

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

<hr/>	)	
	)	
Ameri Thai Group, Inc.	)	
t/a Thai Pad	)	
	)	
Applicant for a New	)	License No. ABRA-097573
Retailer's Class CR License	)	Order No. 2015-238
	)	
at premises	)	
4481 Connecticut Avenue, N.W.	)	
Washington, D.C. 20008	)	
<hr/>	)	

Ameri Thai Group, Inc., t/a Thai Pad (Applicant)

Adam Tope, Chairperson, Advisory Neighborhood Commission (ANC) 3F

**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**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Ameri Thai Group, Inc., t/a Thai Pad, Applicant for a new Retailer's Class CR License, located at 4481 Connecticut Avenue, N.W., Washington, D.C., and ANC 3F have entered into a Settlement Agreement (Agreement), dated March 17, 2015, 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 Adam Tope, on behalf of ANC 3F, are signatories to the Agreement.

Accordingly, it is this 29th day of April, 2015, **ORDERED** that:

1. 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, except for the following modifications:

Section 2 – The following sentence shall be modified to read as follows: “The restaurant shall have a total occupancy of 33 seats and outside summer garden (unclosed sidewalk café) seating maximum will be determined upon architectural drawings, final approval from the Public Space Committee and any necessary permits.”

Section 3 – The following language shall be modified to read as follows:

“Monday through Thursday	11:00 a.m. – 10:00 p.m.
Friday	11:00 a.m. – 11:00 p.m.
Saturday	11:30 a.m. – 11:00 p.m.
Sunday	11:30 a.m. – 10:00 p.m.”

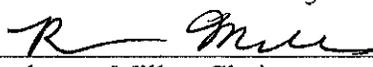
Section 4 – This Section shall be modified to read as follows: “Applicants hours of operation and sale, service, or consumption of alcoholic beverages for the interior of the premises shall not exceed 11:00 a.m. – 10:00 p.m. Sunday through Thursday, 11:00 a.m. – 11:00 p.m. on Fridays and 11:30 a.m. to 11:00 p.m. on Saturdays. Applicant shall not operate its summer garden (unenclosed sidewalk café) area after 10:00 p.m. Sunday through Thursday nor 11:00 p.m. on Friday and Saturday.”

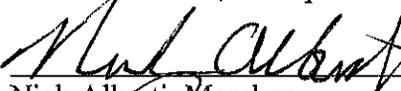
Section 12 – The following language shall be removed: “...Applicant, upon notice from the ANC shall send a representative of the Establishment to a meeting...”

The parties have agreed to these modifications.

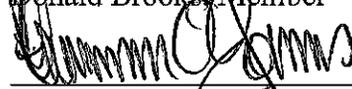
2. Copies of this Order shall be sent to the Applicant and ANC 3F.

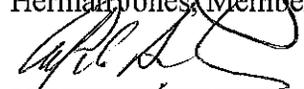
District of Columbia  
Alcoholic Beverage Control Board

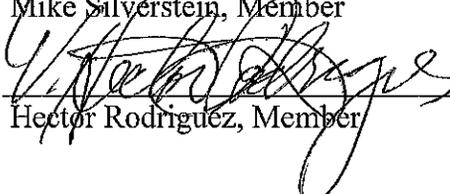
  
Ruthanne Miller, Chairperson

  
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

Made this 17th day of March, 2015, by and between AMERI THAI GROUP, INC. t/a Thai Pad (the "applicant") and ADVISORY NEIGHBORHOOD COMMISSION 3F, North Cleveland Park, Forest Hills, and Tenleytown (the "ANC" or "ANC 3F"),

### WITNESSETH:

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control ("ABC") Board is Applicant's application for a Retailer's Class "CR" liquor license for the premises known as 4481-B Connecticut Avenue, N.W., License Number ABRA-097573; and

WHEREAS, both Applicant and the ANC (the "parties") desire to enter into a Settlement Agreement commemorating certain understandings regarding Applicant's operating plans;

NOW, THEREFORE, in consideration of the premises recited, and the mutual covenants and promises set forth below, the parties agree as follows:

