

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

_____)
In the Matter of:)
)
Soo & Chan, Inc.)
t/a Georgia Avenue Food Barn)
)
Holder of a) License No. ABRA-071950
Retailer's Class A License) Order No. 2014-006
)
)
at premises)
6205 Georgia Avenue, N.W.)
Washington, D.C. 20011)
_____)

Soo & Chan, Inc., t/a Georgia Avenue Food Barn (Licensee)

Sara Green, Chairperson, Advisory Neighborhood Commission (ANC) 4B

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Mike Silverstein, Member
Herman Jones, Member

ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Soo & Chan, Inc., t/a Georgia Avenue Food Barn, (Licensee), and ANC 4B entered into a Settlement Agreement (Agreement), dated January 27, 2012, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated December 17, 2013, 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 and Chairperson Sara Green and Commissioner Fred Grant, on behalf of ANC 4B, are signatories to the Amendment.

Soo & Chan, Inc.
t/a Georgia Avenue Food Barn
License No. ABRA-071950
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Accordingly, it is this 8th day of January, 2014, **ORDERED** that:

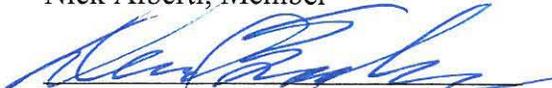
1. The above-referenced Amendment to Settlement Agreement, dated December 17, 2013, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the original Agreement, not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee and ANC 4B.

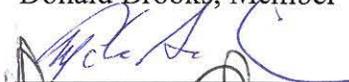
Soo & Chan, Inc.
t/a Georgia Avenue Food Barn
License No. ABRA-071950
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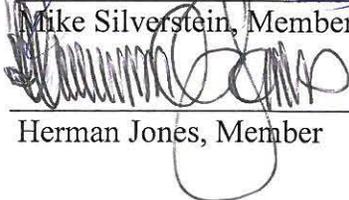
District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson


Nick Alberti, Member


Donald Brooks, Member


Mike Silverstein, Member


Herman Jones, 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to D.C. Official Code § 25-433, 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).

**AMENDMENT TO SETTLEMENT AGREEMENT
CONCERNING SUBSTANTIAL CHANGE TO LICENSE**

Made the 17th day of December, 2013 by and between Georgia Avenue Food Barn at 6205 Georgia Avenue NW, ABRA-071950 (hereinafter "Applicant"), and Advisory Neighborhood Commission 4B (hereinafter "Commission").

WHEREAS. Applicant and Commission approved a Settlement Agreement dated January 27, 2012, and

WHEREAS, the Commission, at its regularly scheduled public meeting on November 25, 2013, unanimously adopted a resolution amending this Settlement Agreement as requested by the Applicant,

NOW, THEREFORE, the parties agree to amend the Settlement Agreement as follows:

Amend Section 1 (Prohibition of sale of miniature liquor containers) to read as follows:

1. **Prohibition of sale of miniature liquor containers:** The Applicant agrees that it will not provide, sell, or make available in any manner any liquor container less than ~~one~~ one-half pint in volume.

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

ADVISORY NEIGHBORHOOD COMMISSION 4B
THROUGH ITS DESIGNATED REPRESENTATIVES:

By: Sara Green
Sara Green, Commissioner, ANC 4B01
Chairperson

By: Fred Grant
Fred Grant, Commissioner, ANC 4B03

APPLICANT

By: [Signature]

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

_____)
In the Matter of:)
)
Soo & Chan, Inc.)
t/a Georgia Avenue Food Barn)
)
Holder of a) License No. ABRA-071950
Retailer's Class A License) Order No. 2013-055
)
)
at premises)
6205 Georgia Avenue, N.W.)
Washington, D.C. 20011)
_____)

Soo & Chan, Inc., t/a Georgia Avenue Food Barn, Licensee

Sara Green, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 4B

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Mike Silverstein, Member
Herman Jones, Member

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Soo & Chan, Inc., t/a Georgia Avenue Food Barn (Licensee), and ANC 4B have entered into a Settlement Agreement (Agreement), dated January 27, 2012, that governs the operation of the Licensee's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Sara Green and Commissioner Fred Grant, on behalf of ANC 4B, are signatories to the Agreement.

