

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

In the Matter of:

Sticky Fingers Sweets & Eats, Inc.
t/a Sticky Fingers Sweets & Eats

Applicant for a New
Retailer's Class CR License

at premises
1370 Park Road, N.W.
Washington, D.C. 20010

License No. ABRA-091395
Order No. 2013-163

Sticky Fingers Sweets & Eats, Inc., t/a Sticky Fingers Sweets & Eats (Applicant)

Patrick W. Flynn, Commissioner, Advisory Neighborhood Commission (ANC) 1A

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

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Sticky Fingers Sweets & Eats, Inc., t/a Sticky Fingers Sweets & Eats, Applicant for a new Retailer's Class CR license, located at 1370 Park Road, N.W., Washington, D.C., and ANC 1A have entered into a Settlement Agreement (Agreement) dated April 10, 2013, 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 Commissioner Patrick W. Flynn, on behalf of ANC 1A, are signatories to the Settlement Agreement.

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Accordingly, it is this 8th day of May, 2013, **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 1A.

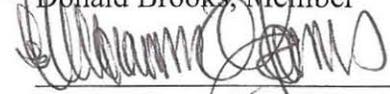
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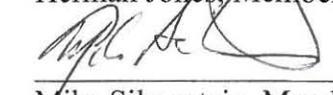
District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson


Nick Alberti, Member


Donald Brooks, Member


Herman Jones, Member


Mike Silverstein, Member

Pursuant to D.C. Official Code § 25-433, 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.



ADVISORY NEIGHBORHOOD COMMISSION 1A

SMD 1A01 – Lisa Kralovic
SMD 1A04 – Laina Aquiline
SMD 1A07 – Thomas Boisvert
SMD 1A10 – Anthony Cimino

SMD 1A02 – Vickey Wright-Smith
SMD 1A05 – Kevin Holmes
SMD 1A08 – Kent Boese
SMD 1A11 – Dotti Love Wade

SMD 1A03 – Steven Swank
SMD 1A06 – Patrick W. Flynn
SMD 1A09 – Bobby Holmes
SMD 1A12 – Rosalind M. Gilliam

April 10, 2013

SETTLEMENT AGREEMENT

THIS AGREEMENT, made and entered into this tenth day of April 2013, by and between Sticky Fingers Sweets & Eats, Inc., (hereinafter the “Applicant”) and Advisory Neighborhood Commission 1A (“ANC 1A”).

WHEREAS, Applicant has filed application License No. ABRA-091395 with the District of Columbia Alcohol Beverage Control Board (hereinafter “ABC Board”) for a Retailer’s Class C License for a restaurant and summer garden operation located at 1370 Park Rd, NW (the “Restaurant”);

WHEREAS, in recognition of the ABC Board’s policy of encouraging parties to address neighborhood concerns by negotiating agreements, the parties hereto being desirous of entering into an agreement whereby Applicant will agree to adopt certain measures to address ANC 1A’s concerns and ANC 1A will agree to support the issuance of the ABC License;

NOW, THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein the parties agree as follows:

- 1. Loitering:** All due diligence shall be made by the Applicant to ensure that there is no loitering in front of or in the vicinity of the Restaurant, especially loud cursing, public drunkenness or other acts of aggression.
- 2. Hours of Alcohol Sale:** Applicant has the right to, but is not obligated to, sell alcoholic beverages in the Summer Garden (facing Park Rd.) but will not make sales after 10pm on weeknights (Sunday through Thursday) and 12am on Friday and Saturday nights. If at any time, the ABC Board or Council of the District of Columbia extends hours of legal operation for the sale of alcohol on a temporary basis, the Applicant shall have the right to serve alcohol to the full extend of such law.
- 3. Noise and Noise Suppression:** Applicant acknowledges familiarity with and will comply with all noise-control provisions of the District of Columbia law and regulations, including preventing emissions of sound, capable of being heard outside the premises, by any musical instrument or amplification device or other device or source of sound or noise, in accordance with the DC Code 25-725. Sound emanating from any part of the establishment shall not be audible in residential structures in the vicinity. The Restaurant’s operation shall at all times be in compliance with the D.C. Noise Control Act. Applicant will be encourage employees and patrons to be considerate of residents in the neighborhood after departing the building, by keeping conversations and other noises at a level that will not disturb peace, order, quiet enjoyment and tranquility of residents in the enjoyment of their homes or generate a noise complaint. Applicant will not have amplified sound in the Summer Garden patio area.
- 4. Litter and Debris Removal:** Applicant will maintain all areas adjacent to the Restaurant, up to and including the curb, in a clean and orderly manner, free of trash and litter, in full compliance with applicable D.C. regulations in this respect, as often as needed.

Advisory Neighborhood Commission 1A
1380 Monroe Street NW #103
Washington, DC 20010

5. **Parking:** Applicant will encourage transit use, and will direct patrons to use nearby public parking facilities rather than parking on residential streets.

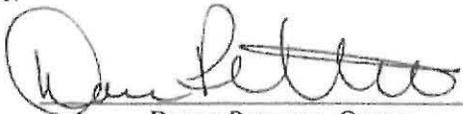
6. **Notice and Opportunity to Cure:** In the event that any of the parties are in breach of this Agreement, it shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the Agreement. Unless the breach is of an emergency nature or is a repetition of a prior breach, upon receiving notice the noticed party will have thirty calendar days to cure. Failure to cure within thirty calendar days (or, with respect to a breach which reasonable required more than thirty days to cure, fails to commence cure of such breach and diligently pursue such cure) shall constitute a cause for seeking a Show Cause Order from the ABC Board pursuant to DC Official 25-447. Any notices required to be made under this Agreement shall be in writing, and mailed via certified mail, return receipt requested, postage prepaid, or hand delivered, to the respective parties at their business address. Notice shall be deemed as given as of the time of receipt or refusal of receipt.

7. **Binding Effect:** This Agreement shall be binding upon and enforceable against the successors and assigns of the Applicant during the term of the license to which this Agreement applies.

8. **Modification:** This Agreement can be modified only by mutual agreement of the parties with approval of the ABC Board for acceptance and enforcement.

WHEREFORE, by the signing of duly authorized representatives for the Applicant and ANC 1A, Applicant hereby agrees to the aforementioned covenants and ANC 1A requests that this Agreement be incorporated into the ABC Board's order issuing a Class C License.


Patrick W. Flynn, ANC SMD 1A06


Doron Petersan, Owner
Sticky Fingers Eats and Sweets, Inc.

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Certification:

At a regularly scheduled and publicly noticed meeting held on April 10, 2013 Advisory Neighborhood Commission 1A considered the above letter. With a quorum of 13 Commissioners present, the Commission voted with 8 yeas, 0 nos, and 3 abstentions to enter the above Agreement.


Thomas Boisvert, Chairman


Kent Boese, Secretary