

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

In the Matter of:

Yes Organic Eastern Market, Inc.
t/a Yes Organic Market

Applicant for a New
Retailer's Class B License

at premises
410 8th Street, S.E.
Washington, D.C. 20003

Case No. 12-PRO-00062
License No. ABRA-089539
Order No. 2012-330

Yes Organic Eastern Market, Inc., t/a Yes Organic Market (Applicant)

Andrew Jared Critchfield, Chairperson, Advisory Neighborhood Commission (ANC) 6B

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

**ORDER ON VOLUNTARY AGREEMENT AND
WITHDRAWAL OF PROTEST OF ANC 6B**

The Application filed by Yes Organic Eastern Market, Inc., t/a Yes Organic Market, for a new Retailer's Class B License, was protested; however, a Roll Call Hearing scheduled for July 16, 2012, was not held, because the parties submitted a Voluntary Agreement before the hearing.

The official records of the Board reflect that the Applicant and ANC 6B, have entered into a Voluntary Agreement (Agreement), dated July 10, 2012, that governs 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 Andrew Jared Critchfield, on behalf of ANC 6B, are signatories to the Agreement.

Yes Organic Eastern Market, Inc.
t/a Yes Organic Market
Case No. 12-PRO-00062
License No. ABRA-089539
Page 2

This Agreement constitutes a withdrawal of the Protest filed by ANC 6B.

Accordingly, it is this 1st day of August, 2012, **ORDERED** that:

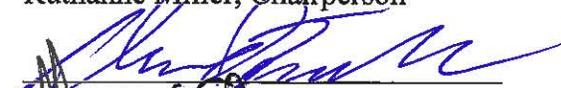
1. The Application filed by Yes Organic Eastern Market, Inc., t/a Yes Organic Market, for a new Retailer's Class B License, located at 410 8th Street, S.E., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 6B in this matter is hereby **WITHDRAWN**;
3. The above-referenced Voluntary Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant and ANC 6B.

Yes Organic Eastern Market, Inc.
t/a Yes Organic Market
Case No. 12-PRO-00062
License No. ABRA-089539
Page 3

District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member



Nick Alberti, 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, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009



Capitol Hill / Southeast 2012 JUL 25 P 4:41

RECEIVED BY J July 13, 2012

921 Pennsylvania Avenue SE
Suite 305
Washington, DC 20003
202.543.3344
fax 202.543.3507
office@anc6b.org

Executive Director
Susan Eads Role

OFFICERS

- Chair
Andrew Jared Critchfield
- Vice-Chair
Ivan Frishberg
- Secretary
Brian Pate
- Treasurer
Carol Green
- Parliamentarian
Brian Flahaven

COMMISSIONERS

- SMD 1 *David Garrison*
- SMD 2 *Ivan Frishberg*
- SMD 3 *Norman Metzger*
- SMD 4 *Kirsten Oldenburg*
- SMD 5 *Brian Pate*
- SMD 6 *Andrew Jared Critchfield*
- SMD 7 *Carol Green*
- SMD 8 *Neil Glick*
- SMD 9 *Brian Flahaven*
- SMD 10 *Francis Campbell*

Ruthanne Miller, Chairperson
Alcoholic Beverage Control Board
2000 14th Street NW
Suite 400S
Washington, DC 20009

**Re: Yes! Organic Market
License # ABRA-089539**

Dear Chairperson Miller:

At its regularly scheduled and properly noticed meeting with a quorum present on July 10, 2012, Advisory Neighborhood Commission 6B voted 8-0-0 to send you this letter in support of the above-referenced liquor license application for Yes! Organic Market, located at 410 8th Street SE.

Please find enclosed a Voluntary Agreement executed by both parties for your review and approval.

Please contact Susan Eads Role if you have questions or need further information.

Sincerely,

Andrew Jared Critchfield, Ph.D.
Chair

Enclosure

VOLUNTARY AGREEMENT

This Agreement made July 10, 2012, by and between Yes Organic Eastern Market, Inc t/a Yes Organic Market and Advisory Neighborhood Commission 6B.

WITNESSETH

WHEREAS, Applicant's request for a Retailers Class "B" license, ABRA-089539, for premises at 410 8th Street SE, Washington, DC 20003 is now pending before the District of Columbia Alcoholic Beverage Control Board; and

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

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the Retailers' Class "B" license, at the subject premises;

NOW, THEREFORE, the Parties agree as follows:

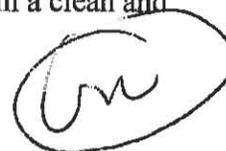
1. ***Recitals Incorporated.*** The recitals set forth above are incorporated herein by reference.
2. ***Nature of the Business.*** The Applicant will manage and operate a Retailer's Class B full-service grocery store license under the following provisions:
 - A. The Applicant will comply with all laws and regulations governing the operations of the establishment at 410 8th Street SE.
 - B. The Applicant's hours of operation and tasting permit are 8:00 a.m. – 10:00 p.m.; hours of sales are 10:00 am until 9:00 pm on Sunday and 9:00am until 10:00 pm Monday through Saturday.
 - C. The Applicant agrees to post this agreement alongside the ABC license.

3. ***Signage, Noise and Privacy.***

Applicant will, to the best of his ability, prohibit and prevent loitering, rowdiness, criminal activity, panhandling and all illegal activity within 100 feet of the establishment.

4. ***Public Space Cleanliness and Maintenance.***

Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition.

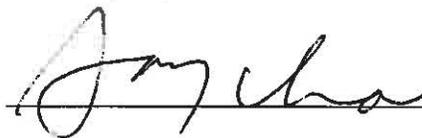


By signature below, the Parties agree to the terms of this agreement and settlement of the Protest.

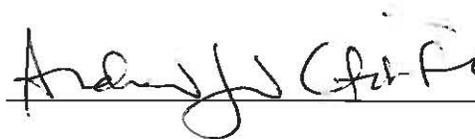
IN WITNESS WHEREOF, the Parties have affixed hereunto their signatures.

Applicant: Yes Organic Eastern Market, Inc
Yes Organic Market
410 8th Street SE
Washington, DC 20003

Attn: Gary Cha
(703) 927-9507

 (Signature)

ANC: Advisory Neighborhood Commission
921 Pennsylvania Avenue SE
Ste 305
Washington, DC 20003
Andrew Jared Critchfield, Chairperson
(202) 543-3344

 (Signature)