

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

_____)	
In the Matter of:)	
)	
Pour Liquor & More, LLC)	
t/a Modern Liquors)	
)	
Holder of a)	
Retailer's Class A License)	License No. ABRA-084387
)	Order No. 2013-084
)	
at premises)	
901 M Street, N.W.)	
Washington, D.C. 20001)	
_____)	

Pour Liquor & More, LLC, t/a Modern Liquors (Licensee)

Matt Raymond, Chairperson, on behalf of Advisory Neighborhood Commission (ANC)
2F

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 a previous holder of a license for the premises and ANC 2F entered into a Voluntary Agreement dated September 21, 2001 (Agreement) and it was approved by the Board on November 7, 2001. Pour Liquor & More, LLC, t/a Modern Liquors (Licensee), as the current holder of a Retailer's Class A license, is required to comply with the terms of the Agreement, dated September 21, 2001, 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 March 22, 2013, in accordance with D.C. Official Code § 25-446 (2001).

Pour Liquor & More, LLC
t/a Modern Liquors
License No. ABRA-084387
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The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Matt Raymond, on behalf of ANC 2F, are signatories to the Amendment.

Accordingly, it is this 10th day of April, 2013, **ORDERED** that:

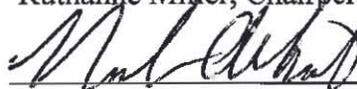
1. The above-referenced Amendment to Settlement Agreement, dated March 22, 2013, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the original Agreement, not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee and ANC 2F.

Pour Liquor & More, LLC
t/a Modern Liquors
License No. ABRA-084387
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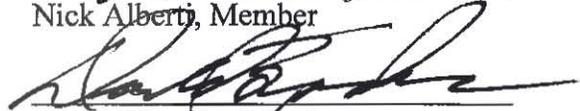
District of Columbia
Alcoholic Beverage Control Board



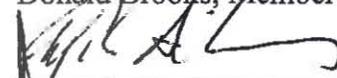
Ruthanne Miller, Chairperson



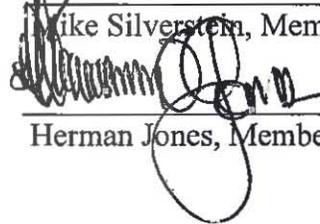
Nick Alberti, Member



Donald Brooks, Member



Mike Silverstein, Member



Herman Jones, Member

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

This Amendment to a Voluntary/Settlement Agreement ("Amendment") is made this 22nd day of March, 2013, between Modern Liquors Inc., t/a Modern Liquors ("Applicant"), and Advisory Neighborhood Commission 2F ("ANC 2F").

WITNESSETH

WHEREAS, Applicant, holder of a Retailer's Class "A" License No. ABRA-007273, seeks Sunday hours of operations for its licensed premises at 901 M St., NW;

WHEREAS, ANC 2F feels that it is in the best interests of the community to extend said hours of operations in accordance with the Amendment attached herein;

WHEREAS, ANC 2F at its regularly scheduled and duly noticed monthly meeting of February 6, 2013, with a quorum present and operating throughout, voted unanimously (8-0) to advise that the ABC Board approve the terms of this Amendment agreement;

And WHEREAS, Applicant has agreed to enter into this Amendment agreement with ANC 2F and to request further that the ABC Board approve Applicant's request be conditioned upon Applicant's compliance with the terms of its Voluntary/Settlement Agreement dated September 21, 2001, and approved by the ABC Board;

NOW THEREFORE, in consideration of the recitals set forth above and the mutual covenants set forth below, the parties agree as follows:

1. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.
2. Incorporation of Voluntary Agreement dated September 21, 2001. The parties agree to incorporate the terms of the Voluntary/Settlement Agreement dated September 21, 2001, and approved by the ABC Board. Applicant agrees to adhere to the terms of said agreement in the operation of its business during the extended (Sunday) operating hours agreed to below by this Amendment.
3. Section 1 "Hours of Operation" of the September 21, 2001, Voluntary/Settlement Agreement is amended. Section 1 "Hours of Operation" of that certain Voluntary/Settlement Agreement dated September 21, 2001, is amended by striking the section in its entirety and inserting the following:
 1. **HOURS OF OPERATION.** The licensee shall limit hours of operation of the Establishment as follows: 9 a.m. to 10 p.m., Monday through Sunday (seven days a week).
4. This amendment shall become effective upon its acceptance by the ABC Board.

