

BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD

_____	)	
In the Matter of :	)	
	)	
Melben, Inc.	)	
t/a Paper Moon	)	
	)	
Application for a Retailer's Class	)	Case no. 24507-00071P
CR License – renewal	)	
	)	
1073 31 <sup>st</sup> Street, Northwest	)	
Washington, D.C.	)	
_____	)	

**Peter Pulsifer, Chair, on behalf of the Advisory Neighborhood Commission 2E, Protestant**

**Mustapha Meliani, President, on behalf of Applicant**

**BEFORE: Roderic L. Woodson, Esquire, Chair**  
**Vera Abbott, Member**  
**Charles Burger, Member**  
**Judy Moy, Member**  
**Ellen Opper-Weiner, Esquire, Member**  
**Audrey E. Thompson, Member**

**ORDER ON WITHDRAWN PROTEST AND VOLUNTARY AGREEMENT**

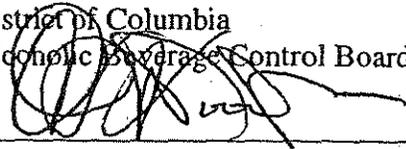
This matter, having been protested, came before the Board for public hearing on May 24, 2000, in accordance with D.C. Code Section 25-115(c)(5)(1999 Supp.), providing for the protestants to be heard. Peter Pulsifer, chair, on behalf of the Advisory Neighborhood Commission 2E, filed a timely protest letter dated May 9, 2000.

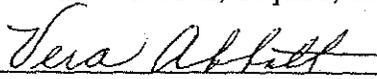
The official records of the Board reflect that the parties have now reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement dated June 26, 2000, the protestant has agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

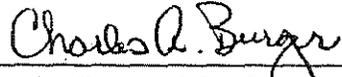
Accordingly, it is this 2nd day of August 2000, ORDERED that:

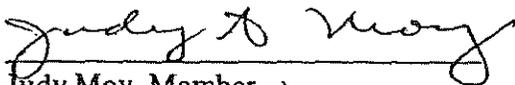
1. The opposition of Peter Pulsifer, Chair, on behalf of the Advisory Neighborhood Commission 2E, be, and the same hereby, is **WITHDRAWN**;
2. The application of Melben, Inc. t/a Paper Moon for a retailer's class CR license (renewal), located at 1073 31<sup>st</sup> Street; Northwest, Washington, D.C., be, and the same hereby, is **GRANTED**;
3. The above-referenced agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this **ORDER**, and:
4. Copies of this Order shall be sent to the Protestant and the Applicant.

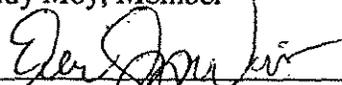
District of Columbia  
Alcoholic Beverage Control Board

  
Roderic L. Woodson, Esquire, Chair

  
Vera Abbott, Member

  
Charles Burger, Member

  
Judy Moy, Member

  
Ellen Opper-Weiner, Esquire, Member

  
Audrey E. Thompson, Member

BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter:

Melben, Inc.  
t/a Paper Moon

Application for a retailer's  
license class CR - renewal  
at premises

1073 31st Street, N.W.  
Washington, D.C.

Case No. 24507-94062P

Patrick H. Allen, Chair, ABC Committee, The Citizens Association of  
Georgetown, Protestant

Westy McDermid, Chair, on behalf of Advisory Neighborhood Commission 2E,  
Protestant

BEFORE: Mary Eva Candon, Esquire, Chair  
James C. Jefferson, Member  
James L. O'Dea, III, Esquire, Member  
Barbara L. Smith, Esquire, Member

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on May 18, 1994 in accordance with D.C. Code 25-115 (c)(5)(1992 Supp.), providing for remonstrants to be heard. Mr. Patrick H. Allen, Chair, ABC Committee, on behalf of the Citizens Association of Georgetown (hereinafter "CAG"), and Westy McDermid, Chair, on behalf of the Advisory Neighborhood Commission 2E (hereinafter "ANC 2E"), filed timely protest letters, dated May 3, 1994. However, by letter dated May 23, 1994, Westy McDermid, on behalf of ANC 2E, withdrew her protest.