Accordingly, it is this 13th day of March, 2013, **ORDERED** that:

1. The above-referenced Settlement Agreement 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 modifications:

Section 4 (Transferability) shall be removed.

Section 7 (Ground for Petition for Show Cause Order) – The following sentence shall be modified to read as follows: “Applicant acknowledges that failure to adhere to the restrictions recited in paragraphs 1 and 2, inclusive, above, will constitute grounds for the parties to file a complaint with the ABC Board, which will be investigated by ABRA’s Enforcement Division, and may subject the Licensee to a Show Cause proceeding, or any other penalty available to the Board under the law.”

The parties have agreed to these modifications.

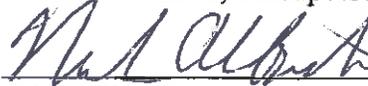
2. Copies of this Order shall be sent to the Licensee and ANC 4B.

Soo & Chan, Inc.
t/a Georgia Avenue Food Barn
License No. ABRA-071950
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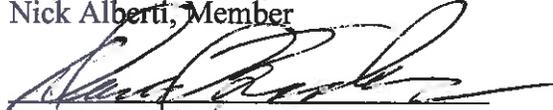
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



Donald Brooks, Member



Mike Silverstein, Member



Herman Jones, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

**VOLUNTARY AGREEMENT
CONCERNING SUBSTANTIAL CHANGE TO LICENSE**

Made the 27th day of January, 2012 by and between Georgia Avenue Food Barn at 6205 Georgia Avenue NW, ABRA-071950 (hereinafter "Applicant"), and ANC 4B hereinafter "Commission").

WHEREAS, Applicant filed with the District of Columbia Alcoholic Beverage Control (ABC) Board (hereinafter "the Board") an application for a substantial change from a Retailers Class B Grocery Store license with tasting endorsement to a Retailers Class A Liquor Store license with tasting endorsement; and,

WHEREAS, the Commission, at its regularly scheduled public meeting on November 28, 2011, unanimously adopted a resolution supporting this application, on the condition that the Applicant enter into a Voluntary Agreement with the Commission; and,

WHEREAS, the parties subsequently have negotiated in an effort to address potential issues and/or concerns with regard to the issuance of the license as discussed in the public meeting of November 28, 2011; and,

WHEREAS, the parties desire to enter into a voluntary agreement, pursuant to DC Official Code Section 25-446 (2001 ed.), commemorating their agreements;

NOW, THEREFORE, the parties agree as follows:

1. **Prohibition of sale of miniature liquor containers:** The Applicant agrees that it will not provide, sell, or make available in any manner any liquor container less than one pint in volume.
2. **Control of access to small liquor containers:** The Applicant agrees that it will control access to any liquor container for sale which is less than .750 liters in volume by stocking such containers behind the cashier's station or service counter, so that only store personnel can retrieve such containers upon the request of customers.
3. **Incorporation:** The terms of this Voluntary Agreement in its entirety shall become effective upon ratification of this agreement by the District of Columbia Alcoholic Beverage Control Board. The parties request that the text of this Agreement be incorporated in

an order of the Board granting Applicant's request for issuance of its Retailer's license Class A.

