

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

In the Matter of:)	
)	
Last Laugh, LLC)	
t/a High Dive)	
)	
Applicant for Substantial Change)	Case No. 15-PRO-00068
(Sidewalk Café))	License No. ABRA-097821
to a Retailer's Class CT License)	Order No. 2015-541
)	
at premises)	
2337 18th Street, N.W.)	
Washington, D.C. 20009)	

Last Laugh, LLC, t/a High Dive (Applicant)

Ted Guthrie, Commissioner, Advisory Neighborhood Commission (ANC) 1C

Denis James, on behalf of A Group of Three Individuals

Denis James, President, Kalorama Citizens Association (KCA)

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

**ORDER ON FIRST AMENDMENT TO SETTLEMENT AGREEMENT AND
WITHDRAWAL OF PROTESTS**

The Application filed by Last Laugh, LLC, t/a High Dive, for a Substantial Change to include a Sidewalk Café to its Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on September 14, 2015, and Protest Status Hearing on October 21, 2015, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Board reflect that a previous holder of a license for the premises, ANC 1C, and KCA entered into two (2) separate Settlement Agreements dated

October 6, 2004 and November 3, 2004 (Agreements), and the Agreements were approved by the Board on February 14, 2005. *See* Board Order No. 2005-41. The Applicant, as the current holder of the ABC-license, is required to comply with the terms of the Agreements, dated October 6, 2004 and November 3, 2004, that govern the operation of the Applicant's establishment. This matter comes now before the Board to consider the Parties' First Amendment to Settlement Agreement (Amendment), signed on November 5, 2015, in accordance with D.C. Official Code § 25-446 (2001).

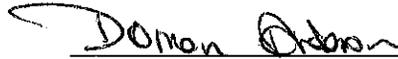
The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Applicant; Commissioner Ted Guthrie, on behalf of ANC 1C; and Denis James, on behalf of KCA; are signatories to the Amendment.

This Amendment constitutes a withdrawal of the Protests filed by ANC 1C and the Group of Three Individuals.

Accordingly, it is this 18th day of November, 2015, **ORDERED** that:

1. The Application filed by Last Laugh, LLC, t/a High Dive, for a Substantial Change to include a Sidewalk Café to its Retailer's Class CT License, located at 2337 18th Street, N.W., Washington, D.C., is **GRANTED**;
2. The Protests of ANC 1C and the Group of Three Individuals in this matter are hereby **DISMISSED**;
3. The above-referenced First Amendment to Settlement Agreement, signed on November 5, 2015, submitted by the parties 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 original Agreements, not amended by the Amendment, shall remain in full force and effect; and
5. Copies of this Order shall be sent to the Applicant, ANC 1C, and KCA.

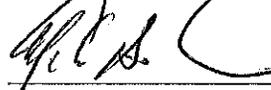
District of Columbia
Alcoholic Beverage Control Board



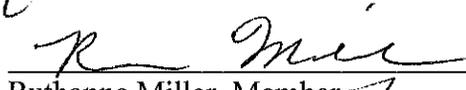
Donovan Anderson, Chairperson



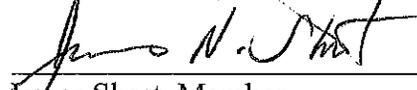
Nick Alberti, Member



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).

FIRST AMENDMENT TO SETTLEMENT AGREEMENTS

Whereas, Last Laugh, LLC, t/a High Dive, 2337 18th Street, N.W. is holder of CT-01, Retailer's Class "C" Tavern License Number ABRA-097821, and is the successor business to Pharmacy Bar at that same address, for which the ABC license number was 25613.

Whereas, both Advisory Neighborhood Commission 1C and the Kalorama Citizens Association are party to separate Settlement Agreements approved by the Board in Board Order Number 2005-41.

The parties now wish to amend those agreements in the following manner:

SIDEWALK CAFÉ

Applicant may operate a sidewalk café in front of the premises during the following hours:

Sunday – Thursday: 11:00 am – 12:00 midnight

Friday and Saturday: 11:00 am – 2:00 am

There shall be no entertainment on the sidewalk café.

Patrons at the sidewalk café will be offered menus of the establishment's offerings upon being seated.

ENTERTAINMENT

Applicant agrees that it will not advertise or promote the establishment as a venue for dancing, and will not construct a dance floor or otherwise set aside any portion of the establishment for dancing.

Applicant agrees that any live music that is offered will include no more than three unamplified instruments. Vocal performances that occur with unamplified instruments may be amplified.

There shall be no cover charges associated with entertainment at the establishment.

Entertainment at the establishment shall conclude ½ hour before closure each night of operation.

Doors and windows of the establishment shall be closed at any time that entertainment is being provided (except that doors may be opened when patrons are actually entering or exiting the establishment).

FOR LAST LAUGH, T/A HIGH DIVE

Tristan Magee, owner



Signature

11/5/15

Date

FOR ANC IC

Ted Guthrie, Commissioner

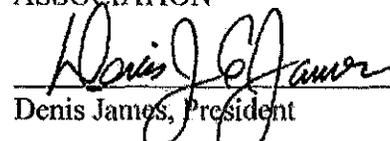


Signature

11/5/15

Date

FOR KALORAMA CITIZENS
ASSOCIATION



Denis James, President

11-5-2015

Date