

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

In the Matter of:)
)
Shabby, LLC)
t/a Due South)
)
Holder of a)
Retailer's Class CR License)
)
at premises)
301 Water Street, S.E.)
Washington, D.C. 20003)
)

License No. ABRA-097053
Order No. 2016-404

Shabby, LLC, t/a Due South (Licensee)

Andy Litsky and Dr. Coralie Farlee, Commissioners, Advisory Neighborhood Commission (ANC) 6D

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ORDER ON AMENDMENT TO COOPERATIVE AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Shabby, LLC, t/a Due South (Licensee), and ANC 6D entered into Settlement Agreement (Agreement), dated December 8, 2014, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Cooperative Agreement (Amendment), dated June 13, 2016, in accordance with D.C. Official Code § 25-446 (2001).

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Andy Litsky and Dr. Coralie Farlee, on behalf of ANC 6D, are signatories to the Amendment.

Accordingly, it is this 22nd day of June, 2016, **ORDERED** that:

1. The above-referenced Amendment to Cooperative Agreement, dated June 13, 2016, 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 6D.

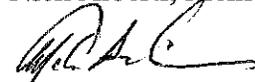
District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



Nick Alberti, Member



Mike Silverstein, Member



Ruthanne Miller, Member



James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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).

ALCOHOLIC BEVERAGE
REGULATION ADMIN

2016 JUN 14 P 12:15

AMENDMENT #1 TO COOPERATIVE AGREEMENT

ABRA

THIS AMENDMENT TO SETTLEMENT AGREEMENT is made on this 13th day of June, 2016, by and between Shabby, LLC, v/a Due South, License Class CR # 097053 (licensee) and Advisory Neighborhood Commission 6D (ANC6D) the ANC ("The ANC"), collectively, the Parties. This amendment supplements the Cooperative Agreement dated December 8, 2014, between Due South and ANC6D and finalized by amended ABC Board Order #2015-088 dated March 11, 2015.

RECITALS

WHEREAS, Licensee and ANC6D entered into new Cooperative Agreement dated December 8, 2014, for an establishment located at 301 Water Street, SE, Washington, D.C. 20003, and

WHEREAS, original Cooperative Agreement dated December 8, 2014, provided for the operation of and the selling, serving, and consuming of alcohol in a Summer Garden, with a total occupancy of 92 patrons, as follows:

Sunday through Saturday, 10:00 a.m. to 2:00 a.m., and

WHEREAS, the Licensee is now requesting a second Summer Garden, with capacity of 31 patrons, for the hours of: Sunday through Saturday 11:00 a.m. to 2:00 a.m.

WHEREAS, the Parties request that the Alcoholic Beverage Control Board approve this Amendment to Cooperative Agreement conditioned upon the Licensee's compliance with the terms of this written Amendment and the previously executed Cooperative Agreement and Board Order and ABRA License; and

NOW, THEREFORE, in consideration of the recitals set forth above, it is mutually understood and agreed by and between the undersigned Parties to amend the previously executed Agreement as follows:

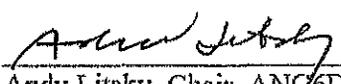
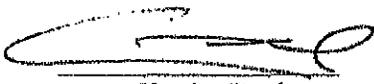
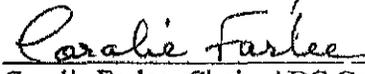
1. *Recitals Incorporated.* The recitals set forth above are incorporated herein by reference.
2. Paragraph 3 is amended to add the following:

Hours of operation and sales, service, and consumption of alcohol in the second summer garden shall be: Sunday through Saturday, 11:00 a.m. to 2:00 a.m.

3. Paragraph 5 is amended to add the following: The second Summer Garden shall have no live music or entertainment, but may have recorded music provided it is not audible in any residence. No containers, cups, bottles/cans, etc. shall be permitted outside of or to leave this area regardless of content.

4. **Compliance with ABRA Regulations.** Licensee promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations and all other provisions applicable to liquor licenses.

5. **Agreement Otherwise Unamended.** Except as otherwise provided herein, the terms and conditions of the previously executed Cooperative Agreement, Board Order, and License are expressly reaffirmed and remain in full force and effect.

FOR ANC6D		FOR LICENSEE	
Advisory Neighborhood Commission 6D:		Shabby, LLC t/a Due South	
 Andy Litsky, Chair, ANC6D	6/13/16 DATE	 Charles Banks Managing Member	6/14/16 DATE
 Coralie Farlee, Chair, ABC Committee	6/13/16 DATE		

★ ★ ★
ANC 6D

Near Southeast/Southwest
Advisory Neighborhood Commission

ALCOHOLIC BEVERAGE
REGULATION ADMIN

JUN 14 P 12:15

ABRA

June 13, 2016

1101 Fourth Street, SW
Suite W 130
Washington, DC 20024
202.554.1795
Email: office@anc6d.org
Website: www.anc6d.org

Donovan Anderson, Chair
Alcohol Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

OFFICERS

- Chairperson
Andy Litsky
- Vice Chairperson
Rachel Reilly Carroll
- Secretary
Stacy Cloyd
- Treasurer
Meredith Fascett

Re: ANC6D recommendation for Amendment #1 to Cooperative Agreement 12/8/14, Board Order #2015-079 3/4/15, and amended Board Order #2015-088 3/11/15 for Shabby, LLC t/a Due South, 301 Water Street, SE, License Class CR ABRA-097053

Dear Mr. Anderson:

At its regularly scheduled, properly noticed meeting on June 13, 2016, with a quorum present, the Advisory Neighborhood Commission 6D voted 7 to 0 to 0 to recommend Amendment 1 to the Cooperative Agreement for Due South, ABRA #097053 for a second summer garden.

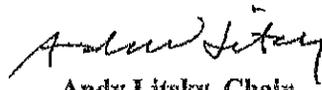
COMMISSIONERS

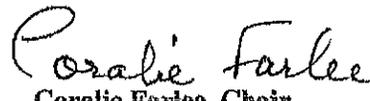
- SMD 1 *Marjorie Lightman*
- SMD 2 *Stacy Cloyd*
- SMD 3 *Rachel Reilly Carroll*
- SMD 4 *Andy Litsky*
- SMD 5 *Roger Moffatt*
- SMD 6 *Rhonda Hamilton*
- SMD 7 *Meredith Fascett*

The Licensee has been operating in the SE area of ANC6D for about a year and now plans to add a second summer garden (gazebo) to the earlier license and Establishment. This Establishment has been a good addition to the SE/Navy Yard area. The ANC6D supports this amendment.

Please contact Commissioner Litsky (at the number above) or Coralie Farlee, Chair, ABC Committee, ANC6D at 202-554-4407, cfarlee@mindspring.com if you have any questions or concerns.

Sincerely,


Andy Litsky, Chair
ANC6D


Coralie Farlee, Chair
ABC Committee, ANC6D

Cc: Martha Jenkins

Attachment: Amendment #1 to CA