

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

_____)
In the Matter of:)
)
I M Shin Enterprises, Inc.)
t/a Market of Columbia Plaza)
)
Holder of a)
Retailer's Class A License) License No. ABRA-097197
) Order No. 2015-379
)
at premises)
516 23rd Street, N.W.)
Washington, D.C. 20037)
_____)

I M Shin Enterprises, Inc., t/a Market of Columbia Plaza (Licensee)

Patrick Kennedy, Chairperson, Advisory Neighborhood Commission (ANC) 2A

Marilyn Rubin and John Seichter, on behalf of Columbia Plaza Tenants Association

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

ORDER ON FIRST AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that I M Shin Enterprises, Inc., t/a Market of Columbia Plaza (Licensee), ANC 2A, and Columbia Plaza Tenants Association entered into Settlement Agreement (Agreement), dated July 28, 2006, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' First Amendment to Settlement Agreement (Amendment), dated July 15, 2015, in accordance with D.C. Official Code § 25-446 (2001).

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee; Chairperson Patrick Kennedy, on behalf of ANC 2A; and Marilyn Rubin and John Seichter, on behalf of Columbia Plaza Tenants Association; are signatories to the Amendment.

Accordingly, it is this 5th day of August, 2015, **ORDERED** that:

1. The above-referenced First Amendment to Settlement Agreement, dated July 15, 2015, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modification:

Section 1 (Hours) – The term “liquor” shall be replaced with the term “alcoholic beverages.”

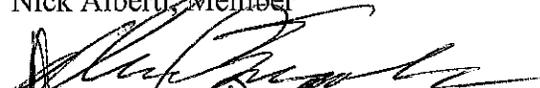
The parties have agreed to this modification.

2. All terms and conditions of the original Agreement, not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee, ANC 2A, and Marilyn Rubin and John Seichter, on behalf of Columbia Plaza Tenants Association.

District of Columbia
Alcoholic Beverage Control Board

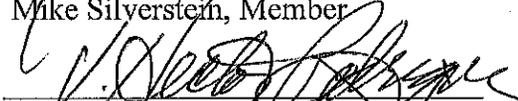

Ruthanne Miller, Chairperson

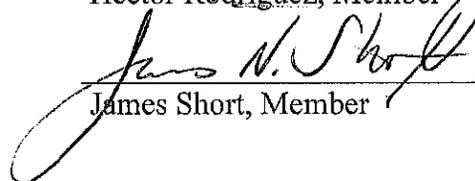

Nick Alberti, Member


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 14th 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).

FIRST AMENDMENT TO ABC SETTLEMENT AGREEMENT

THIS AMENDMENT TO SETTLEMENT AGREEMENT (the "Amendment") is made and entered into this 15th day of July 2015 by and among The Market at Columbia Plaza, (Licensee), Advisory Neighborhood Commission 2A ("ANC 2A"), and The Columbia Plaza Tenants Association. Patrick Kennedy, on behalf of ANC and Marilyn Rubin and John Seichter, on behalf of Columbia Plaza Tenants Association (CPTA).

RECITALS

WHEREAS, Applicant is the holder of a Retailer's Alcoholic Beverage License Class A, for the sale of alcoholic beverages located at 516 23rd St N.W

WHEREAS, the parties entered into a Settlement Agreement dated July 28th, 2006 (The "Agreement") which Agreement was approved by Order on Voluntary Agreement and Withdrawal and Protests entered by the Alcoholic Beverage Control Board (the "Board") on June 14th, 2006.

WHEREAS, the parties desire to enter into this Amendment to amend the hours restrictions contained in the existing Settlement Agreement.

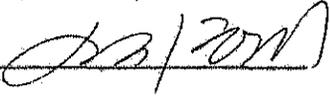
AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained in this Amendment, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Hours: Liquor sales will be conducted from 9:00 am to 11:00 pm, Monday through Saturday, and from 9:00 am to 8:00 pm on Sunday.
2. Entire Agreement. This Amendment and the Agreement set forth the entire understanding of the parties with respect to Applicant's alcoholic beverage application and issuance of the License.
3. All other terms and conditions not amended by the First Amendment to ABC Settlement Agreement shall remain in full force and effect.

