

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

In the Matter of:)	
)	
Moonkor Corporation)	
t/a S.E. Market)	
)	
Holder of a)	License No. ABRA-089011
Retailer's Class B License)	Order No. 2016-166
)	
at premises)	
1500 Independence Avenue, S.E.)	
Washington, D.C. 20003)	

Moonkor Corporation, t/a S.E. Market (Licensee)

Kirsten Oldenburg, Chairperson, Advisory Neighborhood Commission (ANC) 6B

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

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Moonkor Corporation, t/a S.E. Market (Licensee), and ANC 6B have entered into a Settlement Agreement (Agreement), dated April 12, 2016, that governs the operation of the Licensee's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Kirsten Oldenburg, on behalf of ANC 6B, are signatories to the Agreement.

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

1. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. This Settlement Agreement replaces and supersedes previous Settlement Agreements between the parties; and
3. Copies of this Order shall be sent to the Licensee and ANC 6B.

District of Columbia
Alcoholic Beverage Control Board

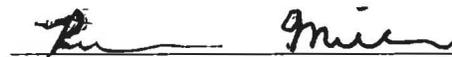


Donovan Anderson, Chairperson

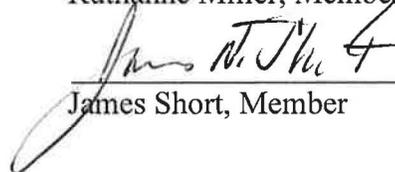


Nick Alberti, Member

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).

SETTLEMENT AGREEMENT BY AND BETWEEN
ADVISORY NEIGHBORHOOD COMMISSION 6B
and
Moonkor Corporation, t/a S.E. Market

Pursuant to this Settlement Agreement, ("Agreement"), by and between Moonkor Corporation, t/a S.E. Market ("Applicant") and Advisory Neighborhood Commission 6B ("ANC6B"), effective as of the date of its adoption by ANC6B, the parties hereby agree to be legally bound by the terms and conditions of this Agreement, superseding and replacing all previous agreements with respect to Applicant as it relates to its application for Substantial Change of its current Class "B" License (ABRA-089011) ("License"), now pending before the District of Columbia Alcoholic Beverage Regulatory Administration ("ABRA"), for conduct of business located at 1500 Independence Avenue SE, Washington, DC 20003 ("Premises").

WHEREAS Applicant has applied before ABRA to effect, and is seeking its approval of a Substantial Change to its current License for the Premises; and

WHEREAS Applicant and ANC6B wish to voluntarily and mutually memorialize the terms and conditions upon which ANC6B has agreed to support the Applicant's License, pursuant to the provisions of D.C. Code § 25-446, for the operation and maintenance of Applicant's business in such a manner as to further promote the security, sanitation, peace, order and quiet of the neighborhood in a manner that ANC6B deems to be in the best interests of the neighborhood; and

WHEREAS ANC6B hereby supports the Applicant's License upon the agreement of Applicant to execute and abide by the terms and conditions hereof;

It is THEREFORE AGREED AND RESOLVED as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. **Nature of the Business.** Applicant will manage and operate, at the address, a business that is regularly used for the sale of groceries, prepared food and alcoholic beverages. Applicant will operate a Retailer's Class A license under the following provisions:
 - a. Applicant will comply with all laws and regulations governing the operations of the business;
 - b. Applicant will not divide a manufacturer's package of more than one container of beer, malt liquor, or ale to sell an individual container of the package if the container is less than 70 ounces. Further, Applicant will not sell spirits (liquor) that are less than a half-pint in volume;
 - c. Applicant will discourage the illegal public consumption of alcohol inside, on the sidewalk adjacent or around the immediate area and will participate in an ABC Board-approved course in alcoholic beverage sales management;
 - d. Applicant will install, operate, and maintain operational security cameras to record and monitor activity in front of the establishment no later than September 31, 2016;
 - e. Applicant will not sell or provide cups, single servings of ice and utilize clear (without any color) plastic bags for customers to carry alcohol from the subject Premises; and,

- f. Applicant agrees to post this Settlement Agreement alongside the Applicant's ABC License.
- g. Any change from this model concerning hours of sales will be of concern to neighboring residents and businesses.

