

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

In the Matter of:)	
)	
Manee Enterprises, Inc.)	
t/a Takoma Park Liquors)	
)	
Application for Renewal of a)	Case No. 15-PRO-00032
Retailer's Class A License)	License No. ABRA-019598
)	Order No. 2015-338
at premises)	
6200 Eastern Avenue, N.E.)	
Washington, D.C. 20011)	

Manee Enterprises, Inc., t/a Takoma Park Liquors (Applicant)

Ronald Austin, Chairperson, Advisory Neighborhood Commission (ANC) 4B

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 AND
WITHDRAWAL OF PROTEST OF ANC 4B**

The Application filed by Manee Enterprises, Inc., t/a Takoma Park Liquors, for renewal of its Retailer's Class A License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on May 18, 2015, in accordance with D.C. Official Code § 25-601 (2001).

The Applicant and ANC 4B have entered into a Settlement Agreement (Agreement), dated May 25, 2015, setting forth the terms and conditions that govern the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Ronald Austin and Commissioner Barbara Rogers, on behalf of ANC 4B, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 4B of this Application.

Accordingly, it is this 8th day of July, 2015, **ORDERED** that:

1. The Application filed by Manee Enterprises, Inc., t/a Takoma Park Liquors, for renewal of its Retailer's Class A License, located at 6200 Eastern Avenue, N.E., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 4B in this matter is hereby **WITHDRAWN**;
3. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modifications:

Section 6 (Modification of Settlement Agreement) – This Section shall be modified to read as follows: “This Agreement can be modified by the ABC Board, mutual agreement of all the parties or otherwise as permitted by law, with prior ABC Board-approval.”

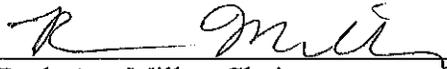
Section 7 (Binding Effect) – The term “assigns” shall be removed.

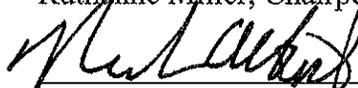
Section 8 – The title of this Section shall be modified to read as follows: “Grounds for Filing a Complaint with the ABC Board.”

The parties have agreed to these modifications.

4. Copies of this Order shall be sent to the Applicant and ANC 4B.

District of Columbia
Alcoholic Beverage Control Board

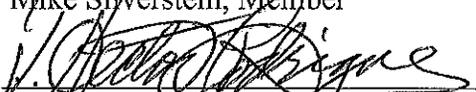

Ruthanne Miller, Chairperson

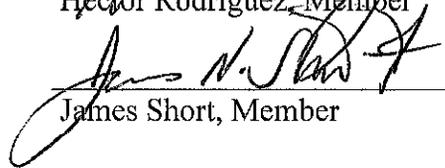

Nick Alberti, Member


Donald Brooks, Member


Herman Jones, Member


Mike Silverstein, Member


Hector Rodriguez, Member


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 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

Made this 25th day of May, 2015 by and between Manee Enterprises, Inc, trading as Takoma Park Liquors, 6200 Eastern Avenue N.E., ABRA-019598 (hereinafter "Applicant"), and Advisory Neighborhood Commission 4B (hereinafter "Commission").

WHEREAS. Applicant filed with the District of Columbia Alcoholic Beverage Control (ABC) Board (hereinafter" the Board") an application for renewal of a Retailers Class A Liquor Store license; and,

WHEREAS, residents of the neighborhood in which the Applicant is located presented concerns and complaints regarding the Applicant at the Commission's regularly scheduled public meeting on April 21, 2015; and,

WHEREAS, the Commission, at its regularly scheduled public meeting on April 21, 2015, unanimously adopted a resolution protesting this application on the basis of concerns about peace, order, quiet and parking; and,

WHEREAS, the parties subsequently have negotiated in an effort to address potential issues and/or concerns with regard to the issuance of the license as discussed in the public meeting of April 21, 2015; and,

WHEREAS, the parties desire to enter into a Settlement Agreement pursuant to DC Official Code Section 25-446 (2014 ed.), commemorating their agreements;

NOW, THEREFORE, the parties agree as follows:

1. **Loitering:** Applicant shall take all reasonable measures to discourage loitering on its immediate environs. Included in the measures shall be clearly visible "No Loitering" signs (lettering no less than ten (10) inches) posted on the interior, exterior and rear of its establishment. Applicant shall maintain a log of calls made to the Metropolitan Police Department; said log shall be made available to the Alcoholic Beverage Regulation Administration upon request.
2. **Maintenance of Premises:** Applicant shall take all reasonable measures to ensure that the immediate environs, as defined in 23 DCMR 720.2, of Applicant's establishment are kept free of litter and debris. Applicant shall clean its immediate environs by 10:30

AM daily, periodically during the hours of operation, and before closing.

3. **Signs, Posters and Appearance of Premises:** Applicant shall not place signs/posters on more than twenty-five (25) percent of its front window and shall not stack merchandise in front of the windows that would obstruct visibility into the establishment. Windows shall be cleaned on a regular basis. Furthermore, Applicant shall maintain the property in a reasonable condition that does not detract from but instead enhances the adjacent residential community, and shall promptly remove or paint over graffiti on its immediate premises.
4. **Parking:** Applicant shall use its best efforts, including posting appropriate signage on the interior and exterior of its premises, to discourage illegal parking by customers on Eastern Avenue N.E or Rittenhouse Street N.E.
5. **Incorporation:** The terms of this Voluntary Agreement in its entirety shall become effective upon ratification of this agreement by the District of Columbia Alcoholic Beverage Control Board. The parties request that the text of this Agreement be incorporated in an order of the Board granting Applicant's request for issuance of its Retailer's license Class A.
6. **Modification of Settlement Agreement:** This agreement can be modified only by mutual agreement of the parties with the approval of the ABC Board for acceptance and enforcement.
7. **Binding Effect:** This Settlement Agreement shall be binding upon and enforceable against the successors and assigns of the Applicant during the term of the license to which this Settlement Agreement applies.
8. **Grounds for Petition for Show-Cause Order.** Applicant acknowledges that failure to adhere to the terms and conditions recited in Paragraphs One through Four above will constitute grounds for the representative of the Commission whose signature is affixed hereunto, or his successor, to file a complaint with the ABC Board, which will be investigated by ABRA's Enforcement Division, and may subject the Licensee to a Show Cause Proceeding, or any other penalty available to the Board under the law. Prior to filing such a complaint, however, the designated representative, or his successor, shall notify Applicant of any perceived violations and afford Applicant a minimum of fourteen (14) calendar days in which to address or rectify the perceived violation.

