

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

\_\_\_\_\_)  
**In the Matter of:** )  
 )  
Shitu, Inc. )  
t/a Gee's Market )  
 )  
Application for Renewal of a )  
Retailer's Class B License )  
 )  
at premises )  
3583 Warder Street, N.W. )  
Washington, D.C. 20010 )  
\_\_\_\_\_)

Case No. 14-PRO-00076  
License No. ABRA-083125  
Order No. 2015-069

Shitu, Inc., t/a Gee's Market (Applicant)

Kent Boese, Chairperson, Advisory Neighborhood Commission (ANC) 1A

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

**ORDER ON SETTLEMENT AGREEMENT AND  
WITHDRAWAL OF PROTEST OF ANC 1A**

The Application filed by Shitu, Inc., t/a Gee's Market, for renewal of its Retailer's Class B License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on November 24, 2014, in accordance with D.C. Official Code § 25-601 (2001).

The Applicant and ANC 1A have entered into a Settlement Agreement (Agreement), dated November 25, 2014, 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 Chairperson Kent Boese, on behalf of ANC 1A, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 1A of this Application.

Accordingly, it is this 25th day of February, 2015, **ORDERED** that:

1. The Application filed by Shitu, Inc., t/a Gee's Market, for renewal of its Retailer's Class B License, located at 3583 Warder Street, N.W., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 1A in this matter is hereby **WITHDRAWN**;
3. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modification:

Section 10 (Notice and Opportunity to Cure) – The following sentence shall be modified to read as follows: “If Applicant or the licensee fails to cure within the 30-day period (or, with respect to a breach which reasonably requires more than 30-days to cure, fails to commence cure of such breach and diligently pursues such cure) failure shall constitute a cause for filing a complaint with the ABC Board pursuant to D.C. Official Code § 25-446(e) in order to enforce the provisions of the Agreement.”

The parties have agreed to this modification.

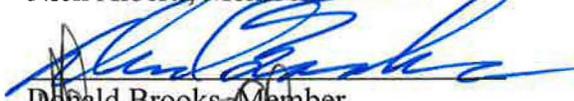
4. Copies of this Order shall be sent to the Applicant and ANC 1A.

District of Columbia  
Alcoholic Beverage Control Board

\_\_\_\_\_  
Ruthanne Miller, Chairperson



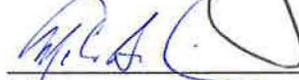
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Nick Alberti, Member



\_\_\_\_\_  
Donald Brooks, Member



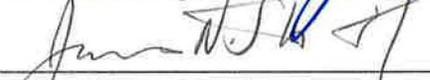
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Herman Jones, Member



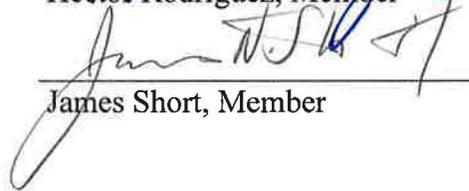
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Mike Silverstein, Member



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Hector Rodriguez, Member



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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 14<sup>th</sup> 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).



## ADVISORY NEIGHBORHOOD COMMISSION 1A

SMD 1A01 – Daniel Kornfield  
SMD 1A04 – Mogan Corr  
SMD 1A07 – Thomas Boisvert  
SMD 1A10 – Anthony Cimino

SMD 1A02 – Vickey Wright-Smith  
SMD 1A05 – Kevin Holmes  
SMD 1A08 – Kent Boese  
SMD 1A11 – Dotti Love Wade

SMD 1A03 – Steve Swank  
SMD 1A06 – Patrick W. Flynn  
SMD 1A09 – Bobby Holmes  
SMD 1A12 – Rosalind M. Gilliam

### SETTLEMENT AGREEMENT

THIS VOLUNTARY AGREEMENT (“Agreement”) is made on this 25 day of November 2014 by and between Shitu, Inc. t/a Gee’s Market (“Applicant”), and Advisory Neighborhood Commission 1A (“Protestant”), (collectively, the “Parties”).

