

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

In the Matter of:)
)
TJP, Inc.)
t/a Black Fox)
)
Holder of a)
Retailer's Class CT License)
)
at premises)
1723 Connecticut Avenue, N.W.)
Washington, D.C. 20009)
)

License No. ABRA-079449
Order No. 2011-358

TJP, Inc., t/a Black Fox (Licensee)

Michael Feldstein, Vice Chairperson, Advisory Neighborhood Commission (ANC) 2B

BEFORE: Nick Alberti, Interim Chairperson
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 TJP, Inc., t/a Black Fox (Licensee) and ANC 2B entered into a Voluntary Agreement (Agreement), dated July 13, 2011, that govern 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 Vice Chairperson Michael Feldstein, on behalf of ANC 2B, are signatories to the Agreement. The Agreement, dated July 13, 2011, replaces the Voluntary Agreement, dated March 26, 2007, between the parties.

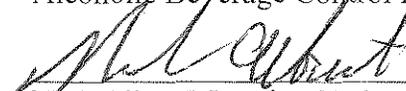
TJP, Inc.
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Accordingly, it is this 10th day of August 2011, **ORDERED** that:

1. The above-referenced Voluntary Agreement submitted by the Licensee and ANC 2B to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
2. Copies of this Order shall be sent to the Licensee and ANC 2B.

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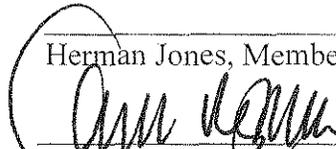
District of Columbia
Alcoholic Beverage Control Board



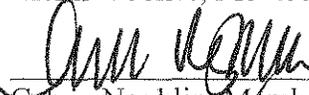
Nick Alberti, Interim Chairperson



Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, 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, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

**VOLUNTARY AGREEMENT
MODIFICATION**

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD
REGISTRATION SECTION
2011 JUL 20 A 9 37

THIS AGREEMENT, made and entered into this 13 day of July 2011, by and between TJP, Inc., trading as Black Fox (hereinafter the "Applicant"), and Advisory Neighborhood Commission 2B (hereinafter the "Protestant"), witnesses:

Whereas, the Applicant has a license (#76344) issued on July 3, 2007, with the DC Alcoholic Beverage Control Board (hereinafter the "Board") for the purpose of operating a Retail Class "C" Tavern known as Black Fox located at 1723 Connecticut Avenue NW in Washington, DC.

Whereas, the Applicant and Protestant entered into a voluntary agreement on June 28, 2007.

Whereas, the voluntary agreement can be modified by mutual agreement of all the parties with the approval of the ABC Board.

Whereas, the Applicant desires to modify the terms of this voluntary agreement.

Whereas, in recognition of the Board's policy of encouraging parties to a protested proceeding to settle their differences by reaching voluntary agreements, the Parties hereto desire to enter into a modified voluntary agreement whereby (1) Applicant will agree to adopt certain measures to address the Protestant's concerns and to include this agreement as a formal condition of its license, and (2) Protestant will agree to the issuance of the license *provided* that such agreement is incorporated into the Board's order renewing the license, which order is thereby conditioned upon compliance with such agreement.

Whereas, the Applicant has recently taken or intends to take certain measures designed to ameliorate Protestant's concerns.

Now agree therefore, in consideration of the mutual covenants and undertakings memorialized herein, the Parties hereby agree as follows:

1. Hours. The hours of operation for the tavern will be opening at 8 a.m. each day, and closing at 2 a.m. Sunday through Thursday, and at 3 a.m. on Friday and Saturday; further, holiday hours of operation shall adhere to the schedule defined by ABRA (See 2011 Holiday Schedule attached).
2. Alcoholic beverages: There will be no service of alcoholic beverages between the hours of 2 a.m. and 8 a.m. on Sunday through Thursday, or between 3 a.m. and 8 a.m. on Friday and Saturday.
3. Music. Applicant will provide electronic music and live piano. On special occasions there may be a three to four piece ensemble.
4. Dancing. There will be no permanent dance floor in the tavern. On special occasions, such as a birthday party, a temporary dance floor not to exceed 100 ft square may be installed and removed after use.
5. Basement configuration. The small area in the basement toward the front of the building will not be configured as a private room.
6. Parking: There will be no valet parking offered to patrons.

- 7. Trash disposal. Trash will not be deposited in the dumpster located on 20th Street NW between the hours of 12 pm and 7 am.
- 8. Litter. After closing each morning, litter, including cigarette butts, will be picked up in front of the building.
- 9. Exit on 20th Street NW. The rear door will be used only for deliveries, service personnel taking out trash, and exit in emergencies. No entry or re-entry of customers through the rear door will be allowed (to prevent customers from congregating on 20th Street to smoke).
- 10. 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 the case of ANC 2B, if Applicant desires to modify the terms of this agreement, the Applicant shall receive written agreement from ANC 2B before implementing the changes.
- 11. Regulations. In addition to the foregoing, Applicant will operate in compliance with all applicable laws and regulations.
- 12. Withdrawal of protest. Protestant agrees to the issuance of the license and the withdrawal of their protest *provided* that the present Voluntary Agreement is incorporated into the Board's order awarding the license, which order is thereby conditioned upon compliance with such Voluntary Agreement.

APPLICANT:

TJP, Inc

By:

James A. McGlade

Owner, TJP, Inc

Date:

7/13/11

PROTESTANT:

Advisory Neighborhood Commission 2B

By:

Will Stephens

Chair, ANC 2B

Date:

July 13, 2011

MIKE FELDSTEIN

MCB Chair