9. **Notice:** Unless otherwise noted above, any notices required to be made under this Agreement shall be in writing and mailed via certified mail, return receipt requested, postage prepaid, or hand delivered, to the other parties to this Agreement at the following addresses. Notice shall be deemed given as of the time of receipt or refusal of receipt.

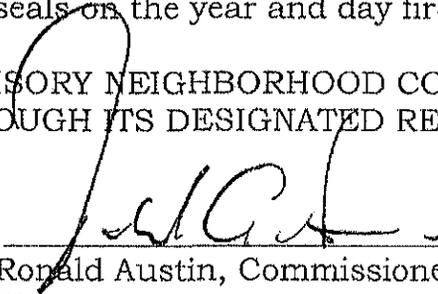
If to Applicant: Gautam Patel, 6200 Eastern Avenue NE,
Washington, DC 20011

If to Commission: ANC4B, 8656 Eastern Avenue N.W. #314,
Washington, DC 20012

In further consideration of, and reliance upon the forgoing commitments by the Commission, the Applicant hereby request that its Application for Renewal of Retailer's Class A Liquor License be issued.

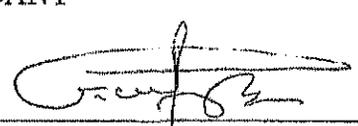
In WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first above written.

ADVISORY NEIGHBORHOOD COMMISSION 4B
THROUGH ITS DESIGNATED REPRESENTATIVES:

By: 
Ronald Austin, Commissioner, ANC 4B06
Chairperson

By: 
Barbara Rogers, Commissioner, ANC 4B08

APPLICANT

By: 
Gautam Patel, President
Manee Enterprises, Inc. t/a Takoma Park Liquors



Advisory Neighborhood Commission 4B

6856 Eastern Avenue, NW - Suite 314

Washington, DC 20012

202-291-6282 (Office)

Ron Austin, ANC 4B06, Chairperson; Douglass Sloan, ANC 4B09, Vice Chairperson;

Judi Jones, ANC 4B07, Secretary Frederick Grant, ANC 4B08, Treasurer;

Andre Carley, ANC 4B01; Frank Jones III, ANC 4B02; Brenda Parks, ANC 4B04; Brenda Speaks, ANC 4B05;

May 26, 2015

Hon. Ruthanne Miller

Chairperson

Alcoholic Beverage Control Board

2000 14th Street N.W., Suite 400S

Washington, DC 20009

ABRA-019598, Takoma Park Liquors, 6200 Eastern Avenue N.E., Settlement Agreement

Dear Chairperson Miller:

At its regularly scheduled public meeting on May 18, 2015 (notice of which was properly given, and at which a quorum of eight of nine members was present) Advisory Neighborhood Commission 4B voted (8 yes, 0 no) to approve a settlement agreement with Takoma Park Liquors.

The resolution adopted by the Commission approving the settlement agreement and the signed agreement are enclosed with this letter

The Commission submits this resolution and signed agreement under the provisions of DC Code 1-309.10(a) through 1-309.10(h)(1), which require, among other things, that Advisory Neighborhood Commission recommendations be given "great weight" by DC government agencies, that DC government agencies "articulate with particularity and precision the reasons why the Commission does or does not offer persuasive advice under the circumstances. In doing so, the government entity must articulate specific findings and conclusions with respect to each issue and concern raised by the Commission."

Sincerely,

Ronald Austin, ANC 4B06

Chairperson

cc: Commissioners, ANC 4B

Mr. Gottlieb Simon, Executive Director, Office of Advisory Neighborhood Commission

Mr. Gautam Patel, Takoma Park Liquors



Advisory Neighborhood Commission 4B
Government of the District of Columbia
6856 Eastern Avenue, NW - Suite 314
Washington, DC 20012

RESOLUTION #15-0505
Approving a Settlement Agreement
With Takoma Park Liquors, 6200 Eastern Avenue N.E.
Adopted May 18, 2015

RESOLVED:

Advisory Neighborhood Commission 4B approves and agrees to become a signatory to the attached Settlement Agreement with Takoma Park Liquors, 6200 Eastern Avenue N.E., ABRA-019598.

FURTHER RESOLVED:

Commissioner Barbara Rogers, ANC 4B08, is hereby authorized to serve as the Commission's representative in all matters relating to this license application and settlement agreement.

FUTHER RESOLVED:

Consistent with DC Code §1-309, only actions of the full commission voting in a properly noticed public meeting have standing and carry great weight. The actions, positions and opinions of individual commissioners, insofar as they may be contradictory to or otherwise inconsistent with the expressed position of the full commission in a properly adopted resolution or letter, have no standing and cannot be considered as in any way associated with the commission.

ADOPTED by voice vote at a regular public meeting (notice of which was properly given, and at which a quorum of eight of nine members was present) on May 18, 2015, by a vote of 8 yes, 0 no.