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

For ANC 2F:

For MODERN LIQUORS:



Commissioner Matt Raymond, Chairman



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BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:

Modern Liquors, Inc.
t/a Modern Liquors

Application for a Retailer's
Class A - renewal
at premises

901 M Street, NW
Washington, DC 20001

Case No. 23166-01/043P

**G. Robert Hinterlong, Commissioner, Advisory Neighborhood Commission 2F
(ANC 2F06), Protestant**

Anna M. Fleming, President, Applicant

**BEFORE: RODERIC L. WOODSON, ESQUIRE, CHAIR
VERA M. ABBOTT, MEMBER
ELLEN OPPER-WEINER, ESQUIRE, MEMBER
CHARLES A. BURGER, MEMBER
JUDY A. MOY, MEMBER
AUDREY E. THOMPSON, MEMBER
LAURIE COLLINS, MEMBER**

ORDER ON WITHDRAWN PROTEST AND VOLUNTARY AGREEMENT

This matter, having been protested, was scheduled for a roll call hearing on June 13, 2001, in accordance with D.C. Code Section 25-115(c)(5) (1999 Supp.), providing for the protestants to be heard. The Board received a timely protest letter from G. Robert Hinterlong, Commissioner 2F06, dated May 1, 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 the Board. Pursuant to the agreement, dated September 21, 2001, the protestants have agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

Modern Liquors, Inc.
t/a Modern Liquors
Page 2

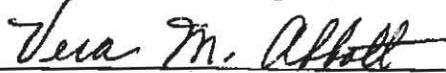
Accordingly, it is this 7th day of November 2001, **ORDERED** that:

1. The opposition of G. Robert Hinterlong, Commissioner, ANC 2F06, be, and the same hereby is **WITHDRAWN**;
2. The application of Modern Liquors, Inc., t/a Modern Liquors, for a retailer's class A license (renewal) at premises 901 M Street, NW, Washington, DC, 20001, be, and the same hereby, is **GRANTED**; and
3. The above-referenced agreement between the parties, be, and the same hereby is **INCORPORATED** and part of this **ORDER**; and;
4. Copies of this Order shall be sent to the Protestant and the Applicant.

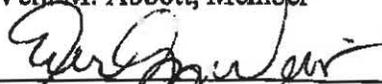
DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL
BOARD



Roderic L. Woodson, Esquire, Chair



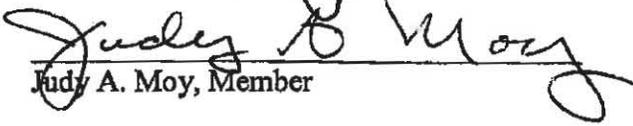
Vera M. Abbott, Member



Ellen Opper-Werner, Esquire, Member

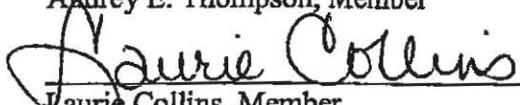


Charles A. Burger, Member



Judy A. Moy, Member

Audrey E. Thompson, Member



Laurie Collins, Member

**ALCOHOL BEVERAGE CONTROL
VOLUNTARY AGREEMENT**

Modern Liquors, Inc. t/a Modern Liquors
901 M Street, NW
Retailer's License Class "A", License Renewal
Application #3166-01/043P

This Agreement is entered into on the 21st day of September, 2001, by and between Advisory Neighborhood Commission 2F ("ANC 2F") on behalf of the affected community (the "Protestant") and Edward Fleming (the "Licensee").

