

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

In the Matter of:

Bakhtar Group, LLC
t/a Malmaison

Application for Renewal of a
Retailer's Class CR License

at premises
3401 K Street, N.W.
Washington, D.C. 20007

Case No.: 16-PRO-00046
License No.: ABRA-085367
Order No.: 2016-455

Bakhtar Group, LLC, t/a Malmaison (Applicant)

Bill Starrels, Vice Chairman, Advisory Neighborhood Commission (ANC) 2E

Robert P. vom Eigen, President, Citizens Association of Georgetown (CAG)

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

**ORDER ON SUPPLEMENTAL SETTLEMENT AGREEMENT
AND WITHDRAWAL OF PROTESTS**

The Application filed by Bakhtar Group, LLC, t/a Malmaison (Applicant), for renewal of its Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 13, 2016, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Alcoholic Beverage Control Board (Board) reflect that The Applicant, ANC 2E, and CAG have entered into a Settlement Agreement (Agreement), dated September 27, 2011, that governs the operation of the Applicant's establishment.

This matter comes now before the Board to consider the Parties' a Supplemental Settlement Agreement (Supplemental), dated July 5, 2016, in accordance with D.C. Official Code § 25-446 (2001).

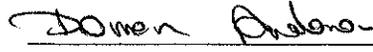
The Supplemental has been reduced to writing and has been properly executed and filed with the Board. The Applicant; Vice Chairman Bill Starrels, on behalf of ANC 2E; and Robert P. vom Eigen, on behalf of CAG; are signatories to the Supplemental.

This Supplemental constitutes a withdrawal of the Protests filed by ANC 2E and CAG of this Application.

Accordingly, it is this 20th day of July, 2016, **ORDERED** that:

1. The Application filed by Bakhtar Group, LLC, t/a Malmaison, for renewal of its Retailer's Class CR License, located at 3401 K Street, N.W., Washington, D.C., is **GRANTED**;
2. The Protests of ANC 2E and CAG in this matter are hereby **WITHDRAWN**;
3. The above-referenced Supplemental Settlement Agreement 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 Settlement Agreement not amended by the Supplemental, shall remain in full force and effect; and
5. Copies of this Order shall be sent to the Applicant, ANC 2E, and CAG.

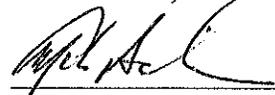
District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



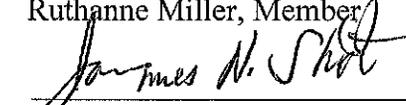
Nick Alberti, Member



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).

SUPPLEMENTAL SETTLEMENT AGREEMENT

Made this 5th day of July, 2016, by and between BAKHTAR GROUP, LLC, t/a MALMAISON (Applicant), ADVISORY NEIGHBORHOOD COMMISSION 2E (the ANC) and the CITIZENS ASSOCIATION OF GEORGETOWN (CAG).

WITNESSETH

WHEREAS, Applicant has filed an application for renewal of its Retailer's Class CR Alcoholic Beverage Control license at 3401 K Street, N.W.; and,

WHEREAS, the ANC and CAG have protested said renewal application on peace, order and quiet grounds; and,

WHEREAS, the parties and others are signatories to a certain Voluntary Agreement dated September 27, 2011 and approved by the ABC Board by Order dated January 11, 2012; and,

WHEREAS, the parties desire to enter into this Supplemental Settlement Agreement, whereby certain additional commitments on the part of the Applicant are memorialized and the renewal protests may be withdrawn;

NOW, THEREFORE, in consideration of the premises above recited and the covenants and conditions set forth below, the parties agree as follows:

1. At all times when live entertainment (including DJ) is presented, Applicant's windows and door shall remain closed (except for normal ingress and egress through doors).
2. No musical sounds or vibrations originating from Applicant's premises shall be audible or perceptible at the North bank of the C&O Canal; provided, that any alleged breach of this restriction must be confirmed by an employee of the District of

Columbia government (such as an ABRA investigator or an officer of the Metropolitan Police Department).

3. The owner of the establishment may be contacted regarding a breach of this Agreement at any time on (571) 214-2859. The on-duty manager of the establishment may be contacted on (202) 817-3340.

4. This Supplemental Settlement Agreement is intended to supplement, and not supersede, the existing Voluntary Agreement described above.

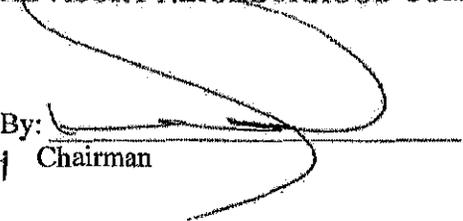
5. The ANC and CAG are relying on the foregoing commitments by the Applicant in determining to withdraw their pending protests of the Applicant's license renewal application. The parties will submit this Agreement to the District of Columbia Alcoholic Beverage Control Board with their joint request that the terms hereof be incorporated in the Board's order approving the renewal application. Upon such approval, this instrument shall be deemed to constitute the withdrawal of the protests of the ANC and CAG to the pending renewal application.

IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the date first above written.

BAKHTAR GROUP, LLC

By: 
Managing Member

ADVISORY NEIGHBORHOOD COMMISSION 2E

By: 
Acting Chairman

CITIZENS ASSOCIATION OF GEORGETOWN

By: Robert vom Eigen
President

Robert vom Eigen