

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

**FILE**  
*Vol. Agreement*

|                                       |   |                       |
|---------------------------------------|---|-----------------------|
| In the Matter of:                     | ) |                       |
|                                       | ) |                       |
| Marty's Restaurant, Inc.              | ) |                       |
| t/a Marty's Restaurant                | ) |                       |
|                                       | ) |                       |
| Retailer's Class CT License (renewal) | ) | Application no. 31997 |
|                                       | ) | 2003-42               |
| at premises                           | ) |                       |
|                                       | ) |                       |
| 527-529 8 <sup>th</sup> Street, S.E.  | ) |                       |
| Washington, D.C.                      | ) |                       |
|                                       | ) |                       |

Julie Olson, Chairperson, Advisory Neighborhood Commission 6B, and John W. Boyle,  
President, Signatories

**BEFORE:** Charles Burger, Acting Chairperson  
Vera Abbott, 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 21, 2003. The signatories to the attached voluntary agreement dated April 8, 2003 submitted the agreement to the Board in accordance with the D.C. Official Code Title 25, Section 446 (2000 Edition).

Having determined that the agreement complies with all applicable laws and regulations and the applicant qualifies for licensure, the Board does hereby this 4<sup>th</sup> day of June 2003, and **APPROVE** the license application conditioned on the applicant's compliance with the terms of the voluntary agreement and does **INCORPORATE** the text of the same into the Order.

Marty's Restaurant, Inc.  
t/a Marty's Restaurant  
Application 31997  
Page two

District of Columbia  
Alcoholic Beverage Control Board

Charles Burger  
Charles Burger, Acting Chairperson

Vera Abbott  
Vera Abbott, Member

**NOT VOTING**

Laurie Collins, Member

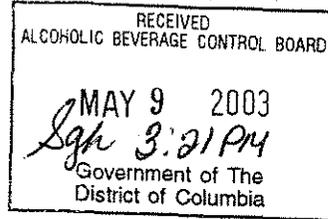
Judy Moy  
Judy Moy, Member

Ellen Opper-Welner  
Ellen Opper-Welner, Esquire, Member

Audrey E. Thompson  
Audrey E. Thompson, Member

*JHR*

SAMPLE AGREEMENT



Made this \_\_\_ day of April, by and between MARTY'S RESTAURANT t/a (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC, Collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "CT" license for premises, 527-529 8<sup>th</sup> Street, S.E., ABC Application #[APP\_NO], is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); 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 issue of a Retailers' Class "CT" Liquor License at the subject premises;

WHEREAS, the parties wish to state their mutual desire to promote the peace, order and quiet of the 500 block of 8<sup>th</sup> St. S.E. Both parties recognize the importance of blocks that are safe, clean and "pedestrian friendly".

NOW, THEREFORE, the parties agree as follows:

1. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
  - a. Picking up trash, including beverage bottles and cans, on a daily basis; and,
  - b. Sweeping the outside of the establishment on a daily basis; and,
  - c. Taking due diligence to prevent vermin infestation in and around the establishment, including following the recommendations and guidelines of the Vector Control Division of the Department of Public Works.
2. Applicant will have adequate kitchen, dining facilities, and employees, as these terms as defined in Title 23 DCMR (Alcoholic Beverages and Food); keeps its kitchen facilities open until two (2) hours prior to closing; and derive at least forty percent (40%) of its gross annual receipts from the sale of food.
3. Applicant will provide outdoor seating for patrons and will also agree to pick up trash, debris on a daily basis.
4. In consideration of, and reliance upon, the commitments reflected in paragraphs 1, 2 and 3, the

ANC will not oppose the applicant's pending license application.

5. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5

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

APPLICANT:

ANC 6B:

By: John W. Byk

By: Julie S. Olson