

In the Matter of:)	
)	
)	
Darnell Perkins & Associates, LLC)	
t/a Darnell's)	
)	
Application for Renewal of a)	Case No. 15-PRO-00002
Retailer's Class CT License)	License No. ABRA-095113
)	Order No. 2015-085
at premises)	
944 Florida Avenue, N.W.)	
Washington, D.C. 20002)	
)	

W. David Riley, Abutting Property Owner (Protestant)

ORDER ON SETTLEMENT AGREEMENT, WITHDRAWAL OF ANC 1B'S PROTEST AND DISMISSAL A GROUP OF FIVE OR MORE INDIVIDUALS' PROTEST

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The official records of the Board reflect that the Applicant and ANC 1B entered into a Settlement Agreement (Agreement), dated February 11, 2015, that governs the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson James A. Turner, on behalf of ANC 1B, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 1B.

In addition, the Board dismissed the Protest of the Group of Five or More Individuals pursuant to D.C. Official Code § 25-609(b), which states that "...In the event that an affected ANC submits a settlement agreement to the Board on a protested license application, the Board, upon its approval of the settlement agreement, shall dismiss any protest of a group of no fewer than 5 residents or property owners meeting the requirements of § 25-601(2)..."

Accordingly, it is this 11th day of March, 2015, **ORDERED** that:

1. The Protest of ANC 1B in this matter is hereby **WITHDRAWN**;
2. The above-referenced Settlement Agreement, dated February 11, 2015, submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
3. The Protest of the Group of Five or More Individuals is **DISMISSED**;
4. Copies of this Order shall be sent to the Applicant, ANC 1B, the Group of Five or More Individuals, and W. David Riley, Abutting Property Owner.

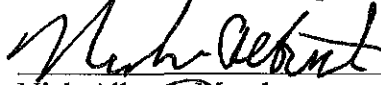
The Board **ADVISES** the Parties that due to the dismissal of the protest of Josephine Poole, Abutting Property Owner, pursuant to Board Order No. 2015-084, the remaining parties to this cause of action are the Applicant and Mr. Riley, Abutting Property Owner.

The Board **FURTHER ADVISES** that the Protest Hearing is scheduled for April 8, 2015 at 1:30 p.m. Parties are to submit their Protest Information Forms (PIF) to ABRA and serve the PIF on the opposing party seven (7) days in advance of the hearing.

District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



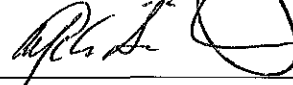
Nick Alberti, Member



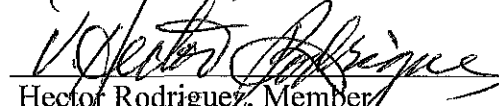
Donald Brooks, Member



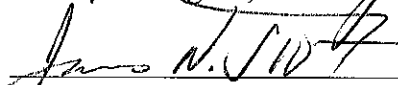
Herman Jones, Member



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).

SETTLEMENT AGREEMENT

THIS AGREEMENT is made and entered into as of the 11 day of February, 2015, by and between Darnell Perkins and Associates, LLC t/a Darnell's (hereinafter the "Licensee"), and the Advisory Neighborhood Commission 1B, (hereinafter "ANC 1B").

WHEREAS, licensee has assumed the rights under the Retailers Class C Tavern License, formerly held by Manchester Bar and Grill, LLC, located at 944 Florida Avenue N.W., Washington, DC,

WHEREAS, licensee will agree to adopt certain measures to address the concerns of ANC 1B and its constituents and to include this Agreement as a formal condition of its application for renewal, and ANC 1B agrees to such renewal provided that such Agreement is incorporated into the Board's Order approving such renewal application, which is thereby conditioned upon compliance with such Agreement, and

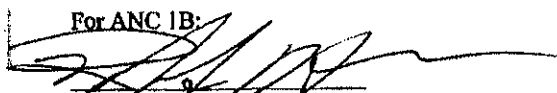
NOW THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the parties agree as follows:

1. NATURE OF BUSINESS: Licensee will operate at all times a bona-fide Class C Tavern (as such term is defined in Alcohol Beverage Control Board statutes and regulations).
2. HOURS OF OPERATION: Law of the license assigned will permit applicant hours in all spaces. Friday and Saturday hours will apply to the night before all District of Columbia and federal holidays and other extended hours nights as designated by ABRA.
3. NOISE SUPPRESSION: licensee agrees that the Bar and Lounge shall at all times be in compliance with the D.C. Noise Control Act and DC Code 25-72S. In addition,
 - a) Licensee acknowledges that ANC 1B is particularly concerned regarding the potential for noise emanating from the establishment and Licensee agrees to post signage requesting that customers keep their voices down while in the summer garden area and when exiting the establishment.
 - b) At no time shall amplified music be played outside.
 - c) Licensee agrees to keep all windows closed during operating hours.
 - d) Licensee agrees to keep all doors closed except when patrons are in the process of entering or exiting the establishment.
 - e) Licensee agrees to install curtains on the windows of the rear room of the establishment to dampen noise transmission.
4. TRASH PICK UP AND REMOVAL: Licensee will maintain regular trash and garbage removal service three times during the week. Licensee shall keep dumpster lids tightly closed and will take preventative measures to help control the pest and rodent population. Trash and recycle disposal and pickup shall only occur between 7 a.m. and 11 p.m.

ANC 1B agrees to the renewal of the license upon execution of this Agreement, provided that this Settlement Agreement is incorporated into the Board's order renewing the license, and will not protest the upcoming renewal of license.


IN WITNESS WHEREOF, the Parties place their signature to this agreement:

For ANC 1B:


Robb Hudson
Commissioner 1B11

For Darnell Perkins & Associates, LLC:




James A. Turner
Chair ANC 1B, Commissioner 1B09