

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

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In the Matter of:)	
)	
Mukundrai, Inc.)	
t/a Southwest Flippin Pizza)	
)	
Applicant for a New)	License No. ABRA-097182
Retailer's Class DR License)	Order No. 2015-056
)	
at premises)	
1250-1280 Maryland Avenue, S.W.)	
Washington, D.C. 20024)	
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Mukundrai, Inc., t/a Southwest Flippin Pizza (Applicant)

Roger Moffatt, Chairperson, Advisory Neighborhood Commission (ANC) 6D

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

ORDER ON SETTLEMENT AGREEMENT

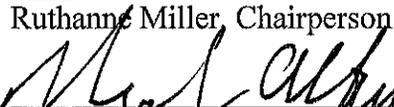
The official records of the Alcoholic Beverage Control Board (Board) reflect that Mukundrai, Inc., t/a Southwest Flippin Pizza, Applicant for a new Retailer's Class DR License, located at 1250-1280 Maryland Avenue, S.W., Washington, D.C., and ANC 6D have entered into a Settlement Agreement (Agreement), dated February 9, 2015, 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 Roger Moffatt and Commissioner Coralie Farlee, on behalf of ANC 6D, are signatories to the Agreement.

Accordingly, it is this 18th day of February, 2015, **ORDERED** that:

1. 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; and
2. Copies of this Order shall be sent to the Applicant and ANC 6D.

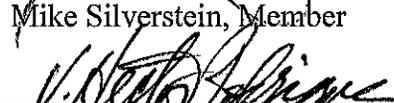
District of Columbia
Alcoholic Beverage Control Board

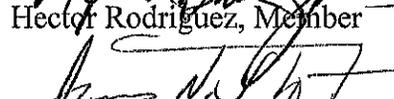

Ruthanne Miller, Chairperson

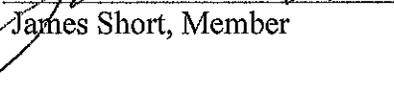

Nick Alberti, Member


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, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) 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) (2004).

SETTLEMENT/COOPERATIVE AGREEMENT

THIS SETTLEMENT/COOPERATIVE AGREEMENT ("Agreement") is made on this 9th day of February 2015 by and between Mukundrai, Inc., t/a Southwest Flippin Pizza ("Applicant") at 1250-1280 Maryland Avenue, SW, License # 097182 and Advisory Neighborhood Commission 6D ("Protestant"), (collectively, the "Parties").

PREAMBLE

Through this agreement both parties aim to create an environment in which the Applicant may operate as a viable contributing establishment in the ANC6D community.

WITNESSETH

WHEREAS, Applicant has applied for a License Class CR for a business establishment ("Establishment") serving spirits, wine, and beer in the indoor space located at 1250-1280 Maryland Avenue, SW, Washington, D.C. 20024 ("Premises"); and

WHEREAS, Protestant is Advisory Neighborhood Commission ANC6D, which filed a timely protest (the "Protest") against the issuance of the Applicant's license application pursuant to D.C. Official Code § 25-601(1) and 601(4), respectively; and

WHEREAS, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Control Board ("ABC Board") approve the Applicant's license application conditioned upon the Applicant's compliance with the terms of this written Agreement; and

NOW THEREFORE, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the Parties agree as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. **Parking Arrangements.** It is a concern of the Protestants that the Applicant's operation of the Establishment does not create or exacerbate parking problems within the ANC. The Applicant shall notify patrons (through a website or other means) that there is limited parking in the vicinity and shall provide information about parking and public transportation.
3. **Noise and Deliveries.** Applicant shall strictly comply with D.C. Official Code § 25-725. No deliveries excepting fresh bread products shall be accepted on Sundays.
4. **Public Space and Trash.** Applicant shall endeavor to maintain the area around trash

facilities to keep them clean at all times.

5. ***Security Cooperation in Stemming Illegal Drugs and Public Drinking.*** Applicant shall take all reasonable steps to minimize problems of illegal drugs and public drinking at all times.

Applicant shall have sufficient number of recording cameras of good photographic quality to maintain information for at least 30 days. These recording cameras shall cover the exterior front door of the premises, as well as the public areas of the interior of the premises. This information shall be made available to representatives of ABRA and/or MPD as requested.

