

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

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In the Matter of:)	
Los Cuates Restaurant, Inc.)	
t/a Los Cuates)	
)	License No. 79261
)	Order No. 2010-403
Petition to Terminate a)	
Voluntary Agreement for a)	
Retailer's Class DR License)	
)	
at premises)	
1564 Wisconsin Avenue, N.W.)	
Washington, D.C. 20007)	
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Los Cuates Restaurant, Inc., t/a Los Cuates, Petitioner

Ron Lewis, Chairperson, Advisory Neighborhood Commission (ANC) 2E, Protestant

Luis E. Merchan, Vice President, Citizens Association of Georgetown (CAG), Protestant

Patricia J. Wathen, Francesca S. Smoot, and John W. Goodrich-Mahoney, Protestants

BEFORE: Nick Alberti, Acting Chairperson
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

**ORDER ON SECOND AMENDMENT TO VOLUNTARY AGREEMENT AND
WITHDRAWAL OF PROTEST**

The official records of the Alcoholic Control Board (Board) reflect that Los Cuates Restaurant, Inc., t/a Los Cuates (Petitioner), filed a Petition to Terminate its Voluntary Agreement for a Retailer's Class DR License located at 1564 Wisconsin Avenue, N.W., Washington, D.C. The Petitioner, Chairperson Ron Lewis, on behalf of ANC 2E, Vice President Luis E. Merchan, on behalf of CAG, Patricia J. Wathen, Francesca S. Smoot, and John W. Goodrich-Mahoney have entered into a Second Amendment to Voluntary Agreement, dated June 30, 2010, setting forth the terms and conditions that govern the operation of the Applicant's establishment. The Agreement also constitutes a withdrawal of the Protest of this Petition.

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t/a Los Cuates
License No: 79261
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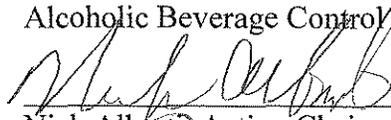
The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Petitioner, Chairperson Ron Lewis, on behalf of ANC 2E, Vice President Luis E. Merchan on behalf of CAG, Patricia J. Wathen, Francesca S. Smoot, and John W. Goodrich-Mahoney are signatories to the Agreement.

Accordingly, it is this 28th day of July 2010, **ORDERED** that:

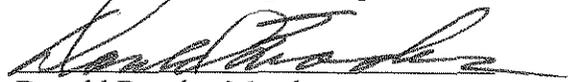
1. The Protest in this matter is hereby **DISMISSED**;
2. The above-referenced Agreement submitted by the Petitioner, ANC 2E, CAG, Patricia J. Wathen, Francesca S. Smoot, and John W. Goodrich-Mahoney to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Petitioner, ANC 2E, CAG, Patricia J. Wathen, Francesca S. Smoot, and John W. Goodrich-Mahoney.

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District of Columbia
Alcoholic Beverage Control Board

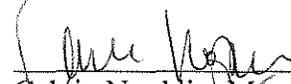


Nick Alberti, Acting Chairperson



Donald Brooks, Member

Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, 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., 3rd Floor, Washington, D.C. 20009.

Los Cuates Restaurant, Inc.; 1564 Wisconsin Avenue, NW
License No. 71466

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATION ADMINISTRATION

2010 JUL 12 P 12:34

30th THIS SECOND AMENDMENT TO VOLUNTARY AGREEMENT, made this 12th day of June 2010 (the "Second Amendment") by and between Los Cuates Restaurant, Inc. t/a Los Cuates (the "Licensee") located at 1564 Wisconsin Avenue, NW, Washington, DC; the Citizens Association of Georgetown, a District of Columbia not for profit corporation, having its principal office at 1365 Wisconsin Avenue, NW, Washington, DC ("CAG"); Advisory Neighborhood Commission 2E having its principal office at 3265 S Street, NW, Washington, DC ("ANC 2E"); Patricia J. Wathen ("Wathen") residing at 3244 Q Street, NW, Washington, DC; Francesca S. Smoot ("Smoot"), residing at 3246 Q Street, NW, Washington, DC and John W. Goodrich-Mahoney ("Goodrich- Mahoney") residing at 3242 Q Street, NW, Washington, DC (CAG, ANC 2E, Wathen, Smoot, and Goodrich-Mahoney are sometimes hereinafter collectively referred to as the "Protestants")

