

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

_____)	
In the Matter of:)	
)	
SJ Enterprises, LLC)	
t/a The Cusbah)	
)	
Holder of a)	
Retailer's Class CR License)	License No. ABRA-088779
)	Order No. 2015-046
)	
at premises)	
1128 H Street, N.E.)	
Washington, D.C. 20002)	
_____)	

SJ Enterprises, LLC, t/a The Cusbah (Applicant)

Phil Toomajian, Chairperson, Advisory Neighborhood Commission (ANC) 6A

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

**ORDER APPROVING REPLACEMENT AMENDMENT
TO SETTLEMENT AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that SJ Enterprises, LLC, t/a The Cusbah, (Licensee), and ANC 6A entered into a Settlement Agreement (Agreement), dated March 24, 2012, and an Amendment to Settlement Agreement, dated December 13, 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 January 11, 2015, and replacing the Amendment to Settlement Agreement, dated December 13, 2012, in accordance with D.C. Official Code § 25-446 (2001).

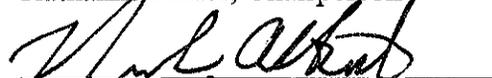
The Amendment, dated January 11, 2015, has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Phil Toomajian, on behalf of ANC 6A, are signatories to the Second Amendment.

Accordingly, it is this 4th day of February, 2015, **ORDERED** that:

1. The above-referenced Amendment to Settlement Agreement, dated January 11, 2015, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. The Amendment to Settlement Agreement dated December 13, 2012, is replaced and superseded by the Amendment to Settlement Agreement, dated January 11, 2015;
3. All terms and conditions of the original Agreement, not amended by the Amendment dated January 11, 2015, shall remain in full force and effect; and
4. Copies of this Order shall be sent to the Licensee and ANC 6A.

District of Columbia
Alcoholic Beverage Control Board

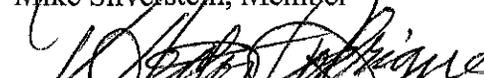

Ruthanne Miller, Chairperson

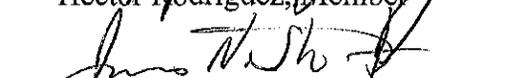

Nick Alberti, Member


Donald Brooks, Member


Herman Jones, Member


Mike Silverstein, Member


Hector Rodriguez, Member


James Short, Member

Pursuant to D.C. Official Code § 25-433, 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, 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 this 11th day of January, 2015

by and between

Cusbah (ABRA # 088779)
1128 H Street, NE
Washington DC 20002

and

Advisory Neighborhood Commission 6A

The Settlement Agreement between the parties listed above (fully executed on December 19, 2010), and the addendum between the two parties (fully executed on February 14, 2013) is amended with the following agreement, which shall become an addendum to the current SA.

The Parties Agree As Follows:

The addendum reached between the two parties on February 13, 2013, removing the restriction on the hours of operation for the patio or summer garden located on public space is hereby deleted and is no longer part of the parties' Settlement Agreement.

Section 3(d) of the above-referenced Settlement Agreement is hereby modified to replace "12:00 am on Friday and Saturday evenings" with "1:30am on Friday and Saturday evenings." The parties agree that the intent is for the Applicant's sidewalk café to close at 11:00pm on Sunday through Thursday evenings (as stated in the original Settlement Agreement) and 1:30am on Friday and Saturday evenings (one and a half hours later than the original Settlement Agreement).

Applicant agrees that no sound, noise, music or voice(s) emanating from the sidewalk café of the licensed establishment shall be of such intensity that it may be heard in any premises other than the licensed establishment. This restriction does not apply to: (1) any premises which are located within a C-1, C-2, C-3, C-4, C-M, or M zone, as defined in the zoning regulations for the District, and (2) sounds, noises, music or voice(s) occasioned by the normal opening of entrance and exit doors for the purpose of ingress and egress.

[Signatures follow on next page]

In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: SARAH Hussain Date: 1/21/2015

Signature: 

Advisory Neighborhood Commission 6A Representative:

By: Phil Toomajian, Chair Date: 1/11/15

Signature: 