

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

In the Matter of:)	
)	
The Fab Lounge, Inc.)	
t/a The Fab Lounge)	
)	
Application for Renewal of a)	Case No. 13-PRO-00134
Retailer's Class CT License)	License No. ABRA-070719
)	Order No. 2014-054
at premises)	
1805 Connecticut Avenue, N.W.)	
Washington, D.C. 20009)	

The Fab Lounge, Inc., t/a The Fab Lounge (Applicant)

Ramon Estrada, on behalf of Dupont Circle Citizens Association (DCCA)

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez
James Short

**ORDER ON SETTLEMENT AGREEMENT AND
WITHDRAWAL OF PROTEST OF DCCA**

The Application filed by The Fab Lounge, Inc., t/a The Fab Lounge, for renewal of its Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on November 25, 2013, in accordance with D.C. Official Code § 25-601 (2001).

The Applicant and DCCA have entered into a Settlement Agreement (Agreement), dated January 6, 2014, 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

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filed with the Board. The Applicant and Ramon Estrada, on behalf of DCCA, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by DCCA of this Application.

Accordingly, it is this 5th day of February, 2014, **ORDERED** that:

1. The Application filed by The Fab Lounge, Inc., t/a The Fab Lounge, for renewal of its Retailer's Class CT License, located at 1805 Connecticut Avenue, N.W., Washington, D.C., is **GRANTED**;
2. The Protest of DCCA in this matter is hereby **WITHDRAWN**;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 2 (Noise) – The following language shall be removed: “Licensee will implement legal procedures that will discourage patrons and others who loiter. Licensee will refuse admittance to patrons who repeatedly make noise and are disturbing the peace, order and quiet.”

Section 5 (Meetings) – The following language shall be removed: “Any such meeting shall be held within 72 hours upon receipt of request (excepting weekends and holidays).”

The parties have agreed to these modifications.

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

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District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson

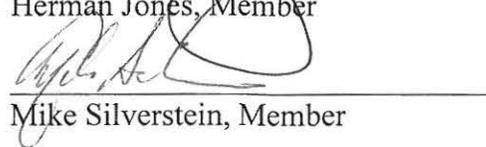


Nick Alberti, Member



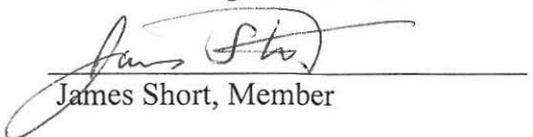
Donald Brooks, Member

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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to D.C. Official Code § 25-433, 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).

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made this 6th day of January, 2014, by and between The Fab Lounge ("licensee") and the Dupont Circle Citizens Association, the "parties."

WITNESSETH

WHEREAS, licensee timely filed its renewal license application which was protested by the above parties, and

WHEREAS, licensee and parties have met to discuss the concerns set forth in set protest letter, and

WHEREAS, licensee and parties mutually desire to resolve the issues set forth in said protest letter, and

WHEREAS, licensee and parties are desirous of entering into a Voluntary Settlement Agreement pursuant to D.C. Code section 25-446 (2001 Edition, as amended) for the operation of the establishment in such a manner as to promote the peace, order and quiet of the neighborhood. Licensee and parties recognize the importance of safe and pedestrian friendly business neighborhoods.

NOW THEREFORE, LICENSEE and PARTIES agree to the following:

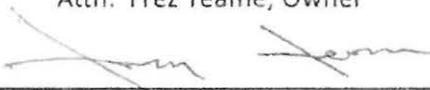
1. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.
2. Noise. The Licensee agrees to the fullest extent possible allowed by DC Code and regulation to discourage loitering in front of its establishment. This will include providing an appropriate number of doormen, at times when the establishment is open to the public, properly trained who shall be responsible for ensuring that ambient noise is kept to a minimum. Those loitering will include patron smokers, other patrons and individuals standing in front of the establishment. Licensee will implement legal procedures that will discourage patrons and others who loiter. Licensee will refuse admittance to patrons who repeatedly make noise and are disturbing the peace, order and quiet.
3. Signage. Licensee will place signage by the inside of the front door at the street level so that the signage is visible to patrons reminding them that they are exiting into a quiet residential neighborhood. The licensee will also place similar signs at the top of the landing of the staircase where the establishment is located.

4. Announcement. Licensee will make an announcement over its sound system that urges patrons to be quiet upon exiting the establishment.
5. Meetings. Licensee agrees to meet with parties to discuss any concerns due to patrons loitering outside the establishment or creating ambient noise in violation of the DC Code. Parties shall contact the owner of the Fab Lounge to request such a meeting. Any such meeting shall be held within 72 hours upon receipt of request (excepting weekends and holidays).
6. Enforcement of this Voluntary Settlement Agreement shall be consistent with the criteria set forth in DC Code section 25-446 (2001 Edition, as amended). If the parties move away or are no longer domiciled in Washington, D.C., this agreement shall only be enforceable by the remaining signatories.

IN WITNESS THEREOF, the Licensee and Parties have agreed to abide by the terms set forth above and have affixed hereunto their signatures.

Licensee:

The Fab Lounge
1805 Connecticut Avenue NW #B
Washington DC 20009
Attn: Frez Teame, Owner



Owner

01-06-14

Date

Parties:

Dupont Circle Citizens Association
9 Dupont Circle NW
Washington DC 20036
Attn: President



President

01-06-14

Date