APPLICANT/LICENSEE:

I M SHIN Enterprises, Inc.

By: 

Ok Soon Shin

Date Signed: 7/30/15

PROTESTANTS:

ANC2A:

By: 

Patrick Kennedy

Date Signed: 7/29/2015

Columbia Plaza Tenants Association

By: 

Marilyn Rubin

Date Signed: July 28, 2015

Columbia Plaza Tenants Association

By: 

John Seichter

Date Signed: 
July 28, 2015

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

In the Matter of:)	
)	
Shenpos in DC, Inc.)	
t/a DBA Market of Columbia Plaza)	
Application for a Retailer's)	
Class A License –)	License no.: 23557
Renewal at premises)	Case no.: 60924-06/081P
516 23 rd Street, N.W.)	Order no.: 2006-146
Washington, D.C.)	
)	

Shenpos in DC, Inc., Applicant

Advisory Neighborhood Commission 6A, Protestant

BEFORE: Charles A. Burger, Chairperson
Vera M. Abbott, Member
Judy A. Moy, Member
Audrey E. Thompson, Member
Peter B. Feather, Member
Albert G. Lauber, Member
Eartha Isaac, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST

The renewal application for a Retailer's Class "A" License, having been protested, came before the Board on June 14, 2006, in accordance with D.C. Official Code § 25-601 (2001). Advisory Neighborhood Commission 6A filed timely opposition by letter on May 18, 2006.

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 July 28, 2006, the Protestant has agreed to withdraw its protest, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

Shenpos in DC, Inc., LLC
t/a DBA Market of Columbia Plaza
Case no. 60924-06/081P
License no. 23557
Page two

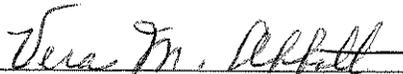
Accordingly, it is this 9th day of August 2006, **ORDERED** that:

1. The protest of Advisory Neighborhood Commission 6A, is **WITHDRAWN**;
2. The new application of Shenpos in DC, Inc., t/a DBA Market of Columbia Plaza, for a Retailer's Class "A" License at 516 23rd Street, N.W., Washington, D.C., is **GRANTED**;
3. The above-referenced agreement is **INCORPORATED** as part of this Order;
and
4. Copies of this Order shall be sent to the Protestant and the Applicant.

Shenpos in DC, Inc., LLC
t/a DBA Market of Columbia Plaza
Case no. 60924-06/081P
License no. 23557
Page three

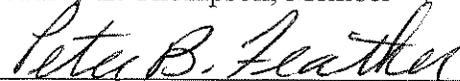
District of Columbia
Alcoholic Beverage Control Board

Charles A. Burger, Chairperson


Vera M. Abbott, Member


Judy A. Moy, Member

Audrey E. Thompson, Member


Peter B. Feather, Member


Albert G. Lauber, Member

Eartha Isaac, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

COOPERATIVE AGREEMENT

Concerning operation of Shepnos in DC, Inc, DBA Market at Columbia Plaza

THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
CONTROL BOARD
REGISTRATION
A 9 55
WM

AGREEMENT made this 28th day of July, 2006 by and between Shepnos in DC, Inc, DBA Market at Columbia Plaza (Applicant); Columbia Plaza Tenants Association (CPTA) and Advisory Neighborhood Commission ANC 2A (ANC 2A), together the "Parties."

RECITALS

1. Applicant has filed an application with the D.C. Alcoholic Beverage Control Board (Board) for renewal of a Class "A" liquor store license (CA Lic # 23557).
2. CPTA and ANC 2A have substantial concerns about the impact of the ongoing operation of the Applicant's retail liquor business in conjunction with a food market on the peace, order and quiet of the neighborhood.
3. At its regularly scheduled meeting on May 16, 2006, ANC 2A, with six of six commissioners in attendance, a quorum at a duly called public meeting, voted unanimously to protest the renewal of Applicant's license, and authorized Commissioner Dorothy Miller to act as the ANC's representative in negotiating a cooperative agreement with the Applicant or in presenting the ANC's concerns to the Board.