Also, the official records of the Board reflect that CAG and the Applicant 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 the 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 May 13, 1994.

Melben, Inc.  
t/a Paper Moon Restaurant  
Page two

Accordingly, it is this 10<sup>th</sup> day of August 1994 ORDERED  
that:

1. The protest of Westy McDermid, Chair, on behalf of ANC 2E, be, and the same hereby, is WITHDRAWN;

2. The above-referenced Agreement between the CAG and the Applicant be, and the same hereby, is INCORPORATED as part of this Order;

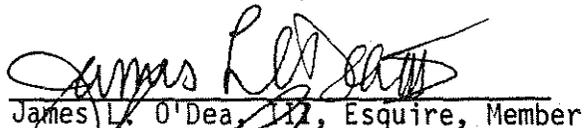
3. The application of Melben, Inc. t/a Paper Moon Restaurant for a retailer's license class CR - renewal at premises 1073 31st Street, N.W., be, and the same hereby, is GRANTED; and,

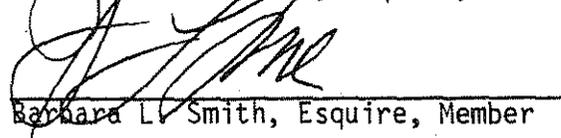
3. Copies of this Order shall be sent to the Protestants and the Applicant.

DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD

  
Mary Eva Candon, Esquire, Chair

  
James C. Jefferson, Member

  
James L. O'Dea, III, Esquire, Member

  
Barbara L. Smith, Esquire, Member

*DHA: ABC  
rec'd 6/28/00 lat*

AGREEMENT

Advisory Neighborhood Commission 2E ("the ANC") and Mel Ben, Inc. t/a Paper Moon ("applicant") agree as follows.

1. The applicant has applied for [for renewal of] a Class "CR" alcoholic beverage license for the property located at 1069-73 31 St NW, Washington, D.C. (the establishment") (ABC Application 8004) which is pending before the District of Columbia Alcoholic Beverage Control Board (ABC Board).

2. The ANC represents the residents and taxpayers within the boundaries of ANC2E and wishes to insure that no establishment that sells alcoholic beverages will adversely affect the health, safety, and quality of life in the surrounding community because of noise, parking, increased traffic, garbage, liner, rats, and sales of alcohol minors.

3. Therefore, the ANC agrees that it will not oppose the granting of the ABC license renewal before the ABC Board in return for the following promises by the applicant.

4. The applicant shall operate the establishment at all times in compliance with all applicable laws of the District of Columbia and the United States of America.

5. The establishment shall have a maximum capacity, as established by its Certificate of Occupancy, of 450 persons.

6. The establishment shall be open from 11:00 am to 2:00 am on Sundays through Thursdays and from 11:00 am to 3:00 am Fridays and Saturdays. These hours may not be extended without prior written agreement of the ANC.

7. The applicant will strictly enforce the underage drinking laws of the District of Columbia by requiring valid official identification showing age, confiscating false or forged identification cards, and cooperating with ABC inspectors and the police department in enforcing the law. To meet this requirement, the applicant shall have a fully licensed manager on duty at all times the establishment is open and shall train its employees serving alcoholic beverages in the "TIPS" or similar alcohol awareness program.

8. The applicant shall neither offer nor publicize any student discounts for alcohol, "pub crawls," "ladies' nights," "men's nights," all-you-can drink for one price, or similar special promotions that encourage the consumption of alcohol.

9. The applicant shall not distribute or place fliers, placards, cards and other promotional materials in the public space, or on any college or university campus, including student housing and dormitories nor place promotional fliers, placards, cards, banners or other promotional materials on or in its windows, doors, or building that are visible from the public

space, except for copies of its menus and seasonal (Thanksgiving, Christmas, Hanukkah) decorations that may be left in place for no more than 30 days.

10. No exterior sign, awning, or interior sign visible from the street shall be installed without the required permit and the prior approval of the Commission of Fine Arts and D.C. Department of Consumer Regulatory Affairs.