WHEREAS, Licensee operates its restaurant with a Class C alcoholic beverage license issued by the District of Columbia Alcoholic Beverage Control Board (the "Board");

WHEREAS, Licensee's predecessor, Island Hospitality t/a Red Ginger Bistro ("Island") entered into a Voluntary Agreement dated June 26, 2001 (the "2001 Agreement") with the Protestants and Edric Sherman, as an additional protestant;

WHEREAS, Island and the Protestants entered into an Amendment to Voluntary Agreement dated June 27, 2006 (the "First Amendment");

WHEREAS, the parties desire to further amend the Voluntary Agreement upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the premises recited above, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.
2. Amendment of Capacity Restriction. The amendment to provision 1 of the 2001 Agreement concerning seating capacity is hereby deleted and the following shall constitute provision 4 of the Voluntary Agreement:

The establishment shall have maximum seating capacity of 50 in the existing first floor area. The establishment may expand to either the second floor of the premises, or to an addition constructed to the building in the rear of the current premises, but in any event, additional occupancy shall be limited to 50 patrons. Any further expansion shall be deemed a substantial change, and subject to Board approval. Normal patron access

to the second floor shall be through the first floor area, however, patron access for private parties may be through an exterior street entrance to the second floor.

3. Amendment Concerning Hours of Operation. The amendment of provision 5 contained in the First Amendment is hereby deleted and the following shall be provision 5 of the Voluntary Agreement:

The establishment may operate from 11:30 a.m. to 11:00 p.m. on Sunday through Thursday, and from 11:30 a.m. to 12:00 midnight on Friday and Saturday, provided, however, that the restaurant shall close its doors one hour before the closing time and shall not admit additional patrons after such time.

4. Amendment to Provision 26. Provision 26 of the 2001 Voluntary Agreement concerning mailing of written notices is amended to update the names and addresses of certain parties as follows:

- a. If to the Licensee, to
Los Cuates Restaurant, Inc.
ATTN: Mauricio Sepulveda
1564 Wisconsin Avenue Northwest
Washington, DC 20007

5. Exhaust Fan. Licensee shall install an enclosure surrounding the exhaust fan for its kitchen with sufficient height to reasonably muffle the sound emitted by such exhaust fan in the neighborhood. The enclosure shall be installed within three (3) months of signing of this amendment by all parties to the amendment.

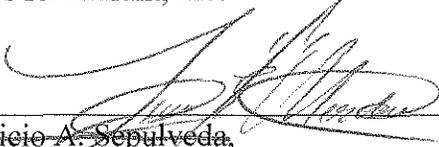
6. Signage for Parking Spaces. Licensee shall advertise the availability of validated parking as required by the Voluntary Agreement on the Licensee's website, in the front window of the premises, and on Licensee's menus.

7. Agreement Otherwise in Full Force and Effect. Except as otherwise explicitly provided herein, the 2001 Agreement, as amended by the First Amendment and by this Second Amendment, shall remain in full force and effect and constitute the agreement between the parties. This Agreement may only be modified by written agreement of all the parties or their successors, or otherwise in accordance with law.

IN WITNESS WHEREOF, the parties have executed this Second Amendment to Voluntary Agreement as of the day and year first written above.

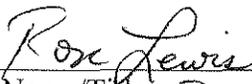
LICENSEE:

Los Cuates Restaurant, Inc.

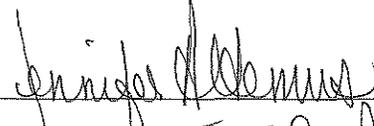
By: 
Mauricio A. Sepulveda, _____ (title)
Luis E. Merchan, Vice President

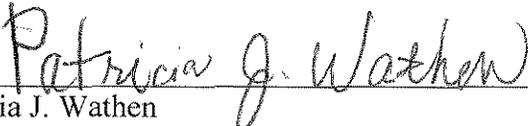
PROTESTANTS:

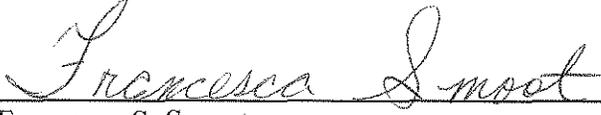
ANC 2E

By: 
Print Name/Title: RON LEWIS, CHAIR, ANC 2E

CAG

By: 
Print Name/Title: Jennifer Altemus / CAG President


Patricia J. Wathen


Francesca S. Smoot


John W. Goodrich-Mahoney