AGREEMENTS

1. Sales: No single cans or bottles (~~12 or 16 ounce~~) of beer or malt liquor will be sold, nor "bumpers" of beer (~~40 ounce cans or bottles~~), nor half-pints of spirits. ~~Wines will be sold only in 750 milliliter or one-liter bottles.~~
2. Hours: Liquor sales will be conducted only from 10:00 am to 10:00 pm, Monday through Saturday.
3. Trash, Garbage and Rodent Control: Applicant shall maintain regular trash and garbage removal service so that trash does not exceed the capacity of the dumpsters or containers. Applicant will regularly remove trash from the trash area, and ensure that the trash area remains clean. Trash and garbage will be deposited in rodent-proof dumpsters with properly fitting covers, and the dumpsters will remain fully closed except when trash or garbage is being added or removed. Applicant will make every reasonable effort to eliminate food sources for rodents.
4. Exterior and Public Space: Applicant will assist in removing trash from the area in front of the store as needed. Applicant will ~~refuse deliveries from commercial vehicles parked on 23d Street, NW and require that deliveries be made from vehicles using the loading dock.~~ ~~e~~ comply with all applicable restrictions on deliveries from 23d Street, NW as promulgated by D.DOT or other competent authority.
5. Modification: This agreement can be modified only by the Board or by mutual consent of the Parties with the approval of the Board.

12 or 16 ounce f MR
g DM
DM MR
DM
DM MR

6. Other Laws: In addition to the foregoing, Applicant will operate in compliance with all applicable laws and regulations governing the operation of his businesses.

7. Availability of This Agreement: Applicant will familiarize all managers and employees of Applicant with the terms of this agreement, and will make the agreement immediately available upon request to any official representative of any agency of the government of the District of Columbia.

Date: 7/28/06

Date: 7/28/06

Applicant:

Columbia Plaza Tenants Association

By: Jay Y. Gu
Jay Y. Gu, Owner

By: Marilyn Rubin
Marilyn Rubin, President

Advisory Neighborhood Commission 2A

By: Dorothy Miller 7-28-06
Dorothy Miller, Commissioner, ANC 2A05

Placard. See Agenda 3.22.06 (last)

GOVT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATION AND ADMINISTRATION

March 2nd 2006

2006 MAR -7 A 9 30

REC'D BY Zfc

ABC Board

License # A - 23557

I would like permission to change my hours from the current hours:

Monday— Friday 9.00 am to 9.00 pm
Friday & Saturday 9.00 am to 10.00 pm

To the proposed hours of:

Operating Hours

Hours of alcoholic Beverage sales

Monday 7 ~~6.30~~ am to 10.00 pm
Tuesday 7 ~~6.30~~ am to 10.00 pm
Wednesday 7 ~~6.30~~ am to 10.00 pm
Thursday 7 ~~6.30~~ am to 10.00 pm
Friday 7 ~~6.30~~ am to 10.00 pm
Saturday 7 ~~6.30~~ am to 10.00 pm

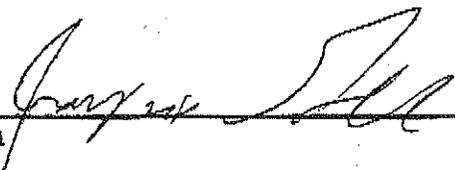
Monday 9.00 am to 10.00 pm
Tuesday 9.00 am to 10.00 pm
Wednesday 9.00 am to 10.00 pm
Thursday 9.00 am to 10.00 pm
Friday 9.00 am to 10.00 pm
Saturday 9.00 am to 10.00 pm

Shenpos in D.C Inc
T/A Market of Columbia plaza

516 23rd st N.W
Washington D.C 20037

(202) 223-3517 or cell (202)285-7481

GOVT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATION AND ADMINISTRATION
2006 MAR 21 A 10 14

Jay y Gu 

President