11. Recorded music may be played only at volume levels that cannot be heard from the street outside the establishment.

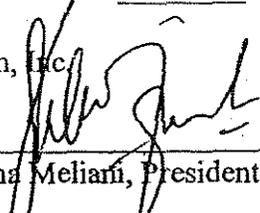
12. The applicant shall never permit trash, garbage, or litter to be placed outside the premises in unprotected bags, or uncovered cans, or containers and shall insure that all legal containers are emptied by a professional garbage truck service every day except on Sundays.

13. The applicant shall not use public space without first obtaining the required permit from the Public Space Committee of the D.C. Department of Public Works and, if such permit is issued, shall use public space only in strict conformance with the permit.

14. This written agreement constitutes the only agreement between the parties and replaces any prior agreements between the parties and may be modified only by the written agreement of both parties.

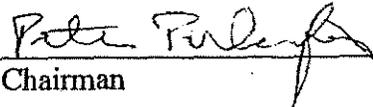
Executed this 26 day of June 2000.

By: Mel Ben, Inc.

By: 

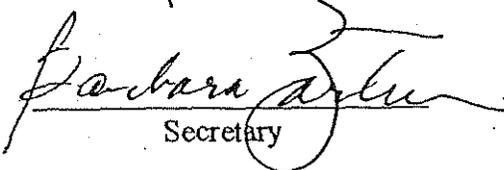
Mustapha Meliani, President

ADVISORY NEIGHBORHOOD COMMISSION 2E

BY 

Chairman

With a quorum present at a duly noticed public meeting, this Agreement was adopted by ANC 2E on April 4, 2000.

  
Secretary

SETTLEMENT AGREEMENT

Settlement Agreement made this 31st day of August, 1993, by and between Melben, Inc. (the "Applicant"), a D.C. corporation having its principal office at 1069-73 31st Street, N. W., Washington, D.C. 20007 and The Citizens Association of Georgetown ("CAG"), a District of Columbia not-for-profit corporation having its principal office at 3222 N Street, N.W., Washington, D.C. 20007.

WITNESSETH

WHEREAS, the Applicant owns and operates a restaurant known as Paper Moon (the "Establishment") and located at 1069-73 31st Street, N.W., Washington, D.C. 20007; and

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board (the "ABC Board") is the Applicant's Application Number 24507 (the "Application") for a substantial change to the District of Columbia Class CR Alcoholic Beverage License applicable to the Establishment; and,

WHEREAS, CAG has protested the Application (Case No. 24507-93083P); and

WHEREAS, the parties desire to resolve the protest in the manner hereinafter provided;

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

1. Use of Sidewalk Cafe. The Applicant will use the sidewalk cafe for which the Applicant has filed the Application solely as an adjunct to the operation of its indoor restaurant and will close the sidewalk cafe at the time that the kitchen in the Establishment is closed.

2. Food Service. The Applicant will offer food service in its sidewalk cafe at all times until the closing time of the kitchen in the Establishment.

3. Entertainment. At any time when the Establishment plays music for dancing by its patrons, it will keep the front windows of the Establishment closed in order to prevent the music from being heard on 31st Street.

4. Conditions of License. The Applicant will adhere to the conditions of the license for the Establishment and it is understood that the provisions of this Settlement Agreement become a part of the conditions of the License.

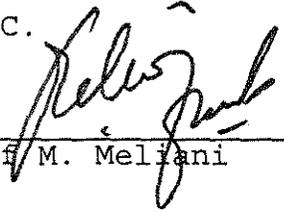
5. Withdrawal of Protest. CAG hereby withdraws its protest of the Application and agrees to provide whatever further evidence of said withdrawal that may be required by the ABC Board.

6. Binding Effect. This Settlement Agreement shall be binding upon and enforceable against the successors and assigns of the Applicant during the term of the license to which the Settlement Agreement applies.

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement as of the day and year first above written.

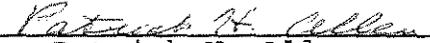
MELBEN, INC.

By

  
\_\_\_\_\_  
Mostaf M. Meliani

THE CITIZENS ASSOCIATION  
OF GEORGETOWN

By

  
\_\_\_\_\_  
Patrick H. Allen  
Chairman, ABC Committee