3. Hours of Operation and Sales

Applicant's hours of operation shall be as follows:

Monday through Sunday: 8 a.m. – 12:00 midnight

Applicant's hours of sales of alcohol shall be as follows:

Monday through Sunday: 8a.m. – 12:00 Midnight

4. Signage, Noise, and Privacy. Applicant will strictly comply with D.C. Official Code and will prohibit and prevent loitering, rowdiness, panhandling, and criminal activity within 100 feet of the Premises, to the best of its ability by:

- a. Affix a "No Loitering/Panhandling" sign of the outside of the establishment.
- b. Posting a notice kept in good repair and visible from point of entry, a sign which states:
 - i. the minimum age requirement for purchases of alcohol, and
 - ii. the obligation of the patron to produce a valid identification document in order to purchase alcohol
- c. Requesting loiterers to move on whenever they are observed outside of the establishment.
- d. Calling MPD to remove loiterers if they refuse Applicant's request to move on or if illegal activity is observed.
- e. Keeping a written record of dates and times when MPD is called for assistance. Applicant's log shall be provided to the Board upon request.
- f. Applicant will ensure timely disposal of trash that is the least disruptive to the neighbors and that commercial trash pick will only take place between 7:00 a.m. and 7:00 p.m.

5. Public Space Cleanliness and Maintenance. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:

- a. Exercising due diligence to prevent and or rid vermin infestation in and around the establishment, including following the recommendations and guidelines of the Vector Control Division of the Department of Public Work.
- b. Keeping its entire property and the sidewalk (up to and including the curb), tree box(es), curb, and 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 to assure that refuse and other materials are promptly removed.
- c. 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 that

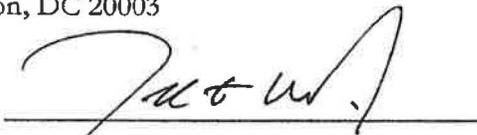
no garbage is placed on the abutting property or public space. Applicant shall ensure that no trash is placed outside the establishment other than in a fully-closed dumpster or compactor. Applicant shall ensure that the doors and/or lids on all dumpsters or compactors are fully closed at all times. Applicant shall not place trash in its dumpster or compactor in any manner that would prevent the full closure of the dumpster or compactor. Applicant shall ensure that all dumpsters and compactors used are properly maintained and replaced when damaged.

6. **Compliance with ABRA Regulations.** Applicant promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licenses.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

Applicant:

Mookor Corporation, t/a S.E. Market
ABRA# 089011
1500 Independence Avenue, SE
Washington, DC 20003

Signature: 

Date: 4/12/16

ANC:

Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue, SE
Washington, DC 20003
Kirsten Oldenburg, Chairperson

Signature: 

Date: 4-12-16


ANC 6B
Capitol Hill / Southeast

921 Pennsylvania Avenue SE
Washington, DC 20003-2141
6B@anc.dc.gov
202-546-8542

April 13, 2016

Donovan Anderson, Chair
Alcoholic Beverage Control Board
2000 14th Street NW, Suite 400S
Washington, DC 20009

OFFICERS

Chair
Kirsten Oldenburg

Vice-Chair
Brian Flehaven

Secretary
Daniel Chao

Treasurer
Diane Hoskins

Parliamentarian
Denise Krepp

VIA E-MAIL: abra.legal@dc.gov

RE: ABRA-089011—S.E. Market, 1500 Independence Avenue SE, Class change from Retailer's B Grocery Store to Retailer's A Liquor Store

Dear Mr. Anderson:

At its regularly scheduled, properly noticed meeting on April 12, 2016, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 9-0-0 to support the above-referenced substantial change.

For your review and approval, please find attached a Settlement Amendment, which was executed by both parties.

Please contact Commissioner Chander Jayaraman, ANC 6B's Alcohol Beverage Control Committee Chair, at 202-546-2609 or chander6b08@anc6b.org if you have questions or need further information. Thank you.

Sincerely,



Kirsten Oldenburg
Chair

Attachment

COMMISSIONERS

SMD 1 *Jennifer Samolyk*

SMD 2 *Diane Hoskins*

SMD 3 *James Loots*

SMD 4 *Kirsten Oldenburg*

SMD 5 *Steve Hegedorn*

SMD 6 *Nick Burger*

SMD 7 *Daniel Chao*

SMD 8 *Chander Jayaraman*

SMD 9 *Daniel Ridge*

SMD 10 *Denise Krepp*