

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

In the Matter of:)

The Doghouse Companies, LLC)
t/a W Domku)

Application for a Retailer's Class CT)
License)

at premises)
821 Upshur Street, NW)
Washington, D.C.)

Application no.: 60813-04/110P
Order no.: 2005-35

The Doghouse Companies, LLC, Applicant

Grace Eng, on behalf of a group of more than five (5), and Pastor Terrence J. Melvin, on behalf of New Solid Rock Ministries, Protestants

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**ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST AND
DISMISSAL OF PROTEST**

The application for a Retailer's Class "CT" License, having been protested, came before the Board on September 29, 2004, in accordance with D.C. Official Code § 25-601 (2001). Grace Eng, on behalf of a group of more than five (5), filed timely opposition by letter on September 9, 2004. Pastor Terrence J. Melvin, on behalf of New Solid Rock Ministries, filed timely opposition by letter on September 13, 2004. On September 29, 2004, the Board dismissed the protests of L.D. Hoff, M.N. Stephens, Mary Cromartie, Yanick Brierre, Paul Alexander, and Nellie Clark because none of these individuals appeared at the roll call hearing or designated a representative to appear at the roll call hearing. Additionally, the remaining Protestants constituted a group of less than five (5) persons in order to have standing as required by D.C. Official Code § 25-601 (2001).

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

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the Board. Pursuant to the agreement, dated December 15, 2004, the Protestants have 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

Accordingly, it is this 2nd day of February 2005, **ORDERED** that:

1. The protests of L.D. Hoff, M.N. Stephens, Mary Cromartie, Yanick Brierre, Paul Alexander, and Nellie Clark, are **DISMISSED**;
2. The protests of Grace Eng, on behalf of a group of more than 5, and Pastor Terrence J. Melvin, on behalf of New Solid Rock Ministries, are **WITHDRAWN**;
3. The application of The Doghouse Companies, LLC, t/a W. Domku for a Retailer's Class "CT" License at 821 Upshur Street, NW, Washington, D.C., is **GRANTED**;
4. The remaining Protestants constitute a group of less than five (5) persons in order to have standing as required by D.C. Official Code § 25-601 (2001) and are hereby **DISMISSED**;
5. The above-referenced agreement, is **INCORPORATED** as part of this Order;
and
6. Copies of this Order shall be sent to L.D. Hoff, M.N. Stephens, Mary Cromartie, Yanick Brierre, Paul Alexander, Nellie Clark, the Protestants, and the Applicant.

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District of Columbia
Alcoholic Beverage Control Board

Charles A. Burger

Charles A. Burger, Chairperson

Vera M. Abbott

Vera M. Abbott, Member

Judy Moy

Judy Moy, Member

Audrey E. Thompson

Audrey E. Thompson, Member

Peter B. Feather

Peter B. Feather, Member

~~Albert G. Lauber~~

Albert G. Lauber, Member

not voting
ASL

not 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.

COOPERATIVE AGREEMENT

WHEREAS, the Doghouse Companies, LLC, t/a W. Donku Bar & Café ("Applicant") has applied for a new Alcoholic Beverage Control (ABC) Class C-Tavern license for the premises located at 821 Upshur Street, N.W., Washington, D.C. 20011-5836; and

WHEREAS, the Advisory Neighborhood Commissioner for Single Member District 4C07 ("ANC 4C07") has submitted a resolution to the Advisory Neighborhood Commissioner 4C ("ANC 4C") to approve the ABC Class C - Tavern license; and

WHEREAS, Grace Zug, on behalf of a group of protestants, and the adjacent property owner, New Solid Rock Ministries ("NSRCM"), have filed protests with the ADRA to oppose the issuance of said license; and

WHEREAS, the parties have discussed the concerns of the neighborhood and have reached an understanding relating to the operation of the establishment;

NOW, THEREFORE in consideration of the agreements set forth herein, the Protestants and NSRCM agree to withdraw their protests or objections, and Applicant agrees to comply with the terms of the Agreement as set forth hereinafter;

A. Applicant agrees:

1. Applicant will comply with all laws and regulations governing the operation of the establishment, including laws and regulations governing the Class CT license to which this Agreement applies, as applied for and approved by the District of Columbia in the name of the Applicant.

2. Applicant will not sell alcoholic beverages until after 11 A.M. on Sunday.

3. Applicant shall post a sign asking patrons to be quiet and respectful of the neighborhood as they leave the establishment.

and ~~church~~ the adjacent property owner, NSRCM

4. Applicant will place No Lettering sign in front of and behind the establishment.

5. Applicant will not install a pay phone outside of the establishment.

6. Applicant shall take reasonable measures to notify customers of public transportation options near licensee.

B. Noise/Music/Dancing.

Applicant acknowledges familiarity with and will comply with noise-control provisions of District of Columbia law and regulations, including

(a) Preventing emissions of sound, capable of being heard outside the premises, by any musical instrument or amplification device or other device or source of sound or noise, in accordance with the DC Noise Control Act of 1977 (Public Law 2-53), as amended. The Applicant agrees to abide to all Alcohol Beverage Control Regulations, as amended;

(b) The doors and windows of the premises will be kept closed at all times during business hours when music is being played, or a sound amplification device is being employed in the premises, except when persons are in the act of using the door for ingress to or egress from the premises;

(c) Music from inside will not be audible to surrounding neighborhood areas, except in normal course of opening and closing the doors.

(d) Applicant agrees not to place outside in the public space any loudspeaker, tape player, CD player or other similar device, or to place any inside speaker in such a way that it projects loud sound into the neighborhood.

*the adjacent property
owner
NSREM*

C. Trash/garbage/rodents.

Applicant shall maintain regular trash/garbage removal service, regularly remove trash from the trash and dumpster area, and see that the trash and dumpster area remain clean. Applicant shall deposit trash and garbage only in rodent-proof dumpsters, and shall see that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed.

D. Exterior including public space.

Applicant shall assist in the maintenance of the immediate environs, to include the sidewalk, alleyway and curb areas of the establishment, as needed to keep them free of trash and litter and that such trash and litter will be placed in bags to be sealed and placed in containers that are securely closed. Applicant shall assist in the removal of snow and ice from the sidewalk and comply with all applicable D.C. laws and regulations in these respects.

E. Modification.

This Agreement can be modified only by the ABC Board, or by mutual agreement of all the parties with the approval of the ABC Board.

In consideration of the aforesaid Agreement, the Protestants and NSRCM hereby withdraw their opposition to the application which they previously filed.

The Doghouse Companies, LLC

By *Kelvin Campbell*

Grace Eng
Grace Eng, For the Protestants

NEW SOLID ROCK MINISTRIES

By *Claudia Baber*
Attorney for NSRCM