

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

<b>In the Matter of:</b>	)	
	)	
Midagra, LLC	)	
t/a DCanter	)	
	)	
Application for a Single Sales Exception	)	License No. ABRA-090639
to a Retailer's Class B License	)	Order No. 2014-391
	)	
at premises	)	
545 8 <sup>th</sup> Street, S.E.	)	
Washington, D.C. 20003	)	

Midagra, LLC, t/a DCanter (Applicant)

Brian Flahaven, Chairperson, Advisory Neighborhood Commission (ANC) 6B

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

**ORDER ON APPLICATION FOR EXCEPTION TO SINGLE SALE  
MORATORIUM AND ON AMENDMENT TO SETTLEMENT AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Midagra, LLC, t/a DCanter, has submitted an Application for an Exception to Single Sales Restriction, located at 545 8<sup>th</sup> Street, S.E., Washington, D.C.

The Applicant and ANC 6B entered into a Settlement Agreement (Agreement), dated November 13, 2012, setting forth the terms and conditions by which the Applicant would operate its establishment. This matter now comes before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated October 9, 2014, in accordance with D.C. Official Code § 25-446 (2001), incorporating an amendment to waive the single sales restriction.

The official records of the Board reflect that the Applicant has provided the required information, including a letter from ANC 6B supporting the Application and an Amendment to Settlement Agreement.

The Board considered several factors in reaching its decision. This included the absence of any primary or secondary tier violations within twelve months preceding the date of the Application and the ANC 6B supports this request, as demonstrated in the Amendment among the Parties to waive the single sales restriction for this establishment subject to the terms and conditions therein.

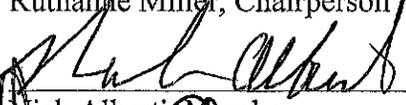
For these reasons, the Board finds no significant adverse impacts and grants the Application. The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Brian Flahaven, on behalf of ANC 6B, are signatories to the Amendment.

Accordingly, it is this 22nd day of October, 2014, **ORDERED** that:

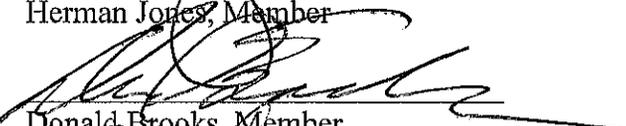
1. The Application filed by Midagra, LLC, t/a DCanter for an Exception to the Single Sales Restriction at the location of 545 8<sup>th</sup> Street, S.E., Washington, D.C., is **GRANTED**;
2. The Board's approval of this Application is perpetual;
3. The above-referenced Amendment to Settlement Agreement submitted by the Applicant and ANC 6B to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
4. All terms and conditions of the previous Agreement, not amended by the Amendment, shall remain in full force and effect; and
5. Copies of this Order shall be sent to the Applicant and to ANC 6B.

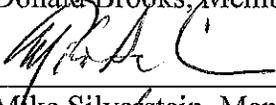
District of Columbia  
Alcoholic Beverage Control Board

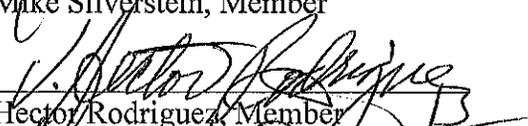
  
Ruthanne Miller, Chairperson

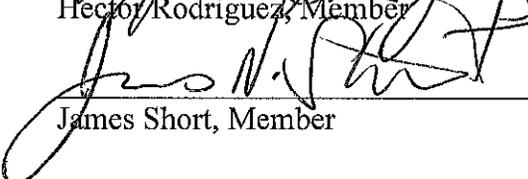
  
Nick Alberti, Member

  
Herman Jones, Member

  
Donald Brooks, Member

  
Mike Silverstein, Member

  
Hector Rodriguez, Member

  
James Short, Member

Under 23 DCMR § 1719.1 (2008), 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, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

Also, under 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration under 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).

# ANC 6B

*Capitol Hill / Southeast*

October 1, 2014

921 Pennsylvania Avenue SE  
Suite 305  
Washington, DC 20003-2141  
202-543-3344 (office)  
202-543-3507 (fax)  
office@anc6b.org

Executive Director  
*Susan Eads Role*

Ruthanne Miller, Chair  
Alcoholic Beverage Control Board  
2000 14<sup>th</sup> Street NW, Suite 400S  
Washington, DC 20009

VIA E-MAIL: [janea.raines@dc.gov](mailto:janea.raines@dc.gov)

RE: ABRA-090639, DCanter, 545 8<sup>th</sup> Street SE

## OFFICERS

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Vice-Chair  
*Ivan Frishberg*

Secretary  
*Nichole Opkins*

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SMD 7 *Sara Loveland*  
SMD 8 *Chander Jayaraman*  
SMD 9 *Brian Flahaven*  
SMD 10 *Francis Campbell*

Dear Ms. Miller:

At its regularly scheduled, properly noticed meeting on September 30, 2014, with a quorum present, the Executive Committee of Advisory Neighborhood Commission (ANC) 6B voted 5-0 to strike the following section 2C from its Settlement Agreement (SA) with DCanter:

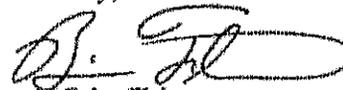
The Applicant will not sell, give, offer, expose for sale, or deliver an individual container or two pack or three pack of beer, malt liquor, or ale if the containers are less than 70 ounces each. Nothing contained herein shall preclude the applicant from applying for the exemption as provided in DC Code 25-346 (c)l.

For your review and approval, please find enclosed an amendment to the SA, which was executed by both parties.

ANC 6B's Executive Committee took this action despite disagreeing with the Alcoholic Beverage Regulatory Administration's interpretation that the first sentence of section 2C must be removed from the SA before the Alcoholic Beverage Control Board could grant DCanter's request for an exception to single sales restrictions:

Please contact Commissioner Sara Loveland, ANC 6B's Alcohol Beverage Control Committee Chair, at 202-330-8745 or [sara6b07@anc6b.org](mailto:sara6b07@anc6b.org) if you have questions or need further information. Thank you.

Sincerely,



Brian Flahaven  
Chair

Enclosure

AMENDMENT TO SETTLEMENT AGREEMENT

This Amendment to Settlement Agreement ("Agreement") is made this 09 day of October 2014 by and between Midagra, LLC t/a DCanter ("Applicant") and Advisory Neighborhood Commission 6B ("ANC 6B").

WITNESSETH

WHEREAS, Applicant is the current owner and operator of an ABC-licensed establishment located at 545 8th St. SE, Washington, DC 20003; and

WHEREAS, ANC 6B and the Applicant entered into an Agreement dated November 13, 2012; and

NOW, THEREFORE, the parties agree as follows:

1. **Nature of the Business.** Subparagraph 2.C is struck in its entirety.

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

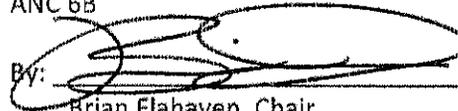
APPLICANT:



By: Michael Warner

Date: 10/09/2014

ANC 6B



By: Brian Flahaven, Chair

Date: 10/10/14