4. **Transferability:** Protestants shall be notified of any transfer of the License within ten (10) days of approval of the transfer by ABRA. The transferee shall provide contact information with such notification and shall, upon request of the Protestants, meet with the Protestants to review the requirements of this Agreement.
5. **Modification of Voluntary Agreement:** This agreement can be modified only by mutual agreement of the parties with the approval of the ABC Board for acceptance and enforcement.
6. **Binding Effect:** This Voluntary Agreement shall be binding upon and enforceable against the successors and assigns of the Applicant during the term of the license to which this Voluntary Agreement applies.
7. **Grounds for Petition for Show-Cause Order:** Applicant acknowledges that failure to adhere to the restrictions recited in paragraphs 1 and 2, inclusive, above, will constitute grounds for representatives of the Commission whose signatures are affixed hereunto, or their successors, to petition the Board for issuance of an Order to Show Cause, pursuant to DC Official Code Section 25-447 (2001 ed.), to ascertain Applicant's compliance with the terms of this Agreement and/or if necessary to obtain compliance with these terms. Prior to so petitioning, however, the designated representatives, or their successors, shall notify Applicant of any perceived violations and afford Applicant a minimum of fourteen (14) calendar days in which to address or rectify the perceived violation.
8. **Notice:** Unless otherwise noted above, any notices required to be made under this Agreement shall be in writing and mailed via certified mail, return receipt requested, postage prepaid, or hand delivered, to the other parties to this Agreement at the following addresses. Notice shall be deemed given as of the time of receipt or refusal of receipt.

If to Applicant: Yun Chan Kim, 6205 Georgia Avenue NW,
Washington, DC 20001

If to Commission: ANC4B, 8656 Eastern Avenue N.W. #314,
Washington, DC 20012

In further consideration of, and reliance upon the forgoing commitments by the Commission, the Applicant hereby request that its Application for Issuance of Retailer's Class A Liquor License be issued.

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

ADVISORY NEIGHBORHOOD COMMISSION 4B
THROUGH ITS DESIGNATED REPRESENTATIVES:

By: 
Sara Green, Commissioner, ANC 4B02
Chairperson

By: 
Fred Grant, Commissioner, ANC 4B03

APPLICANT

By: 

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

In the Matter of:)
)
Han Enterprises, Inc.)
t/a Georgia Avenue Food Barn)
)
Application for a Retailer's Class B)
License – renewal)
at premises)
6205 Georgia Avenue, NW)
Washington, D.C.)
)

Application no.: 10866-04/017P
Order no.: 2005-09

Han Enterprises, Inc., Applicant

Jeff Tignor, Chairperson, on behalf of the Advisory Neighborhood Commission 4B,
Protestant

BEFORE: Charles A. Burger, Chairperson
Vera M. Abbott, Member
Judy 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 application, having been protested, came before the Board on December 3, 2003, in accordance with D.C. Official Code § 25-601 (2001). Jeff Tignor, Chairperson, on behalf of the Advisory Neighborhood Commission 4B, Protestant, filed timely opposition by letter dated November 3, 2003.

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. The Board is approving the agreement subsequent to the following changes. The Board is striking the citation "23 DCMR 720.2" in provision 4 of the agreement and inserting the correct citation "D.C. Official Code § 25-776." The Board is striking the citation "Section 1513.5 of 23 DCMR" in provision 10 of the agreement and inserting the correct citation "D.C. Official Code § 25-446." Pursuant to the agreement, dated July 14, 2004, the Protestant has agreed to withdraw the 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.

Han Enterprises, Inc.
t/a Georgia Avenue Food Barn
Case no. 10866-04/017P
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Accordingly, it is this 5th day of January 2005, **ORDERED** that:

1. The protest of Jeff Tignor, Chairperson, on behalf of the Advisory Neighborhood Commission 4B, is **WITHDRAWN**;

2. The application of Han Enterprises, Inc., t/a Georgia Avenue Food Barn for a retailer's class B license (renewal) at 6205 Georgia Avenue, N.W., Washington, D.C. is **GRANTED**;

3. The above-referenced agreement, as amended by the Board, is **INCORPORATED** as part of this Order; and

4. Copies of this Order shall be sent to the Protestant and the Applicant.

Han Enterprises, Inc.
t/a Georgia Avenue Food Barn
Case no. 10866-04/017P
Page three

District of Columbia
Alcoholic Beverage Control Board

Charles A. Burger
Charles A. Burger, Chairperson

Vera M. Abbott
Vera M. Abbott, Member

Judy D. Moy
Judy Moy, Member

NON VOTING
Audrey E. Thompson, Member

Peter B. Feather
Peter B. Feather, Member

Albert G. Lauber
Albert G. Lauber, Member

NON VOTING
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.