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WITNESSETH *EAB*

WHEREAS, Licensee operates a Class "A" Retailer's Establishment at premises 901 M Street, NW, Washington, DC; and

WHEREAS, Licensee's application for renewal of its license is pending before the District of Columbia Alcoholic Beverage Control Board (the "Board"); and

WHEREAS, Protestant has timely filed a protest against the renewal of this application pursuant to section 14(b) of D.C. Code 25-115(b) (1996 Repl. Vol.); and

WHEREAS, the parties are desirous of entering into a Voluntary Agreement regarding the renewal application,

NOW, THEREFORE, in consideration of the mutual promises of the parties hereinafter set forth, the parties agree as follows:

1. **HOURS OF OPERATION.** The licensee shall limit the hours of operation of the Establishment as follows: 9:00 a.m. to 10:00 p.m., Monday through Saturday.
2. **PUBLIC TELEPHONES.** Licensee shall not permit the installation of public pay telephones on the property.
3. **APPEARANCE OF PREMESIS.** In accordance with Section 100.1 of Title 23 of the District of Columbia Municipal Regulations ("DCMR"), the Licensee shall limit advertisements in the window to the permitted twenty-five percent (25%) of the window space. Licensee shall conform to Section 1100.2 of Title 23 DCMR by displaying no advertisement of any kind relating to alcoholic beverages on the exterior of any window or the exterior or interior of any door.

4. **MAINTENANCE OF PUBLIC SPACE.** The Licensee shall keep the sidewalk, curb and exterior of the property clean and free of litter, bottles and other debris in compliance with DCMR.
5. **LOITERING.** Recognizing the problem of loitering in the vicinity of the Establishment, Licensee shall post and maintain a prominent "No Loitering" sign, and shall strongly discourage loitering in the vicinity of the Establishment.
6. **ADDITIONAL MEASURES TO PROMOTE QUALITY OF LIFE IN THE NEIGHBORHOOD.** The Licensee agrees to assist ANC 2F in improving the quality of life in the ANC. To that end, Licensee shall contact the police when known or suspected drug transactions occur. Licensee shall cooperate with the police in prosecuting all violations. Licensee shall make no sales of single cigarettes, cigarette rolling papers, glassine bags or other ~~drug paraphernalia~~. Licensee shall discourage public consumption of alcohol by refraining from selling or distributing plastic or paper cups in quantities of four or less. Licensee shall not sell or distribute single servings of ice, and shall make sales of beer in single bottles or cans of forty ounces or less only in clear or translucent bags.

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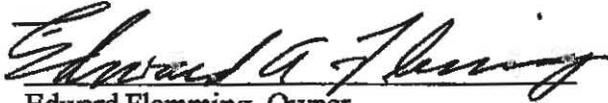
7. **COOPERATION WITH NEIGHBORHOOD RESIDENTS.** In order to ensure smooth implementation of this Agreement, the Parties agree to consult with one another on a regular basis. Licensee agrees to ~~occasionally~~ attend public meetings of ANC 2F, to meet periodically with officials of the Third District of the Metropolitan Police Department and to discuss issues related to public safety and the quality of life with members of the business and residential communities.

ATTEMPT
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8. **CONDITIONS OF THE LIQUOR LICENSE.** The Licensee shall adhere to the conditions of the license for the Establishment. It is understood that the provisions of this Voluntary Agreement shall become part of the conditions of the license and shall remain valid upon transfer or renewal of the license. The Parties agree to make good faith efforts to resolve any issues arising from this Agreement prior to seeking action from the ABC Board. The Licensee is aware that applicable law permits the ABC Board to suspend or revoke the license due to failure of the Licensee to correct any violations of the conditions of the license within thirty (30) days of the Protestant seeking action from the Board.
9. **NOTICES.** Any notices required to be made under this agreement shall be in writing and mailed by Certified Mail, or return receipt requested, postage prepaid, to the other Party to this Agreement. Notice is deemed to be received upon mailing.

10. **WITHDRAWAL OF PROTEST.** Upon execution of this agreement and its acceptance by the Board, Protestant shall withdraw its protest to the application for license renewal.

Modern Liquors, Inc. t/a Modern Liquors


Edward Flemming, Owner
FLEMING / EAB

For Advisory Neighborhood Commission 2F (ANC 2F)


G. Robert Hinterlong, Treasurer