

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

_____)	
In the Matter of:)	
)	
ANB 623, LLC)	
t/a Beuchert's Saloon)	
)	
Holder of a)	License No. ABRA-089616
Retailer's Class CR License)	Order No. 2013-426
)	
at premises)	
623 Pennsylvania Avenue, S.E.)	
Washington, D.C. 20003)	
_____)	

ANB 623, LLC, t/a Beuchert's Saloon (Licensee)

Brian Flahaven, Chairperson, on behalf of Advisory Neighborhood Commission (ANC)
6B

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 ANB 623, LLC, t/a Beuchert's Saloon, (Licensee), and ANC 6B entered into a Voluntary Agreement (Agreement), dated June 12, 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 July 8, 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 Brian Flahaven, on behalf of ANC 6B, are signatories to the Amendment.

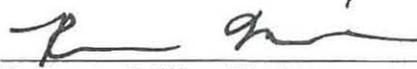
ANB 623, LLC
t/a Beuchert's Saloon
License No. ABRA-089616
Page 2

Accordingly, it is this 2nd day of October, 2013, **ORDERED** that:

1. The above-referenced Amendment to Settlement Agreement, dated July 8, 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 6B.

ANB 623, LLC
t/a Beuchert's Saloon
License No. ABRA-089616
Page 3

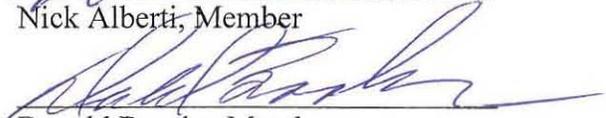
District of Columbia
Alcoholic Beverage Control Board



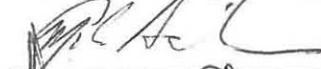
Ruthanne Miller, Chairperson



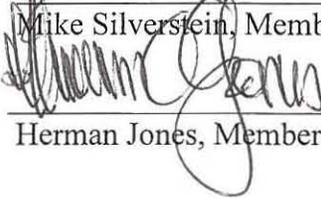
Nick Alberti, Member



Donald Brooks, Member



Mike Silverstein, Member



Herman Jones, Member

Pursuant to D.C. Official Code § 25-433, any Party adversely affected 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.

AMENDMENT TO SETTLEMENT AGREEMENT

This Amendment to Settlement Agreement ("Agreement") is made this 8th day of July 2013 by and between "Beuchert's Saloon" / ANB LLC 623 ("Applicant") and Advisory Neighborhood Commission 6B ("ANC 6B").

WITNESSETH

WHEREAS, Applicant is the current owner and operator of an ABC-licensed establishment located at 623 Pennsylvania Ave SE, Washington, DC 20003, and

WHEREAS, ANC 6B and the Applicant entered into an Agreement dated May 14th, 2013, and

WHEREAS, it has come to the attention of ANC 6B that the ABC Board has approved the aforementioned Settlement Agreement with modification, and

WHEREAS, to bring the Settlement Agreement in line with the Board's modifications, the parties must agree to an Amendment to the Agreement as hereinafter set forth.

NOW, THEREFORE, the parties agree as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. **Clarification of Date.** The date of the Agreement is amended to read May 14th, 2013 to reflect the date the new Agreement was signed.
3. **Nature of the Business.** Strike the first sentence of section 2, Nature of the Business, and insert in lieu thereof the following: "The Applicant shall manage and operate at the address a place that is regularly used for the sale and service of prepared food and alcoholic beverages."
4. **Noise, Odor and Privacy.** Amend the 4th sentence of Section 6, Noise, Odor and Privacy, by deleting the word "seasonally."
5. **Rat and Vermin Control.** Strike the text of section 8, Rat and Vermin Control, and insert in lieu thereof the following: "The Applicant shall provide rat and vermin control for its property. Applicant shall provide proof of its rat and vermin control contract upon the request of the Board. 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."
6. **Agreement Otherwise in Full Force and Effect.** Except as otherwise explicitly provided herein, the most recent Agreement shall remain in full force and effect and the Agreement and this Amendment shall constitute the agreement between the parties. The Agreement and Amendment may only be modified by written agreement of all the parties or their successors, or otherwise in accordance with law.
7. **Summer Garden.** As previously approved by ANC6B and included in the existing license, the revised Agreement shall include a Summer Garden with seating for 20. The Summer Garden hours are:
 - i. Saturday and Sunday 9am until 5pm
 - ii. Monday through Friday 11am until 5pm

IN WITNESS WHEREOF, the parties have executed this Amendment as of the day and year first written above.