7/21/04 @ 10:40 am

VOLUNTARY SETTLEMENT AGREEMENT

This Agreement made and entered into this 14th day of July 2004 by and between Food Barn, hereinafter "Applicant", and Advisory Neighborhood Commission 4B, hereinafter "ANC 4B",

WHEREAS, the Applicant's application for renewal of its ABC License has been protested by ANC 4B; and,

WHEREAS, the parties now enter into this Voluntary Settlement Agreement pursuant to Section 1513.2 of 23 of the District of Columbia Municipal Regulations (DCMR) for the purpose of resolving the complaints contained in the letter of protest dated May 27, 2003, signed by Jeff Tignor, Chairman, ANC 4B, a copy of which is attached hereto,

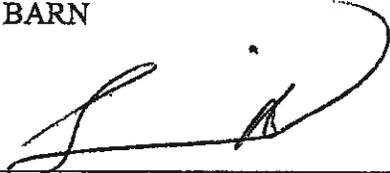
NOW, THEREFORE, intending to be legally bound, the parties agree as follows:

1. Applicant is aware of and intends to comply with the provisions of the ABC Regulations, 23 DCMR and Chapter 3, Section 25-301 *et sequitur* of the District of Columbia Code, 2001 Edition, as amended, and as may be further amended from time to time.
3. Applicant shall take all reasonable measures to discourage loitering on its immediate environs. Included in the measures shall be clearly visible "No Loitering" signs [lettering no less than ten (10) inches] posted on the interior and rear of its establishment (ANC 4B will provide said sign). Applicant will keep a log of calls made to the Metropolitan Police Department; said log shall be made available to ANC 4B, to the effected Commissioners of ANC 4A and to members of the neighboring community.
4. Applicant shall take all reasonable measures to ensure that the immediate environs, as defined in 23 DCMR 720.2, of Applicant's establishment are kept free of litter and debris.
5. Applicant shall not place signs/posters on more than twenty-five (25) percent of its front windows and shall not stack merchandise in front of the windows that would obstruct visibility into the establishment. Windows shall be cleaned on a regular basis. Furthermore, Applicant shall maintain the property in a reasonable condition that does not detract from the adjacent residential community and promptly remove or paint over graffiti on its immediate premises.
6. Applicant shall reasonably cooperate with ANC 4B, the affected Commissioners of ANC 4A and with members of the neighboring community in their efforts to alleviate alcohol abuse problems and loitering by, among other things, participating in community meetings and programs as the circumstances may warrant, in the interest of making said establishment a more attractive, pleasant, and safe area for residents, customers and businesses.

8. As a courtesy, applicant agrees to provide notice by certified mail-return receipt requested, or hand-deliver any proposed transfer of its Class A License or change in its operation/management to ANC 4B before any transfer or change is implemented.
9. Should there be any written communication from the ANC related to the terms of this Agreement, the Applicant agrees to respond in writing within five (5) business days by certified mail, return receipt requested, or hand-delivered. The initial response may seek additional time to provide a full and complete response.
10. The parties further agree that the provisions of Section 1513.5 of 23 DCMR shall govern this agreement.
11. Representatives executing this Agreement on behalf of the respective parties do hereby affirm that they have the authority to do so.

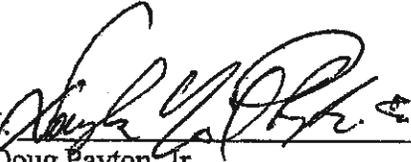
WHEREFORE, the parties have affixed their hands and seals on the date and year first above written.

FOOD BARN

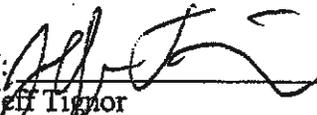
BY: 

Mr. Han

ADVISORY NEIGHBORHOOD COMMISSION 4B

BY: 

Doug Payton, Jr.
Commissioner ANC 4B01

BY: 

Jeff Tignor
Commissioner ANC 4B08; Chair ANC 4B