#### WITNESSETH

WHEREAS, Applicant has applied for renewal of the License Class B (License No.: ABRA-083125) for the grocery store premises (“Grocery”) located at 3583 Warder St NW, Washington, D.C. (“Premises”);

WHEREAS, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Control Board (“ABC Board”) approve the Applicant’s license application conditioned upon the Applicant’s compliance with the terms of this written Agreement; and

WHEREAS, the Parties are desirous of entering into a Settlement Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to minimize the effect on (i) the peace, order and quiet neighborhood and (ii) pedestrian safety and vehicular traffic, and to eliminate the need for a Protest Hearing regarding the license application.

NOW, THEREFORE, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the Parties agree as follows:

1. ***Recitals Incorporated.*** The recitals set forth above are incorporated herein by reference.
2. ***Nature of the Business.*** The Applicant will manage and operate a grocery store selling foodstuffs, household items, and other items. Applicant is authorized to sell beer and wine upon approval of their application.
3. ***Hours of Operation and Sales.*** In order to keep the peace and quiet of the surrounding neighborhood, thereby making the store appropriate for the neighborhood, the Applicant will not sell alcoholic beverages before 9:00 am or after 10:00 pm daily.

4. **Consumption.** Alcohol consumption is not and will not be permitted anywhere on the premises, and the Licensee will report intoxicated persons, or persons drinking alcohol within the immediate vicinity under direct control and operation of the Licensee's location to the Metropolitan Police Department.
5. **Public Space and Trash.** Applicant shall keep the sidewalk (up to and including the curb), tree box(es), curb, and abutting alley clean and free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall police these areas sufficiently during operating hours to ensure that refuse and other materials are promptly removed. The Applicant agrees to obtain a dumpster to be placed in the rear of the building. Applicant shall ensure that the area around the dumpster is kept clean at all times and the dumpster is placed such that it does not encroach on the abutting property owners and so that no garbage is placed on the abutting property.
6. **Rats and Vermin Control.** The Applicant shall provide rat and vermin control for its property. Applicant shall provide proof of its rat and vermin control contract upon the request of the Board. Applicant shall have the Grocery and the area around the Premises properly cleaned at the end of each night to ensure that there is not garbage and odors present the following morning.
7. **Graffiti and Tagging.** Applicant will be responsible for ensuring that the area surrounding the Applicant's premises remains graffiti-free. If Applicant's premises is defaced by graffiti or "tagging", it is Applicant's responsibility to ensure that the graffiti is removed from Applicant's premises.
8. **License Ownership and Compliance with ABRA Regulations.** Applicant promises to Protestants that it shall abide by all Alcohol Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licensees, and agrees that Protestants shall have standing to ask the ABC Board to enforce any violations of the agreement.
9. **Compliance with District Laws and Regulations.** Applicant understands, agrees, and promises that they will maintain compliance with all District Laws and Regulations at all times. Specifically, Applicant will not engage in any illegal activities such as but not limited to: sale to underage minors, sale of illegal/unregulated substances, and sale of individual cigarettes.
10. **Notice and Opportunity to Cure.** In the event that any of the parties is in breach of this Agreement, it shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the Agreement. Unless the breach is of an emergency nature or is a repetition of a prior breach, reasonable notice and

opportunity shall provide for a cure within 30 days of the date of such notice. If Applicant or the licensee fails to cure within the 30-day period (or, with respect to a breach which reasonably requires more than 30-days to cure, fails to commence cure of such breach and diligently pursues such cure) failure shall constitute a cause for seeking a Show Cause Order from the ABC Board pursuant to D.C. Official Code § 25-447. Unless otherwise noted above, any notices required to be made under this Agreement shall be in writing and mailed via certified mail, return receipt requested, postage prepaid, or hand-delivered, to the other parties to this Agreement at the following addresses. Notice shall be deemed given as of the time of receipt or refusal of receipt:

If to Applicant:  
Gee's Market  
3583 Warder St., NW  
Washington, DC 20010  
ATTN: Daniel Tafa

If to Protestants:  
Advisory Neighborhood Commission 1A  
3100 11<sup>th</sup> St. NW  
Washington, DC 20010  
ATTN: Kent Boese, Chairman  
202-904-8111

Failure to give notice shall not constitute waiver or acquiescence to the violation, but notice shall be a prerequisite to the filing of a complaint with the ABC Board or any other enforcement action.

**PROTESTANT:**



Kent Boese  
Chairman, ANC 1A

**APPLICANT:**



Daniel Tafa  
President, Gee's Market



Abdulkder K. Yahya  
Vice President