

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

<u>In the Matter of:</u>)	
)	
1218 Wisconsin Incorporated)	
t/a Third Edition/The Taqueria)	
)	
Application for Renewal of a)	Case No. 10-PRO-00144
Retailer's Class CT License)	License No. ABRA-000604
)	Order No. 2011-128
at premises)	
1218 Wisconsin Avenue, N.W.)	
Washington, D.C. 20007)	
)	

1218 Wisconsin Incorporated, t/a Third Edition/The Taqueria ("Applicant")

Ron Lewis, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 2E

BEFORE: Charles Brodsky, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

**ORDER ON AMENDMENT TO VOLUNTARY AGREEMENT AND
WITHDRAWAL OF PROTEST**

The official records of the Alcoholic Beverage Control Board (Board) reflect that 1218 Wisconsin Incorporated, t/a Third Edition/The Taqueria ("Applicant"), has submitted an Application to renew its Retailer's Class CT License, located at 1218 Wisconsin Avenue, N.W., Washington, D.C., having been protested, came before the Alcoholic Beverage Control Board ("Board") for a Roll Call Hearing on November 29, 2010 and a Protest Status Hearing on January 12, 2011, in accordance with D.C. Official Code § 25-601 (2001).

On January 12, 2011, pursuant to Title 23 of the District of Columbia Municipal Regulations ("23 DCMR") § 1602.3 (2004), the Board dismissed the Protest of ANC 2E and Citizen Association of Georgetown (CAG) because the Protestants failed to appear at the Protest Status Hearing. See Board Order No. 2011-086. The Protestants have not filed a Request for Reinstatement.

The Applicant and ANC 2E entered into a Voluntary Agreement (Agreement), dated December 19, 2001, setting forth the terms and conditions by which the Applicant would operate its establishment. This matter comes now before the Board to consider the Parties' Amendment to Voluntary Agreement (Amendment), dated February 7, 2011, in accordance with D.C. Official Code § 25-446 (2001).

The official records of the Board reflect that the Parties have agreed to amend the original Agreement and the Applicant and Ron Lewis, on behalf of ANC 2E, are signatories to the Amendment. The Amendment has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the Amendment, all terms and conditions of the original Agreement not amended by the Amendment shall remain in full force and effect.

This Amendment also constitutes a withdrawal of the Protest filed by ANC 2E of this Application.

Accordingly, it is this 16th day of February 2011, **ORDERED** that:

1. The Application filed by 1218 Wisconsin Incorporated, t/a Third Edition/The Taqueria ("Applicant"), for renewal of its Retailer's Class CT License, located at 1218 Wisconsin Avenue, N.W., Washington, D.C., is **GRANTED**;
2. The Protest of 2E in this matter is hereby **DISMISSED**;
3. The above-referenced Amendment to Voluntary Agreement by and between to the existing December 19, 2001 Agreement is **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant and ANC 2E.

District of Columbia
Alcoholic Beverage Control Board



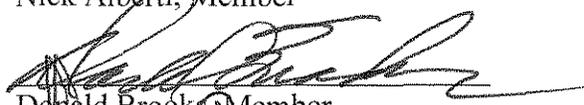
Charles Brodsky, Chairperson



Mital M. Gandhi, Member



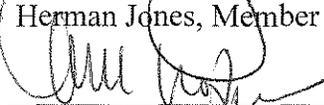
Nick Alberti, Member



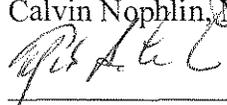
Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 1250 U Street, N.W., 3rd Floor, Washington, D.C. 20009.

AMENDMENT TO AGREEMENT

THIS AMENDMENT TO AGREEMENT made this 4th day of February 2011, by and between Advisory Neighborhood Commission 2E ("ANC2E") and 1218 Wisconsin, Inc t/a Third Edition ("Applicant").

WHEREAS, Applicant is the holder of a Retailer's License Class CT for premises located at 1218 Wisconsin Avenue, NW (the "Establishment");

WHEREAS, ANC 2E and Applicant previously entered into an Agreement dated December of 2001 (the "Original Agreement");

WHEREAS, the parties desire to amend the Agreement, as hereinafter set forth.