6. ***Participation in the Community.*** Applicant agrees to seek to maintain open communication with Protestant, and the community for which the ANC acts.

7. ***Notice and Opportunity to Cure.*** In the event that any of the parties is in breach of this Agreement, it shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the Agreement. Unless the breach is of an emergency nature or is a repetition of a prior breach, reasonable notice and opportunity shall provide for a cure within 30 days of the date of such notice. If Applicant or the licensee fails to cure within the 30-day period (or, with respect to a breach which reasonably requires more than 30-days to cure, fails to commence cure of such breach and diligently pursues such cure) failure shall constitute a cause for filing a complaint with the ABC Board pursuant to D.C. Official Code § 25-446(e).

If to Applicant: Mukundrai, Inc. t/a Southwest Flippin Pizza
1250-1280 Maryland Avenue, SW
Washington, DC 20024
Attn: Purvesh Patel
Phone: 817-946-3706
e-mail: ppatel20@outlook.com

If to Protestants: Advisory Neighborhood Commission 6D
1101 4th Street, SW, Suite W130
Washington, DC 20024
Attn: Chair, ANC
Phone: (202) 202 554-1795
Fax (202) 202 554-1774
e-mail: office@ANC6D.org

Failure to give notice shall not constitute waiver or acquiescence to the violation, but notice shall be a prerequisite to the filing of a complaint with the ABC Board or any other enforcement action.

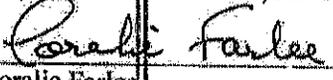
8. *Withdrawal of Protest.* Upon execution of this Agreement by the Parties and its acceptance by the ABC Board, Protestant shall withdraw the Protest.

PROTESTANT:

Chair, ANC6D

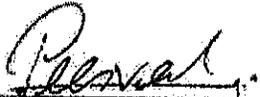
 2/9/15
Roger Moffatt/SMD05 Date

Chair, ABC Committee, ANC6D

 9 Feb 15
Coralie Farlee Date
ofarlee@mindspring.com

APPLICANT:

Mukundrai, Inc. t/a Southwest Flippin Pizza

 02/09/15
By: Purvesh Patel, Owner Date



ALCOHOLIC BEVERAGE
REGULATION ADMIN

Near Southeast/Southwest
Advisory Neighborhood Commission 6D

FEB 11 P 1:53

ABRA

February 9, 2015

1101 Fourth Street, SW
Suite W130
Washington, DC 20024
202.554.1795
Email: office@anc6d.org
Website: www.anc6d.org

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

OFFICERS

Chairman
Roger Moffatt

Vice Chairman
Andy Litsky

Secretary
Stacy Cloyd

Treasurer
Rachel Reilly Carroll

COMMISSIONERS

SMD 1 - Sam Marrero
SMD 2 - Stacy Cloyd
SMD 3 - Rachel Reilly Carroll
SMD 4 - Andy Litsky
SMD 5 - Roger Moffatt
SMD 6 - Rhonda Hamilton
SMD 7 - Vacant

RE: ANC6D Protest of new application/license: Mukundrai, Inc., t/a Southwest Flippin Pizza, 1250-1280 Maryland Ave., SW, CR License #097182.

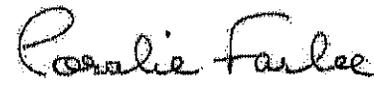
Dear Ms. Miller:

At its regularly scheduled, properly noticed meeting on February 9, 2015, with a quorum present, the Advisory Commission 6D voted 5 to 0 to 1 to protest the new license for applicant, Bonchon, new CR License # 097182 on the grounds of peace, order, and quiet, D.C. Official Code 25-725 and 25-726.

Please contact Commissioner Moffatt or Dr. Coralie Farlee, Chair, ABC Committee, ANC6D at 202-554-4407, cfarlee@mindspring.com if you have any questions or concerns.

Sincerely,


Roger Moffatt, Chair
ANC6D


Coralie Farlee, Chair
ABC Committee, ANC6D

Cc: Martha Jenkins
Sarah Fashbaugh