

BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of: )  
)  
)  
Victor Daigl )  
t/a Sam's Delicatessen ) Case No. 10507-96007P  
Application for a Retailer's )  
License Class "B" - renewal )  
at premises )  
1023 East Capitol Street, S.E. )  
Washington, D.C. )  
)  
)  
)  
)

Gottlieb Simon, Acting Executive Secretary, on behalf of the Advisory  
Neighborhood Commission, 6B

Victor Daigl, Applicant

BEFORE: BARBARA L. SMITH, ESQUIRE, Chairperson;  
DENNIS BASS, Member;  
JAMES C. JEFFERSON, Member  
JAMES L. O'DEA, III, ESQUIRE, Member  
MARY EVA CANDON, ESQUIRE, Member  
LAVERNE KING, Member  
DUANE WANG, Member

ORDER ON WITHDRAWN PROTEST

This matter, having been protested, came before the Board on December 27, 1995, in accordance with D.C. Code Section 25-115 (c)(5)(1995 Supp.), providing for remonstrants to be heard. Gottlieb Simon, Acting Executive Secretary, on behalf of the Advisory Neighborhood Commission 6B (hereinafter "ANC 6B") filed a timely section 14 (b) protest by letter, dated December 11, 1995.

The official records of the Board reflect that parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board.<sup>1/</sup> Pursuant to the Agreement, the Protestant has agreed to withdraw his protest provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

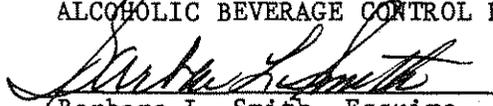
<sup>1/</sup> See Agreement dated March 31, 1996.

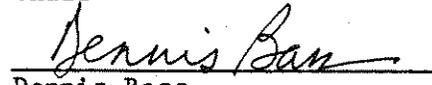
Victor Daigl  
t/a Sam's Delicatessen  
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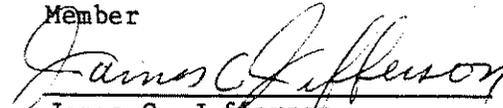
Accordingly, it is this 2nd day of May 1996,  
ORDERED that:

1. The section 14 (b) of Gottlieb Simon, Acting Executive Secretary, on behalf of ANC 6B, be, and the same hereby, is **WITHDRAWN**;
2. The above-referenced Agreement between the parties be, and the same hereby, is **INCORPORATED** as part of this Order;
3. The application of Victor Daigl t/a Sam's Delicatessen for a retailer's license class B - renewal at location 1023 East Capitol Street, S.E., be, and the same hereby is **GRANTED**; and,
4. Copies of this Order shall be sent to the Protestant and the Applicant.

DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD

  
Barbara L. Smith, Esquire  
Chair

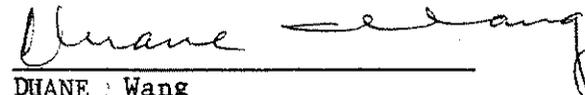
  
Dennis Bass  
Member

  
James C. Jefferson,  
Member

  
James L. O'Dea, III, Esquire  
Member

Barbara L. Smith, Esquire  
Member

  
Laverne King  
Member

  
DUANE Wang  
Member

RECEIVED APR 3 1996

AGREEMENT

Made this 31<sup>st</sup> day of March 1996, by and between Victor A. Daigl t/a Sam's Delicatessen, (the Applicant) and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailer's Class "B" license for premises, 1023 East Capitol Street SE, ABC Application # 10507, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); 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 issuance of a Retailer's Class "B" Liquor License at the subject premises;

NOW, THEREFORE, the parties agree as follows:

1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
  - a. posting a "No Loitering/No Panhandling" sign on the outside of the establishment; and,
  - b. posting a sign inside the establishment requesting customers not to contribute to panhandlers; and,
  - c. asking loiters to move on whenever they are observed outside the establishment; and,
  - d. calling the MPD to remove the loiters if they refuse Applicant's request to move on; and,
  - e. keeping a written record of dates and times when the MPD is called for assistance; and,

f. not installing any additional outdoor payphones outside the establishment, and by opposing the efforts any other party to install an outdoor payphone on or adjacent to the establishment.

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

a. picking up trash, including beverage bottles and cans, on a daily basis.

b. sweeping the outside of the establishment on a daily basis.

3. Applicant agrees to restrict the sale of 12-ounce or 16-ounce containers to quantities of 6 or more.

4. In consideration of, and reliance upon, the commitments reflected in the paragraphs above, the ANC hereby withdraws its opposition to applicant's pending license application.

5. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: Victor A Daigle

By: John L Simon