

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

**In the Matter of:**

Brilliant, LLC  
t/a Flash

Holder of a  
Retailer's Class CT License

at premises  
645 Florida Avenue, N.W.  
Washington, D.C. 20001

License No.: ABRA-090823

Order No.: 2016-485

Brilliant, LLC, t/a Flash (Licensee)

James A. Turner, Chairperson, Advisory Neighborhood Commission (ANC) 1B

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

**ORDER ON SETTLEMENT AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Brilliant, LLC, t/a Flash (Licensee) and ANC 1B have entered into a Settlement Agreement (Agreement), dated June 9, 2016, 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 James A. Turner and Commissioner Brian Footer, on behalf of ANC 1B, are signatories to the Agreement.

Accordingly, it is this 10th day of August, 2016, **ORDERED** that:

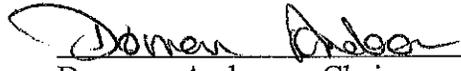
1. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modification:

Section 4 (Maintenance of Public Space) – Second paragraph, the first sentence shall be modified to read as follows: “Applicant acknowledges that failure to adhere to the restrictions in paragraphs 3 and 4, inclusive above, will constitute grounds for the designated representative of the protestants, whose signatures are affixed hereunto, to file a complaint with the Board pursuant to D.C. Official Code § 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.”

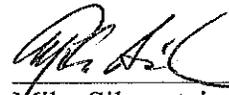
The parties have agreed to this modification.

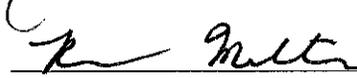
2. Copies of this Order shall be sent to the Applicant and ANC 1B.

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 14<sup>th</sup> 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).

Made the 9 day of June 2016 by and between Brilliant, LLC dba Flash at 645 Florida Ave., NW, Washington, DC (hereinafter "Applicant"), and ANC 1B (hereinafter "Protestants").

WHEREAS, Applicant filed with the District of Columbia Alcoholic Beverage Control (ABC) Board (hereinafter "the Board") a request for the issuance of a Retailer's License Class C for 645 Florida Ave., NW, Washington, DC; 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; 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. **Closing Hours and Last Call.** Applicant shall remain open at least one-half hour after "last call" is given, or one-half hour after ceasing the sale of alcoholic beverages, if last call is not given. The parties agree that these soft closing hours afford better and slower discharge of patrons during this one-half hour period to avoid less impact on the surrounding community.

2. **Outside Space.** No live music or live entertainment, except for a Disc Jockey, will be permitted on the roof deck or sidewalk patio. In addition, there will be no stereo speakers in the sidewalk patio area. Ambient sounds associated with interior speakers will not be considered a violation of the terms or intent of this provision. Applicant will also keep any and all rear doors on the ground level closed at all times.

3. **Trash/Rodents.** Applicant will have trash/dumpster pickup by a commercial hauler no fewer than three (3) times per week. Applicant will police the immediate environs of its premises daily and make its best efforts to keep said area clean of trash and debris. Trash pickup will commence no earlier than 8am. Recycling disposal in outside containers shall not occur between the hours of 11pm-8am. Applicant shall deposit trash and garbage only in dumpsters and shall see that dumpster covers fit properly and remain fully closed except for such times when trash and garbage is being added or removed. Applicant will make every reasonable effort to eliminate accessible food sources for rodents.

4. **Maintenance of Public Space.** Applicant will maintain public space outside the premises, including disposal of trash and debris from the alley behind its premises and the area immediately in front its premises.

Applicant acknowledges that failure to adhere to the restrictions recited in paragraphs 3 through 4, inclusive, above, will constitute grounds for the designated representative protestants, whose signatures are affixed hereunto, 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 representative protestants 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.

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 the Instant Agreement be incorporated in an order of the Board granting Applicant's request for Issuance of its Retailer's license Class C.

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

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

PROTESTANTS,

THROUGH THEIR DESIGNATION REPRESENTATIVE PROTETANTS:

BY:  \_\_\_\_\_

Brian Footer, ANC Commissioner, ANC 1B 01

 July 21, 2016

James A. Turner  
Chair ANC 1B, Commissioner 1B09

APPLICANT

BY:  \_\_\_\_\_

Afshin Mottaghi, Brilliant, LLC dba Flash

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

**In the Matter of:**

B-2, LLC  
t/a It's Called INCEPTION

Applicant for a New  
Retailer's Class CT License

at premises  
645 Florida Avenue, N.W.  
Washington, D.C. 20001

Case No. 11-PRO-00068  
License No. ABRA-087890  
Order No. 2012-161

B-2, LLC, t/a It's Called INCEPTION (Applicant)

Juan Lopez, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 1B

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

**ORDER ON VOLUNTARY AGREEMENT AND  
WITHDRAWAL OF PROTEST OF ANC 1B**

The Application filed by B-2, LLC, t/a It's Called INCEPTION, for a new Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on November 28, 2011, in accordance with D.C. Official Code § 25-601 (2001). The Protest Status Hearing was scheduled for January 18, 2012.

