

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

In the Matter of:	)	
	)	
NCS, Inc.	)	License Number: 24321
t/a Duplex Diner	)	ORDER NUMBER: 2010-324
	)	
Holder of a	)	
Retailer's Class CR License	)	
at premises	)	
2004 18 <sup>th</sup> Street, N.W.	)	
Washington, D.C. 20009	)	

NCS, Inc., t/a Duplex Diner, Applicant

Lucy Barber, Vernon House Condominium Association

**BEFORE:** Charles Brodsky, Chairperson  
Mital M. Gandhi, Member  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member

**ORDER ON AMENDED AND RESTATED VOLUNTARY AGREEMENT**

The official records of the Alcoholic Control Board (Board) reflect that NCS, Inc., t/a Duplex Diner, (Applicant), Holder of a Retailer's Class CR License located at 2004 18<sup>th</sup> Street, N.W., Washington, D.C., and Lucy Barber on behalf of the Vernon House Condominium Association (collectively, the "Parties") have entered into an Amended and Restated Voluntary Agreement (Agreement) dated March 30, 2010, setting forth the terms and conditions that govern 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 Lucy Barber on behalf of the Vernon House Condominium Association are signatories to the Agreement.

**NCS, Inc.**  
**t/a Duplex Diner**  
**License No: 24321**  
**Page 2**

Accordingly, it is this 21<sup>st</sup> day of April 2010, **ORDERED** that:

1. The Application filed by NCS, Inc., t/a Duplex Diner, Holder of a Retailer's Class CR license located at 2004 18<sup>th</sup> Street, N.W., Washington, D.C., is **GRANTED**;
2. This above-referenced Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
3. Copies of this Order shall be sent to the Applicant and the Vernon House Condominium Association.

District of Columbia  
Alcoholic Beverage Control Board



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Charles Brodsky, Chairperson

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Mital M. Gandhi, Member



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Nick Alberti, Member



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Donald Brooks, Member

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Herman Jones, 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, 1250 U Street, N.W., Third Floor, Washington, DC 20009.

## AMENDED AND RESTATED VOLUNTARY AGREEMENT

THIS AMENDED AND RESTATED VOLUNTARY AGREEMENT, dated this 30<sup>th</sup> day of March 2010 by and between NCS, Inc. t/a 18<sup>th</sup> & U Duplex Diner ("Applicant") and Vernon House Condominium ("Vernon House")

### RECITALS

WHEREAS, Applicant and Vernon House entered into a Voluntary Agreement dated October 14, 1996;

WHEREAS, the parties desire to amend and restate the Voluntary Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

A. Sound and Vibration Control. Applicant acknowledges the requirements of DC Code Section 725 which prohibits any licensee from producing, by way of mechanical devices, machines, amplifiers or musical instruments, sound, noise, or music of such intensity that it may be heard in any premises other than the licensed premises. The roof-mounted mechanical systems and vents will be directed toward the 18<sup>th</sup> Street side of the premises. The operation of this equipment will not be significantly audible to nearby residents.

B. Venting. All kitchens vents shall be directed towards 18<sup>th</sup> Street and directed away from nearby residents.

C. Roof Drainage. The roof shall be maintained in such a way as to ensure that drainage at no time will threaten to flood any adjacent property. It is understood that the owner of the property has the ultimate responsibility in this regard.

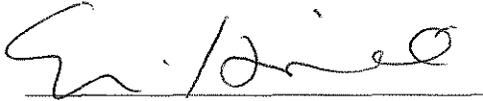
D. Trash Removal and Health Safety.

- a. Applicant shall clear and maintain the trash area and keep it free of debris and weeds.
- b. Applicant shall maintain closed trash receptacles.
- c. Applicant shall hose down and disinfect the trash area to eliminate odors.
- d. Applicant shall dispose of trash in the receptacles in a quiet manner.
- e. Applicant shall bait the trash area for rats.

E. Availability of Voluntary Agreement. Licensee shall post a copy of this agreement in the premises and make it available for review by all employees.

F. Supersedes Previous Voluntary Agreement. This Amended and Restated Voluntary Agreement replaces the previous Voluntary Agreement between the parties dated October 14, 1996.

Signed and dated:



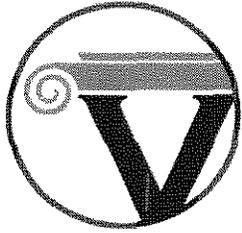
Eric Hirshfield  
NCS, Inc. t/a 18<sup>th</sup> and U Duplex Diner

3/30/2010  
Date



Lucy Barber  
Vernon House Condominium Association

3/30/2010  
Date



# VERITAS LAW

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April 6, 2010

## VIA E-MAIL AND HAND DELIVERY

Thea D. Davis  
Assistant Attorney General  
Office of the General Counsel  
Alcoholic Beverage Regulation Administration  
1250 U Street, N.W., 3rd Floor  
Washington D.C. 20009

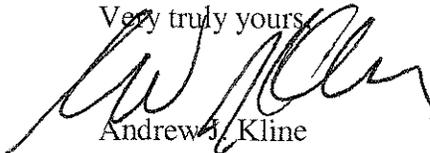
**RE: NCS, Inc t/a 18<sup>th</sup> & U Duplex Diner  
2004 18<sup>th</sup> Street, NW;  
Amended and Restated Voluntary Agreement**

Dear Ms. Davis:

Enclosed, for the Board's consideration, please find an Amended and Restated Voluntary Agreement signed by Eric Hirshfield on behalf of the Licensee and Lucy Barber on behalf of Vernon House Condominium.

We are respectfully requesting that the Board approve the Amended and Restated Voluntary Agreement and issue an Order that the amended Voluntary Agreement shall supersede the Voluntary Agreement first entered into by the parties. Please let me know if you need any additional information in order to process this request.

Very truly yours,



Andrew J. Kline

AJK/jrj

Encl.

cc: Fred Moosally, Director, ABRA  
Cynthia Simms, ABRA  
Eric Hirshfield