

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

In the Matter of:)
)
The Big Stick, LLC)
t/a The Big Stick)
)
Holder of a)
Retailer's Class CR License)
)
20 M Street, S.E.)
Washington, D.C. 20003)
)

License No. ABRA-094844
Order No. 2016-170

The Big Stick, LLC, t/a The Big Stick (Applicant)

Andy Litsky and Dr. Coralie Farlee, Commissioners, Advisory Neighborhood
Commission (ANC) 6D

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

ORDER ON AMENDMENT TO COOPERATIVE AGREEMENT

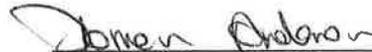
The official records of the Alcoholic Beverage Control Board (Board) reflect that The Big Stick, LLC, t/a The Big Stick (Licensee), and ANC 6D entered into Settlement Agreement (Agreement), dated May 12, 2014, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Cooperative Agreement (Amendment), dated April 11, 2016, in accordance with D.C. Official Code § 25-446 (2001).

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Andy Litsky and Dr. Coralie Farlee, on behalf of ANC 6D, are signatories to the Amendment.

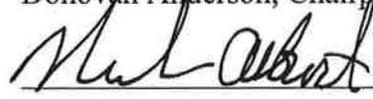
Accordingly, it is this 20th day of April, 2016, **ORDERED** that:

1. The above-referenced Amendment to Cooperative Agreement, dated April 11, 2016, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the original Agreement, not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee and ANC 6D.

District of Columbia
Alcoholic Beverage Control Board

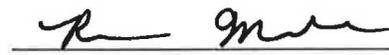


Donovan Anderson, Chairperson

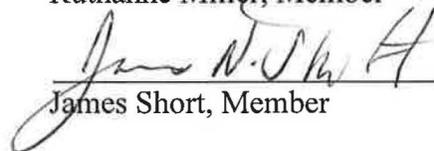


Nick Alberti, Member

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).

★ ★ ★ Advisory Neighborhood
Commission 6D

11014th Street SW, Suite W130, Washington, DC 20024
ANC Office: 202 554-1795 □ FAX: 202 554-1774
office@anc6d.org

REC'D - ABRA
2014 APR 13 A 12 33

AMENDMENT #1 TO COOPERATIVE AGREEMENT

THIS AMENDMENT TO SETTLEMENT AGREEMENT is made on this 11th day of April, 2016, by and between The Big Stick, t/a The Big Stick, License Class CR # 094844 (licensee) and Advisory Neighborhood Commission 6D (ANC6D) the ANC ("The ANC"), collectively, the Parties. This amendment updates and supplements the Settlement Agreement dated May 12, 2014, between The Big Stick and ANC6D and finalized by ABC Board Order #2014-288 dated July 16, 2014.

RECITALS

WHEREAS, Licensee and ANC6D entered into new Settlement Agreement dated May 12, 2014, for an establishment located at 20 M Street, SE, Washington, D.C. 20003, and

WHEREAS, original Settlement Agreement dated May 12, 2014, was silent regarding hours of operation, sales, and consumption of alcohol on the sidewalk cafe; and

WHEREAS, the ABRA-issued Licensee dated January 12, 2015, specified and authorized hours for [operation of] the sidewalk café as: Sunday to Saturday from 10:00 a.m. to 11:00 p.m.; and

WHEREAS, the Parties request that the Alcoholic Beverage Control Board approve this Amendment to Cooperative Agreement conditioned upon the Licensee's compliance with the terms of this written Amendment and the previously executed Settlement Agreement and Board Order and ABRA License; and

NOW, THEREFORE, in consideration of the recitals set forth above, it is mutually understood and agreed by and between the undersigned Parties to amend the previously executed Agreement as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. Paragraph 1 is amended to read as follows:
 - In sentence 3 (line 5, "Thursday and 3:00a.m. Friday-Saturday;") – replace the semi-colon (;) with a period (.); and
 - Insert the following: **The hours of operation, sale, and consumption of alcohol on the sidewalk café shall be:**
 - Sunday through Thursday, 10:00 a.m. to 1:00 a.m.; and
 - Friday and Saturday, 10:00 a.m. to 2:00 a.m.

And also add "There shall be no music piped to the exterior area"

- The word "provided" that follows the semi-colon in line 5 (referenced above) shall be changed to a capital P.

3. **Compliance with ABRA Regulations.** Licensee promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations and all other provisions applicable to liquor licenses.
4. **Agreement Otherwise Unamended.** Except as otherwise provided herein, the terms and conditions of the previously executed Settlement Agreement, Board Order, and License are expressly reaffirmed and remain in full force and effect.

FOR Advisory Neighborhood CCommission 6D:	FOR LICENSEE, The Big Stick, LLC, t/a The Big Stick
<u>Andy Litsky by nnc</u> 4/11/16 Andy Litsky, Chair, ANC6D DATE	<u>[Signature]</u> 4/10/16 Justin J. Ross DATE Managing Member
<u>Coralie Farlee</u> 4/11/16 Coralie Farlee, Chair, ABC Committee DATE	

★ ★ ★
ANC 6D

Near Southeast/Southwest
Advisory Neighborhood Commission 6D

2016 APR 13 AM 10:32
ABRA

1101 Fourth Street, SW
Suite W 130
Washington, DC 20024
202.554.1795
Email: office@anc6d.org
Website: www.anc6d.org

April 11, 2016

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

OFFICERS

Chairperson
Andy Litsky
Vice Chairperson
Rachel Reilly Carroll
Secretary
Stacy Cloyd
Treasurer
Meredith Fascett

Re: ANC6D recommendation for amendment to Cooperative Agreement for The Big Stick LLC t/a The Big Stick, 20 M Street, SE, License Class CR ABRA-094844

Dear Mr. Anderson:

At its regularly scheduled, properly noticed meeting on April 11, 2016, with a quorum present, the Advisory Neighborhood Commission 6D voted 5 to 0 to 0 to recommend Amendment 1 to the Cooperative Agreement which was approved by the ABC Board in its order 2014-288. At that same meeting, the ANC6D also voted 5 to 0 to 0 to support the licensee's renewal application.

COMMISSIONERS

SMD 1 *Marjorie Lightman*
SMD 2 *Stacy Cloyd*
SMD 3 *Rachel Reilly Carroll*
SMD 4 *Andy Litsky*
SMD 5 *Roger Moffatt*
SMD 6 *Rhonda Hamilton*
SMD 7 *Meredith Fascett*

The original Settlement Agreement was silent on the hours for the sidewalk café; the ABRA license was issued to authorize operation of the sidewalk café on Sunday to Saturday, from 10:00 a.m. to 11:00 pm; but the licensee assumed that the authorized hours were later, in fact, consistent with its other nearby establishment, "Justin's." Thus, the licensee received citations for "operating (the sidewalk café) after hours." The hours now proposed should clarify the operating hours for the sidewalk café and be consistent with neighborhood needs. Amendment 2 to the 2014 Cooperative Agreement is attached.

Please contact Commissioner Litsky (at the number above) or Coralie Farlee, Chair, ABC Committee, ANC6D at 202-554-4407, cfarlee@mindspring.com if you have any questions or concerns.

Sincerely,

Andy Litsky by RRC

Andy Litsky, Chair
ANC6D

Coralie Farlee

Coralie Farlee, Chair
ABC Committee, ANC6D

Cc: Martha Jenkins

Attachment: Amendment 1 to CA