The Applicant and ANC 1B have entered into a Voluntary Agreement (Agreement), dated December 12, 2011, setting forth the terms and conditions that govern 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 Licensee and Chairperson Juan Lopez, on behalf of ANC 1B, are signatories to the Agreement.

**B-2, LLC**  
**t/a It's Called INCEPTION**  
**Case No. 11-PRO-00068**  
**License No. ABRA-087890**  
**Page 2**

This Agreement constitutes a withdrawal of the Protest filed by ANC 1B of this Application.

Accordingly, it is this 12th day of September, 2012, **ORDERED** that:

1. The Application filed by B-2, LLC, t/a It's Called INCEPTION, for a new Retailer's Class CT License, located at 645 Florida Avenue, N.W., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 1B in this matter is hereby **WITHDRAWN**;
3. 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; and
4. Copies of this Order shall be sent to the Applicant and ANC 1B.

**B-2, LLC**  
**t/a It's Called INCEPTION**  
**Case No. 11-PRO-00068**  
**License No. ABRA-087890**  
**Page 3**

District of Columbia  
Alcoholic Beverage Control Board

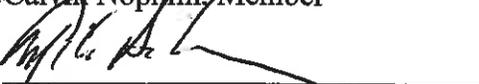
  
\_\_\_\_\_  
Ruthanne Miller, Chairperson

  
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Nick Alberti, Member

  
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Donald Brooks, Member

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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 14<sup>th</sup> Street, N.W., Suite 400S, Washington, D.C. 20009



## Advisory Neighborhood Commission 1B

Government of the District of Columbia

2000 14<sup>TH</sup> Street N.W., Suite 100B

Washington, DC 20009

202-481-3462

202-870-4202

Juan Lopez 1B07, Chairperson, Ahnna Smith, 1B08, Vice Chairperson

Myla Moss, 1B01, Secretary, Mary Streett, 1B05, Treasurer

Alexandra Lewin-Zwerdling 1B02, Sedrick Muhammad 1B03, Deborah Thomas 1B04,  
Charles Meisch 1B06, Lauren McKenzie 1B09, Tony Norman 1B10, E. Gail Anderson Holness 1B11

December 13, 2011

Mr. Nick Alberti  
Interim Chairman  
Alcoholic Beverage Control Board  
1250 U Street N.W., Third Floor  
Washington, DC 20009

**ABRA-087890**

**It's Called INCEPTION, 645 Florida Avenue, N.W.**

Dear Chairman Alberti:

At its regularly scheduled meeting on November 3, 2011 (notice of which was properly given, and at which a quorum of seven of eleven members was present) ANC1B voted unanimously (7 yes, 0 no) to protest this application for a Retail Class C Tavern license on the basis of peace, order, quiet and parking.

The Commission has now negotiated and signed a satisfactory voluntary agreement with the applicant and therefore withdraws its protest of this application. The voluntary agreement is enclosed with this letter and we respectfully request that the Board review and approve it.

Sincerely,

Juan Lopez  
Chairperson

Myla Moss  
Secretary

VOLUNTARY AGREEMENT  
CONCERNING CHANGES TO LICENSE

Made the 12<sup>th</sup> day of December, 2011 by and between B-2, LLC at 645 Florida Ave., NW, Washington, DC (hereinafter "Applicant"), and ANC 1B (hereinafter "Protestants").

WHEREAS, Applicant filed with the District of Columbia Alcoholic Beverage Control (ABC) Board (hereinafter "the Board") a request for the issuance of a Retailer's License Class C for 645 Florida Ave., NW, Washington, DC; 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; 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:

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2. **Outside Space.** No live music or live entertainment, of any kind will be permitted on the roofdeck or sidewalk patio. In addition, there will be no stereo speakers in the sidewalk patio area. Ambient sounds associated with interior speakers will not be considered a violation of the terms or intent of this provision.
3. **Trash/Rodents.** Applicant will have trash/dumpster pickup by a commercial hauler no fewer than three (3) times per week. Applicant will police the immediate environs of its premises daily and make its best efforts to keep said area clean of trash and debris. Trash pickup will commence no earlier than 8am. Recycling disposal in outside containers shall not occur between the hours of 11pm-8am. Applicant shall deposit trash and garbage only in dumpsters and shall see that dumpster covers fit properly and remain fully closed except for such times when trash and garbage is being added or removed. Applicant will make every reasonable effort to eliminate accessible food sources for rodents.
4. **Maintenance of Public Space.** Applicant will maintain public space outside the premises, including disposal of trash and debris from the alley behind its premises and the area immediately in front its premises.

Applicant acknowledges that failure to adhere to the restrictions recited in paragraphs 3 through 4, inclusive, above, will constitute grounds for the designated representative protestants, whose signatures are affixed hereunto, 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 representative protestants 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.

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 the instant Agreement be incorporated in an order of the Board granting Applicant's request for issuance of its Retailer's license Class C.

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

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

PROTESTANTS,

THROUGH THEIR DESIGNATED REPRESENTATIVE PROTESTANTS:

By:

  
ANC 1B Chairman

APPLICANT

By:

  
AHIR TEROU SHAHME  
B-2, LLC