

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

<b>In the Matter of:</b>	)	
	)	
Safeway, Inc.	)	
t/a Safeway	)	
	)	
Holder of a	)	License No. ABRA-093822
Retailer's Class B License	)	Order No. 2014-525
	)	
at premises	)	
3830 Georgia Avenue, N.W.	)	
Washington, D.C. 20011	)	

Safeway, Inc., t/a Safeway (Licensee)

Joseph M. Vaughan, Commissioner, on behalf of Advisory Neighborhood Commission (ANC) 4C

**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**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Safeway, Inc., t/a Safeway, (Licensee), and ANC 4C have entered into a Settlement Agreement (Agreement), dated October 8, 2014, 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 Commissioner Joseph M. Vaughan, on behalf of ANC 4C, are signatories to the Agreement.

Accordingly, it is this 18<sup>th</sup> day of December, 2014, **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, except for the following modifications:

Section 14 – This Section shall be modified to read as follows: “The parties further agree that failure by the Applicant to adhere to the foregoing Voluntary Agreement will constitute ground for the ANC to file a complaint with the ABC Board pursuant to D.C. Official Code § 25-446(e) in order to enforce the provisions of the Agreement.”

Section 15 – This Section shall be removed.

The parties have agreed to these modifications.

2. Copies of this Order shall be sent to the Licensee and ANC 4C.

District of Columbia  
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson

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Nick Alberti, Member

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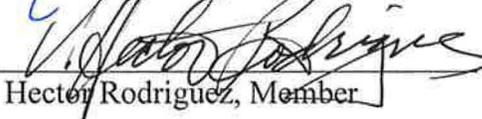
Donald Brooks, Member

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Herman Jones, Member



Mike Silverstein, Member



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 4C** (RW)

Washington, D.C. ALCOHOLIC BEVERAGE  
REGULATION ADMIN

2014 OCT 30 A 10:11

VOLUNTARY AGREEMENT ABRA

Pursuant to the provisions of D.C. Official Code Section 25-446, the parties hereto, Safeway, Inc. (the "Applicant") and Advisory Neighborhood Commission 4C, (the "ANC"), enter into this Voluntary Agreement this 8 day of Oct., 2014.

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "B" license at its Safeway store location at 3830 Georgia Avenue, N.W., Washington, D.C. (the "premises"), ABC License No. ABRA-093822 is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of ANC 4C; and,

WHEREAS, the parties desire to enter into a voluntary agreement governing certain understandings regarding the issue of a Retailers' Class "B" liquor license at the subject premises;

NOW, THEREFORE, the parties agree as follows:

1. Applicant will take action reasonable and necessary to prohibit and prevent loitering and panhandling within 100 feet of the premises by:
  - A. Posting and maintaining "No Loitering, No Panhandling" signs on the premises. These signs will be printed in English and Spanish and will be posted within 30 days after an alcoholic beverage license is issued and will also request customers not to contribute to panhandlers on the premises. The Applicant will also ask loiterers to "move on" whenever they are observed on the premises or in the parking lot area that is immediately adjacent to the premises; and
  - B. Calling the Metropolitan Police Department to enforce the "no loitering, no panhandling" policy on the premises.
2. The Applicant shall take reasonable measures to ensure that the immediate environs of the establishment, including adjacent alleys, sidewalks, or other public property immediately adjacent to the premises, or other property used by the Applicant to conduct its business, are kept free of litter. The Applicant shall comply with the Litter Control Expansion Amendment Act of 1987 (D.C. Law 7-38).

3. The Applicant will maintain human and/or electronic surveillance in its aisles in which beer and wine are displayed.
4. The Applicant will not sell single containers of beer in any size.
5. The Applicant will prohibit the consumption of alcoholic beverages on the premises and its parking lot.
6. The Applicant will prohibit the sale of alcoholic beverages to minors.
7. The Applicant shall not directly sell or deliver alcoholic beverages to any person who appears to be intoxicated.
8. The Applicant will demand certain identification from any person seeking to buy alcoholic beverages at its store who appears to be under 30 years of age. Certain identification includes requesting a valid identification document which is officially issued by an agency of a local, state or federal government. That identification document must contain the name, date of birth, signature and photograph of the bearer.
9. The Applicant agrees not to post advertisements for beer and wine on any windows or doors of the store, as well as on the exterior of the premises.

10. The Applicant shall not sell any single serving containers of wine under 750 milliliters, unless said wine containers are sold in packages of four or more bottles.
11. The Applicant will program its check-out scanners to prompt its sales clerks to refuse a sale when a purchase of an alcoholic beverage is attempted outside of the hours allowed by law.
12. The Applicant agrees to participate in an ABC Board-approved course in alcoholic beverage sales management.
13. In consideration of a reliance upon the commitments reflected in the above paragraphs, the ANC 4C will support the Applicant's pending license application.
14. The parties further agree that failure by the Applicant to adhere to the foregoing Voluntary Agreement will constitute grounds for the ANC to petition the ABC Board to issue a Notice of Show Cause as provided at 23 D.C.M.R. §1513.5.
15. The parties further agree, that in the event of a sale of this retail grocery store during this license period, that the Applicant will notify the ANC prior to the effective date of the sale and will notify the new owner of the terms of this Voluntary Agreement.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:  
Safeway, Inc.

ADVISORY NEIGHBORHOOD  
COMMISSION 4C

By: Brian S. Baer

By: James E. M. Gilling

Its: \_\_\_\_\_

Its: 8 OCT 2014