

APR 10 2002 452

## COOPERATIVE AGREEMENT

Made this \_\_\_ day of May, 2002 by and between Daniel Gogloski on behalf of Midnight's Delicatessen, (the "Applicant") and Advisory Neighborhood Commissions (ANC) 4C and 4D, represented by ANC Chairs Timothy Allen Jones and Tina Thompson (collectively referred to herein as the "Neighbors").

### WITNESSETH

**WHEREAS**, Applicant's application for the renewal of a Retailers' Class B license for premises, located at 4701 Georgia Avenue, NW, ABC Application 9452, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC Board), and,

**WHEREAS**, the premises is within the boundaries of the ANC 4B and contiguous to ANC 4C; and,

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

**WHEREAS**, the strict enforcement of health, safety, and security in the operation of a grocery store by the Applicant that preserves and enhances the peace, order, and quiet of the immediate community surrounding said store within the District of Columbia; and,

**WHEREAS**, the Applicant hereby certifies that it intends to operate a grocery store for the benefit of all families within a one mile radius, including adults and minors in a manner that does not encourage or solicit patrons who create an unsafe environment and disturb the peace, order and quiet of the immediate community surrounding said store.

**NOW, THEREFORE**, the parties agree as follows:

1. In order to avoid the over-concentration of beer and wine stores offering similar products in the area, the Applicant will:
  - (a) not sell single serving containers of beer or malt liquor alcoholic beverages or sell single wine containers under 750 ml, unless at the same time during the same sale, a food item is purchased (food items do not include gum, mints, candy or like food items);
  - (b) not sell malt liquor beverages in packaging that consists of containers of more than 24 oz.;
  - (c) not sell short stubby cigars, commonly known as "blunts" / "philly blunts";
  - (d) not sell drug paraphernalia, such as: cigarette papers, smoking pipes, blunt holders, low-cost single cigars, bongs, small plastic "jewelry" bags; and
  - (e) not sell single serving containers of beer, malt liquor or fortified wine once the following three competitive stores no longer sell such items, specifically: Colony Liquor Store, 4901 Georgia Avenue, NW; 3 Way Liquor Store, 4823 Georgia Avenue, NW; and Uneeda Grocery, 4400 Georgia Avenue, NW.
2. In order to keep the peace and quiet of the surrounding neighborhood, thereby making the store appropriate for the neighborhood, the Applicant will:
  - (a) not sell alcoholic beverages before 9:00 a.m. or after 10:00 p.m. daily;

- (b) ensure that there is daily street cleaning of the 900 block of Crittenden Street, NW up to the end of the property occupied by Midnight Delicatessen ending at the public alley, as well as along the 4700 block of Georgia Avenue, NW to end of the property line;
- (c) discourage patrons from double-parking and call the police/traffic enforcement each time a double parking violation is witnessed on or around the store premises;
- (d) remove public pay phones and prevent any future installation of pay phones in and around store premises;
- (e) post and maintain "No Loitering" signs on the premises and instruct loiterers to leave, as well as not sell to any previous customer who violated the "No Loitering" signs;
- (f) keep a daily log of any calls made to the police; additionally, the Neighbors shall have the right to review the log at any time during business hours;
- (g) fill in rat holes and maintain pest and animal control of the property;
- (h) require that security lights be lit from dusk until 10:00 p.m.;
- (i) participate in community oversight and attend two status meetings per year with Neighbors at Neighbors' request;
- (j) improve and maintain the façade of the premises/building and landscape the property in a manner that discourages loitering and is consistent with the residential character of the surrounding community; including, but not limited to, painting the property, removing all graffiti, and improving the private and public space from the building line to curbs (seeking District government assistance if available).
- (k) require that the owners and/or managers attend at least two ANC meetings per year with both ANC 4C and 4D; and
- (1) comply with all applicable laws and regulations related to its business.

3. In consideration of, and reliance upon, the commitments reflected in paragraphs 1 and 2 above, the Neighbors hereby withdraw their opposition to the applicant's pending license application.

4. The parties further agree that any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the ABC Board to revoke the Retailer's Class B license for premises at 4701 Georgia Avenue, NW, and for the Neighbors to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. § 1513.5 (1997) or any regulation of similar purpose adopted by the ABC Board.

5. 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 all of 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.

*Daniel G. Gogloski*  
APPLICANT: Daniel Gogloski, Owner of  
Midnight's Delicatessen

Date: *5/21/02*

*Timothy Allen Jones*  
Timothy Allen Jones, Chair, ANC 4C

Date: *5/21/02*

ALL  
HARR

*Tina Thompson*  
Tina Thompson, Chair, ANC 4D

Date: *5/21/02*

*Tina Thompson*

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

In the Matter of: )

Daniel Gogloski )

t/a Midnight's Delicatessen )

Application for a Retailer's Class )

B License (renewal) )

at premises )

4701 Georgia Avenue, N.W. )

Washington, D.C. )

Application no. 9452

2002-105

Timothy Allen Jones, Chairperson, on behalf of the Advisory Neighborhood Commission 4C, Tina Thompson, Chairperson, on behalf of the Advisory Neighborhood Commission 4D, and Daniel Gogloski, Signatories

**BEFORE:** Roderic L. Woodson, Esquire, Chair

Vera Abbott, Member

Charles Burger, Member

Laurie Collins, Member

Judy Moy, Member

Ellen Opper-Weiner, Esquire, Member

Audrey Thompson, Member

**ORDER ON VOLUNTARY AGREEMENT**

This matter came before the Board for approval on May 29, 2002. The signatories to the attached voluntary agreement dated May 21, 2002, submitted the agreement to the Board in accordance with 23 DCMR Section 1513 (June 1997).

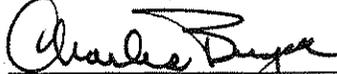
Having determined that the agreement complies with all applicable laws and regulations and the applicant qualifies for licensure, the Board does hereby this 19<sup>th</sup> day of June 2002, **APPROVE** the license application conditioned on the applicant's compliance with the terms of the voluntary agreement and **INCORPORATE** the text of the same into the Order.

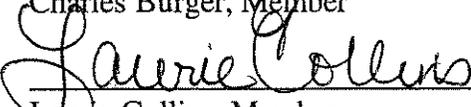
Daniel Gogloski  
t/a Midnight Deli  
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District of Columbia  
Alcoholic Beverage Control Board

  
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Roderic L. Woodson, Esquire, Chair

  
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Vera Abbott, Member

  
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Charles Burger, Member

  
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Laurie Collins, Member

  
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Judy Moy, Member

  
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Ellen Opper-Weiner, Esquire, Member

  
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Audrey E. Thompson, Member