APPLICANT:



By: Brendan McMahon

Date: 8/13/13

ANC 6B

By: 

Brian Flahaven, Chair

Date: 09/10/13

ANC 6B

Capitol Hill / Southeast

921 Pennsylvania Avenue SE
Suite 305
Washington, DC 20003-2141
202-543-3344 (office)
202-543-3507 (fax)
office@anc6b.org

Executive Director
Susan Eads Role

September 10, 2013

Ruthanne Miller, Chair
Alcoholic Beverage Control Board
2000 14th Street NW, Suite 400S
Washington, DC 20009

VIA E-MAIL: tesha.anderson@dc.gov

OFFICERS

Chair
Brian Flahaven

Vice-Chair
Ivan Frishberg

Secretary
Philip Peisch

Treasurer
Brian Pete

Parliamentarian
Nichole Opkins

RE: ABRA—089616, Beuchert's Saloon, 623 Pennsylvania Avenue SE

Dear Ms. Miller:

At its regularly called, properly noticed meeting on July 9, 2013, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 8-0 to approve the enclosed Amendment to Beuchert's Saloon's Settlement Agreement (SA) and send you this letter agreeing that Beuchert's Saloon can apply to increase its summer garden hours. The Amendment to the SA includes changes requested by the Alcoholic Beverage Control Board.

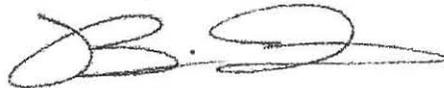
COMMISSIONERS

SMD 1 *David Garrison*
SMD 2 *Ivan Frishberg*
SMD 3 *Philip Peisch*
SMD 4 *Kirsten Oldenburg*
SMD 5 *Brian Pete*
SMD 6 *Nichole Opkins*
SMD 7 *Sara Loveland*
SMD 8 *Chander Jayaraman*
SMD 9 *Brian Flahaven*
SMD 10 *Francis Campbell*

While ANC 6B agrees that Beuchert's Saloon can apply to increase its summer garden hours, please do not consider this action as agreement to allow this change to bypass the normal placarding and public notice process. It is important that our community is given the normal amount of time to consider the change and voice its opinions at our regularly scheduled public meetings.

Please contact Commissioner Sara Loveland, ANC 6B's Alcohol Beverage Control Committee Chair, at 202-330-8745 or sara6b07@anc6b.org if you have questions or need further information. Thank you.

Sincerely,



Brian Flahaven
Chair

Enclosure

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

<u>In the Matter of:</u>)	
)	
ANB 623, LLC)	
t/a Beuchert's Saloon)	
)	
Applicant for a New)	
Retailer's Class CR License)	License No. ABRA-089616
)	Order No. 2012-328
at premises)	
623 Pennsylvania Avenue, S.E.)	
Washington, D.C. 20003)	
)	

ANB 623, LLC, t/a Beuchert's Saloon (Applicant)

Andrew Jared Critchfield, Chairperson, Advisory Neighborhood Commission (ANC) 6B

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

ORDER ON VOLUNTARY AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that ANB 623, LLC, t/a Beuchert's Saloon, Applicant for a new Retailer's Class CR license, located at 623 Pennsylvania Avenue, S.E., Washington, D.C., and ANC 6B have entered into a Voluntary Agreement (Agreement), dated June 12, 2012, 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 and Chairperson Andrew Jared Critchfield, on behalf of ANC 6B, are signatories to the Agreement.

ANB 623, LLC
t/a Beuchert's Saloon
License No. ABRA-089616
Page 2

Accordingly, it is this 1st day of August, 2012, **ORDERED** that:

1. The above-referenced Voluntary Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modification:

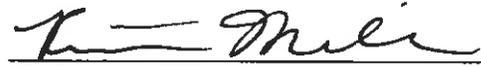
Section 2 (Nature of the Business) – The following sentence shall be modified to read as follows: “The Applicant will manage and operate a Class C full service restaurant serving brunch, lunch, and dinner.”

