

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

In the Matter of:)	
)	
Desta Ethiopian Restaurant, LLC)	
t/a Desta Ethiopian Restaurant)	
)	
Applicant for a New)	Case No. 15-PRO-00089
Retailer's Class CR License)	License No. ABRA-098818
)	Order No. 2016-012
at premises)	
6128 Georgia Avenue, N.W.)	
Washington, D.C. 20012)	

Desta Ethiopian Restaurant, LLC, t/a Desta Ethiopian Restaurant (Applicant)

Candace Tiana Nelson, on behalf of A Group of Five or More Individuals (Candace Nelson's Group)

Regchenal Johnson, on behalf of A Group of Five or More Individuals (Regchenal Johnson's Group)

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

**ORDER ON SETTLEMENT AGREEMENT AND
WITHDRAWAL OF PROTESTS**

The Application filed by Desta Ethiopian Restaurant, LLC, t/a Desta Ethiopian Restaurant, for a new Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on September 28, 2015, and a Protest Status Hearing on November 4, 2015, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Board reflect that the Applicant, Candace Nelson's Group, and Regchenal Johnson's Group have entered into a Settlement Agreement (Agreement), dated December 9, 2015, that governs the operation of the Applicant's establishment.

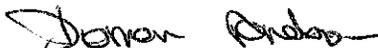
The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant; Candace Tiana Nelson, on behalf of her Group; and Regchenal Johnson, on behalf of her Group; are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protests filed by the two Groups of this Application.

Accordingly, it is this 6th day of January, 2016, **ORDERED** that:

1. The Application filed by Desta Ethiopian Restaurant, LLC, t/a Desta Ethiopian Restaurant, for a new Retailer's Class CR License, located at 6128 Georgia Avenue, N.W., Washington, D.C., is **GRANTED**;
2. The Protests of Candace Nelson's Group and Regchenal Johnson's Group in this matter are hereby **WITHDRAWN**;
3. 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; and
4. Copies of this Order shall be sent to the Applicant; Candace Tiana Nelson, on behalf of her Group; and Regchenal Johnson, on behalf of her Group.

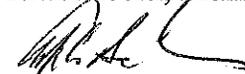
District of Columbia
Alcoholic Beverage Control Board



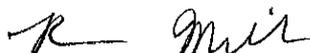
Donovan Anderson, Chairperson



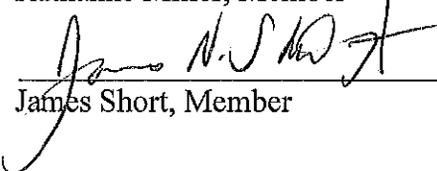
Nick Alberti, Member



Mike Silverstein, Member



Ruthanne Miller, Member



James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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).

SETTLEMENT AGREEMENT

AGREEMENT made this 9th day of December, 2015, by and between Desta Hagos-Araya LLC/Desta Ethiopian Restaurant (the Applicant) and the homeowners of 1000 Rittenhouse Street NW and the Rittenhouse Condominium Association.

1. **Hours of Operation and Sales.** The Applicant's hours of operation shall be as follows:

Sunday through Wednesday 10AM – Midnight
Thursday through Saturday 10AM – 2 AM

2. **Nature of the Business.** The Applicant shall manage and operate at 6128 Georgia Avenue NW for the first time a place that is regularly used for the sale and service of prepared food and alcoholic beverages. They will comply with all Alcoholic Beverage Regulation Administration (ABRA) regulations which apply to a retailer's Class C restaurant license.
3. Applicant shall place "No Loitering" signs on the inside and outside of the establishment. The signs will be clearly visible to patrons and pedestrians.
4. Applicant agrees to work in good faith with any protestants to resolve any problems arising from the operation of the business.
5. **Floors Utilized and Occupancy.** The Applicant will operate its establishment according to the occupancy indicated on the Certificate of Occupancy issued by the Department of Consumer and Regulatory Affairs (DCRA).

At all times during which alcohol is served on the premises the Applicant shall:

- a. Refuse entry to individuals who are already drunk and/or bring their own alcohol to the premises;
- b. Ask inebriated patrons who have become rowdy to leave the premises, eject such patrons to the extent allowed by law, and call the police if such patrons refuse to leave;
- c. Assure that the waiters and waitresses and other appropriate staff members check the identification of patrons suspected of being under-age before serving them; and
- d. Assure that the waiters and waitresses and other appropriate staff members stop serving patrons who have become inebriated.

Please note: Alcoholic beverages may not be carried out of the establishment and food service shall be available until at least one (1) hour before closing.

6. NOISE.

- a. Absent any exclusion provided by law, the Applicant shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment by the use of any:
 1. Mechanical device, machine, apparatuses, or instrument for amplification of the human voice or any sound or noise; or
 2. Bell, horn, gong, whistle, drum, or other noise-making article, musical instrument or device.
- b. The Applicant shall install additional soundproofing and/or, take other measures to reduce sound penetrating to neighbors, in accordance with established D.C. laws and regulations

Please note: No form of dancing will be allowed or live entertainment in the establishment.

7. Public Space and Trash.

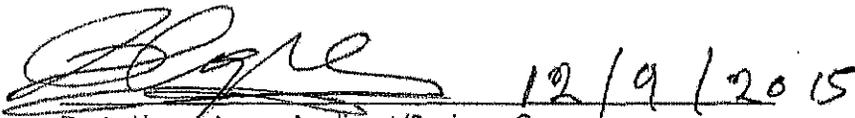
- a. Applicant shall keep its entire property and the sidewalk (up to and including the curb) free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall clean these areas daily to assure that refuse and other materials are promptly removed.
- b. Applicant shall ensure that the area around the dumpster is kept clean at all times and the dumpster is placed such that it does not encroach on the abutting property owners and that no garbage is placed on the abutting property.
- c. Applicant shall ensure that no trash is placed outside the establishment other than in a fully closed dumpster. Applicant shall ensure that the lids on all dumpsters are fully closed at all times. Applicant shall not place trash in its dumpster in any manner that would prevent the full closure of the dumpster. Applicant shall ensure that all dumpsters used are properly maintained and replaced when damaged.
- d. Applicant shall ensure that all grease is placed in a secure well-maintained container inside the property where possible. Any grease leak shall be cleaned up promptly and all containers shall be properly maintained and replaced when damaged or leaking.
- e. Commercial trash and recycling pick-up shall take place between 7 A.M. – 5 P.M., Monday through Friday. Applicant shall not allow its trash or recycling to be picked up outside of those hours. Glass or other potentially noisy materials that need to be recycled shall be stored inside the Applicant's establishment until 7 A.M. Also, all restaurant trash must be placed in the commercial dumpster no later than midnight.
- f. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure that there are no garbage and odors present the following morning.

8. **Rats and Vermin Control.** The Applicant shall provide rat and vermin control for its property.
9. Applicant will cooperate with Metropolitan Police Department and other enforcement officials with regard to issues concerning peace, order, and quiet.

Signatures:


Candace Tiana Nelson, Group One Representative
Rittenhouse Condo Association


Reginal Johnson, Group Two Representative


Desta Hagos-Araya, Applicant/Business Owner