

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

_____)
In the Matter of :)

Club Cinema of Mazza, Inc.)
t/a Club Cinema)

Application for a Retailer's License)
CT (new))
at premises)
5300 Wisconsin Avenue, N.W.)
Washington, D.C.)
_____)

Case No. 50018-99079P

Jill Diskan, Chair, Advisory Neighborhood Commission 3E, Irv Lieberman, and Marilyn Simon, Protestants

Stephen J. O'Brien, Esquire, on behalf of Applicant

**BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Ellen Opper-Weiner, Esquire, Member
Max Salas, Member
Audrey E. Thompson, Member
Joseph Wright, Member**

ORDER ON WITHDRAWN PROTEST

The matter, having been protested, came before the Board for public hearing on August 17, 1999, in accordance with D.C. Code Section 25-115(c)(5)(1999 Supp.), providing for the protestants to be heard. Jill Diskan, Chair, on behalf of the Advisory Neighborhood Commission 3E, filed a section 14(e) petition request by letter August 13, 1999. In addition, Jill Diskan, Irv Lieberman, and Marilyn Simon filed section 14(b) opposition by a joint letter dated August 13, 1999.

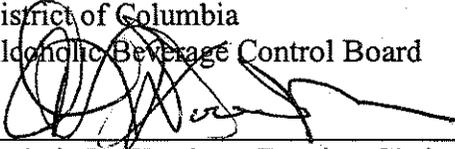
The official records of the Board reflect that the parties have now reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement dated November 12, 1999, the protestants have agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

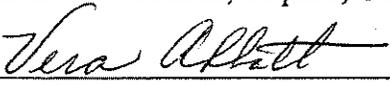
Club Cinema of Mazza, Inc.
t/a Club Cinema
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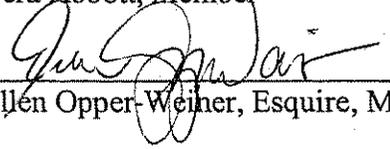
Accordingly, it is this 8th day of December 1999, **ORDERED** that:

1. The opposition of Jill Diskan, Chair, on behalf of the Advisory Neighborhood Commission 3E, Irv Lieberman and Marilyn Simon, be, and the same hereby, is **WITHDRAWN**;
2. The application of Club Cinema of Mazza, Inc. t/a Club Cinema for a retailer's class CT license (new), located at 5300 Wisconsin Avenue, N.W., Washington, D.C., be, and the same hereby, is **GRANTED**;
3. The above-referenced agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this **ORDER**; and,
4. Copies of this Order shall be sent to the Protestants and the Attorney for the Applicant.

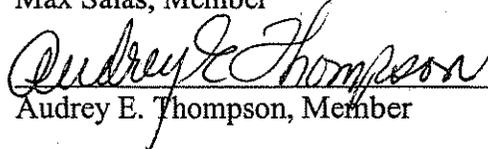
District of Columbia
Alcoholic Beverage Control Board


Roderic L. Woodson, Esquire, Chair


Vera Abbott, Member


Ellen Opper-Weiner, Esquire, Member

Max Salas, Member


Audrey E. Thompson, Member

Joseph Wright, Member

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ADVISORY NEIGHBORHOOD COMMISSION 3E
TENLETTOWN • AMERICAN UNIVERSITY PARK • FRIENDSHIP HEIGHTS

P.O. Box 9953 • Friendship Station
Washington, DC 20016

202-244-0800

1999 DEC -2 PM 1:07

Steve Posniak
SMD 01

Chris McNamara
SMD 02

Tad DiBiase
SMD 03

Jill Diskan
SMD 04

Charles Mayo
SMD 05

Alcoholic Beverage Control Board
941 North Capitol Street, N.E.
7th Floor
Washington, D.C. 20002

November 18, 1999

Re: Club Cinema of Mazza, Inc.
t/a R Room, Retailer's Class
CR
ABC Application No. 50018

Dear Members of the Board:

At the regularly scheduled duly noticed public meeting held on November 11, 1999, Advisory Neighborhood Commission (ANC 3E), with a quorum present (4 of 5 commissioners) voted to request that the attached Voluntary Agreement be made part of the liquor license of Club Cinema.

Club Cinema's attorneys will be forwarding the original signed copy of the Voluntary Agreement to the ABC Board. Attached is a copy of the signed agreement.

ON BEHALF OF THE COMMISSION:

Very truly yours,



Jill Diskan
Chair, ANC 3E

cc: Steve O'Brien

AGREEMENT

Made this 12th day of November, 1999, by and between Club Cinema of Mazza, Inc. ("the applicant"), t/a Club Cinema, and Advisory Neighborhood Commission ("ANC") 3E, Jill Diskan, Irv Lieberman and Marilyn Simon (together "the Protestants").

WITNESSETH

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control (ABC) Board is the applicant's application for a Class "CT" license for two (2) screens of its seven (7) screen theater to be located at 5300 Wisconsin Avenue, N.W. (ABC Application No. 50018); and,

WHEREAS, protestants have filed several forms of protest of said application; and,

WHEREAS, the parties desire to enter into an agreement commemorating certain understandings regarding the applicant's operational plans and, thereby, resolve and settle said protests;

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

1. Applicant agrees to provide three (3) hours of free parking within the Mazza Gallerie building to all patrons of the two (2) auditoria to be licensed by the ABC Board.
2. Applicant agrees that the last showing of the evening in the two auditoria to be licensed by the Board will start no later than 11:00 p.m. Applicant agrees, further, that alcoholic beverage service will be discontinued one (1) hour after the start of the last showing, or by 12:00 a.m. (midnight), whichever occurs earlier.

3. Applicant agrees to undertake the following measures to prevent the service of alcoholic beverages to minors:

- (a) No person under 21 years of age will be admitted to the two auditoria in which alcoholic beverages will be served; and,
- (b) During all hours the two licensed auditoria are open, the identification of all persons who appear to be under 25 years of age will be checked at the separate entrance to said auditoria.

4. Applicant agrees not to show "X" rated movies in any of its seven auditoria.

5. Applicant agrees to enroll all alcoholic beverage servers and the Club Cinema's manager in a certified alcoholic beverage service training program (e. g., TIPS).

6. In consideration of, and in reliance upon, the commitments reflected in paragraphs 1 through 5 above, the protestants withdraw hereby all protests of applicant's pending license application, conditioned upon incorporation of the terms of this Agreement in the Board's order approving said application as provided at 23 DCMR §1513.3.

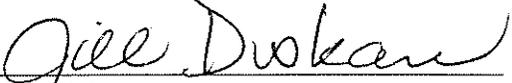
7. The parties further agree that any failure of applicant to adhere to the foregoing commitments will constitute grounds for protestant(s) to petition the ABC Board for issuance of an order to show cause pursuant to 23 DCMR § 1513.5.

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

CLUB CINEMA OF MAZZA, INC.

By: 
DIRECTOR - NATIONAL OPERATIONS

ADVISORY NEIGHBORHOOD
COMMISSION 3B

By: 
Jill Diskan
Chairperson


JILL DISKAN


IRV LIEBERMAN


MARILYN SIMON