The parties have agreed to this modification.

2. Copies of this Order shall be sent to the Applicant and ANC 6B.

ANB 623, LLC
t/a Beuchert's Saloon
License No. ABRA-089616
Page 3

District of Columbia
Alcoholic Beverage Control Board



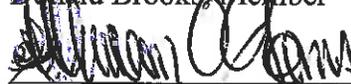
Ruthanne Miller, Chairperson



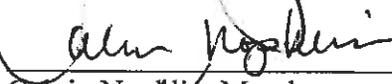
Nick Alberti, Member



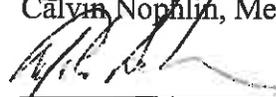
Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, 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.



DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATION ADMINISTRATION

Capitol Hill / Southeast

2012 JUN 15 P 2: 16

REC'D BY _____

June 14, 2012

921 Pennsylvania Avenue SE
Suite 305
Washington, DC 20003
202.543.3344
fax 202.543.3507
office@anc6b.org

Executive Director
Susan Eads Role

Ruthanne Miller, Chairperson
ABC Board
2000 14th Street NW
Suite 400S
Washington, DC 20009

OFFICERS

Chairperson
Andrew Jared Critchfield

Vice Chairperson
Ivan Frishberg

Secretary
Brian Pate

Treasurer
Carol Green

Parliamentarian
Brian Flahaven

RE: Beuchert's Saloon, 623 Pennsylvania Avenue SE
License # ABRA-089616

Dear Ms. Miller:

At a properly noticed public meeting on June 12, 2012, with a quorum present, ANC6B voted 10-0 to support the liquor license application of the applicant listed above. Enclosed please find the new Voluntary Agreement, signed by the applicant and ANC6B.

COMMISSIONERS

- SMD 1 *David Garrison*
- SMD 2 *Ivan Frishberg*
- SMD 3 *Norman Metzger*
- SMD 4 *Kirsten Oldenburg*
- SMD 5 *Brian Pate*
- SMD 6 *Andrew Jared Critchfield*
- SMD 7 *Carol Green*
- SMD 8 *Neil Glick*
- SMD 9 *Brian Flahaven*
- SMD 10 *Francis Campbell*

Should you have questions about this matter, please contact our ABC Committee Chair, Commissioner Carol Green, at carol6b07@anc6b.org or 202.546.2051.

Sincerely,

Andrew Jared Critchfield, Ph.D.
Chair

VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT is made on the 12th day of June, 2012, by and between Beuchart's Saloon and Advisory Neighborhood Commission 6B.

WITNESSETH

WHEREAS, Applicant's license ABRA-089616, for premises 623 Pennsylvania Ave, SE, Washington, DC, 20003, 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 "C" Liquor License at the subject premises; and,

WHEREAS, the Parties are desirous of entering into a Voluntary Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to promote the peace, order and quiet of the neighborhood. Both parties recognize the importance of business neighborhoods that are safe, clean, and "pedestrian friendly".

NOW, THEREFORE, the parties agree as follows:

1. ***Recitals Incorporated.*** The recitals set forth above are incorporated herein by reference.
2. ***Nature of the Business.*** The Applicant will manage and operate a Class C full service restaurant serving brunch, lunch and dinner using local farm-fresh menu items. The license covers the main floor, and the summer garden. There will be no cover charge and no live music.
3. ***Hours of Operation and Sales.*** The Applicant's hours of operation and sales indoors shall be as follows:

Sunday 9:00 am -2:00 am
Monday through Thursday 11:00 am – 2:00am
Friday 11:00 am to 3:00 am
Saturday 9:00 am to 3:00 am

Sales and Service will be provided in the summer garden:
Saturday and Sunday 9:00 am until 5:00 pm
Monday through Friday 11:00 am until 5:00 pm

4. ***Floors Utilized and Occupancy.*** Occupancy will not exceed 61 patrons inside the premises with seating for 47, and Summer Garden seating for 20 patrons.

Washington, DC 20003
Licensees: Nathan Berger, August Paro, and
Brendan McMahon
720-938-6278

 (Signature)

ANC:

Advisory Neighborhood Commission
921 Pennsylvania Ave SE
Washington, DC 20003
Jared Critchfield, Chairperson
(202) 543-3344
Fax (202) 543-3507

 (Signature)