1. Applicant shall manage and operate a *bona fide* restaurant on its premises with an emphasis on food.
2. The restaurant shall have a maximum of 33 seats and an outside summer garden (unenclosed sidewalk café) seating maximum will be determined upon architectural drawings, final approval from the Public Space Committee and any necessary permits.  
[According to the Certificate of Occupancy, the restaurant shall have a maximum of 28 seats and an occupancy load of 33 persons.]
3. Applicant's hours of operation and sale, service or consumption of alcoholic beverages for inside the restaurant premises and outside in the summer garden (unenclosed sidewalk café) shall be as follows:

Monday through Thursday	11:00 a.m. – 10:00 p.m.
Friday	11:00 a.m. – 11:00 p.m.
Saturday	11:30 p.m. – 11:00 p.m.
Sunday	11:30 p.m. – 10:00 p.m.

4. Applicant's hours of operation and sale, service, or consumption of alcoholic beverages for the interior of the premises shall not exceed 8:00 a.m. to 12:00 midnight Monday through Sunday. Applicant shall not operate its summer garden (unenclosed sidewalk café) area after 10:00 p.m., Sunday through Thursday, nor after 11:00 p.m., Friday and Saturday.
5. Applicant shall offer food service to its patrons at all times it is open. At no time shall a patron be able to purchase an alcoholic beverage from the Applicant and not be able to purchase food from the Applicant. Alcoholic beverages will be served in conjunction with full meal food service. Applicant will not provide take-out alcoholic beverages.
6. Applicant plans to offer take-out service and delivery service to patrons within a reasonable driving radius. Applicant's delivery vehicles will not impede travel lanes and public parking on Connecticut Ave, NW and Albemarle Street, NW at

- any time.
7. Applicant shall have no dancing or live entertainment. Applicant shall be permitted to present recorded music inside the restaurant as soft background music for dining; provided, however, that no doors to the exterior of the restaurant shall be propped open at any time when music is being played in the restaurant.
  8. Applicant shall not install or utilize any equipment for the showing of videos or video games or jukeboxes.
  9. Applicant shall not display, outside of the premises, any advertising banners, neon signs, or sign age other than the sign permitted by zoning above its establishment. Applicant shall post no signs in public space or outside the restaurant advertising alcohol, beer and/or wine sales, happy hours, or the like.
  10. Applicant shall care for the 35 feet of public spaces that borders the restaurant on Connecticut Avenue, including provisions of suitable plantings, if applicable.
  11. Applicant shall have the restaurant and the area around the premises properly cleaned at the end of each night to ensure there is no garbage or odors. Applicant shall respect the surrounding residential buildings and limit noise after closing hours when disposing of trash and bottles in receptacles. Applicant shall ensure that trash receptacles remain closed and free of vermin at all times.
  12. Applicant agrees to maintain open communication with the ANC and the community for which the ANC acts, Applicant, upon notice from the ANC shall send a representative of the Establishment to a meeting to confer and deal in good faith with issues raised under this Agreement or new issues that might arise with regard to the operation of the Establishment. In the event Applicant shall breach 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 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 ANC 3F to file a complaint with the Alcohol Beverage Regulation Administration, 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, 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:

If to Applicant: Ameri Thai Group, Inc. t/a Thai Pad  
4481-B Connecticut Avenue, N.W.  
Washington, D.C. 20008

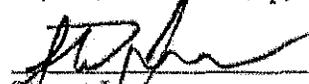
If to ANC: Advisory Neighborhood Commission 3F  
4401-A Connecticut Avenue, N.W., PMB 244  
Washington, D.C. 20008-2322

13. In consideration or, and in reliance upon, the commitments reflected in paragraphs 1 through 12 above, the ANC will advise the ABC Board that it does

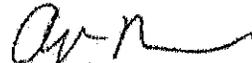
not oppose Applicant's pending application for a Retailer's Class "CR" license.

IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first above written.

Applicant, Ameri Thai Group, Inc.

By:   
Name: Steven Imms  
Title: Owner

ADVISORY NEIGHBORHOOD  
COMMISSION 3F

By:   
Adam Tope, Chair