premises at 410 8<sup>th</sup> Street SE, Washington, DC 20003 is now pending before the District of Columbia Alcoholic Beverage Control Board; 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 Retailers' Class "B" license, at the subject premises;

NOW, THEREFORE, the Parties agree as follows:

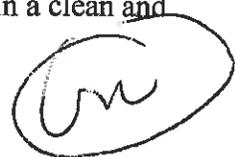
1. ***Recitals Incorporated.*** The recitals set forth above are incorporated herein by reference.
2. ***Nature of the Business.*** The Applicant will manage and operate a Retailer's Class B full-service grocery store license under the following provisions:
  - A. The Applicant will comply with all laws and regulations governing the operations of the establishment at 410 8<sup>th</sup> Street SE.
  - B. The Applicant's hours of operation and tasting permit are 8:00 a.m. – 10:00 p.m.; hours of sales are 10:00 am until 9:00 pm on Sunday and 9:00am until 10:00 pm Monday through Saturday.
  - C. The Applicant agrees to post this agreement alongside the ABC license.

3. ***Signage, Noise and Privacy.***

Applicant will, to the best of his ability, prohibit and prevent loitering, rowdiness, criminal activity, panhandling and all illegal activity within 100 feet of the establishment.

4. ***Public Space Cleanliness and Maintenance.***

Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition.

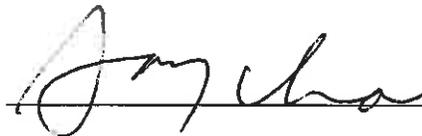


By signature below, the Parties agree to the terms of this agreement and settlement of the Protest.

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

Applicant: Yes Organic Eastern Market, Inc  
Yes Organic Market  
410 8<sup>th</sup> Street SE  
Washington, DC 20003

Attn: Gary Cha  
(703) 927-9507

 (Signature)

ANC: Advisory Neighborhood Commission  
921 Pennsylvania Avenue SE  
Ste 305  
Washington, DC 20003  
Andrew Jared Critchfield, Chairperson  
(202) 543-3344

 (Signature)