NOW, THEREFORE, in consideration of the promises above recited, and the covenants and promises set forth below, the parties agree as follows:

1. Exiting the Establishment. At closing time, Applicant shall, to the extent permitted by law, discourage guests from exiting through the rear of the establishment toward the Doggett parking lot. Instead, through the use of staff and guard rails, Applicant shall encourage guests exiting the Establishment from the rear to exit down the alley to Wisconsin Avenue.
2. Last Call. Applicant shall announce "last call" in the Tiki Bar area 20 minutes before last call is given on the second floor of the Establishment.
3. Noise Abatement. Applicant, shall, in consultation with a sound engineer, to the extent permitted by law, install a fence and landscaping designed to minimize the impact of noise from the Tiki Bar outside seating area.
4. Clarifying Paragraph 11(B) of the Original Agreement. The "public space" referred to in this Section shall mean the public street and other public areas, but shall not include the public alleyways immediately adjacent to the Tiki Bar.
5. Amending and Clarifying Paragraph 7 of the Original Agreement. Paragraph 7 of the Original Agreement shall not, in any way prevent the Applicant from charging a fixed price for New Year's Eve, nor shall the provisions apply to private events not open to the public. The reference to "Happy Hour" is hereby deleted.
6. Agreement in Effect. Except as otherwise specifically provided herein, the Voluntary Agreement remains in full force and effect.
7. Counterparts. This Agreement will be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Amendment and of the date of year first above written.

APPLICANT:

1218 WISCONSIN, INC.

BY: _____

Print Name: _____

ANC 2E

BY: Ron Lewis

Print Name: RON LEWIS, CHAIR, ANC 2E

IN WITNESS WHEREOF, the parties have executed this Amendment and of the date of year first above written.

APPLICANT:

1218 WISCONSIN, INC.

BY: Gregory L. Talcott

Print Name: Gregory L. Talcott

ANC 2E

BY: _____

Print Name: _____



VERITAS

Veritas Licensing & Legislative Affairs

Andrew J. Kline* Director

Terry Brennan License Administrator

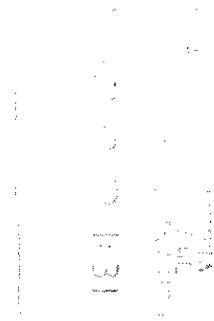
Jes Julius Executive Assistant

February 8, 2011

VIA E-MAIL AND HAND DELIVERY

Thea D. Davis
Assistant Attorney General
Office of the General Counsel
Alcoholic Beverage Regulation Administration
1250 U Street, N.W., 3rd Floor
Washington D.C. 20009

**RE: 1218 Wisconsin, Inc. t/a Third Edition ("Applicant")
Advisory Neighborhood Commission ("ANC 2E")
Amendment to Agreement for Third Edition;
1218 Wisconsin Avenue, NW**



Dear Ms. Davis:

The parties were able to come to an agreement to resolve the protest that was filed in connection with the Applicant's renewal of its Class CT license. Enclosed is a fully executed Amendment to Agreement signed in counterpart by Gregory Talcott on behalf of the Applicant and Ron Lewis, Chair of ANC 2E.

We respectfully request that the Board issue an Order approving the enclosed Amendment, dismiss the protest, and instruct ABRA staff to update the Applicant's license if necessary. Also, please confirm that the protest hearing scheduled for February 16, 2011, has been taken off the Board's calendar.

Do not hesitate to contact me if you, the Board, or ABRA staff have questions in connection with this matter.

Very truly yours,

Andrew J. Kline

AJK/jrj

cc: Martha Jenkins, General Counsel, ABC Board
LaVerne Fletcher, ABRA
Cynthia Simms, ABRA
Ron Lewis, ANC 2E
Paul Cohn and Gregory Talcott

*A non-lawyer representative providing representation before DC departments and agencies as permitted by statute or agency rule