

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

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In the Matter of:)	
)	
N J A Hotel, LLC)	
t/a Courtyard By Marriott)	
)	
Application to Renew a)	License No. 74495
Retailer's Class "CH" License)	Case No. 61074-07/106P
at premises)	Order No. 2008-089
)	
140 L Street, N.W.)	
Washington, D.C.)	
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N J A Hotel, LLC t/a Courtyard By Marriott, Applicant

Scott B. Swenson, Anthony J. Maturo, Jared Thigpen, Edward Hoffman, Barbara Bishop, Cathy Hurst Weber, Andrew Weber, Richard W. Glass, David Bonior, Judy Bonior, Alicia de Forest, and Daryl Jackson (A Group of Five or More Individuals), Protestants

BEFORE: Peter B. Feather, Chairperson
Judy A. Moy, Member
Albert G. Lauber, Member
Mital M. Gandhi, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST

The Application filed by N J A Hotel, LLC t/a Courtyard By Marriott, (Applicant), to renew its Retailer's Class "CH" license, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call hearing on September 19, 2007, in accordance with D.C. Official Code § 25-601 (2001). Scott B. Swenson, Anthony J. Maturo, Jared Thigpen, Edward Hoffman, Barbara Bishop, Cathy Hurst Weber, Andrew Weber, Richard W. Glass, David Bonior, Judy Bonior, Alicia de Forest, and Daryl Jackson (A Group of Five or More Individuals) Protestants, filed timely letters of opposition.

The official records of the Board reflect that the Parties have reached an agreement which has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the Voluntary Agreement, dated February 11, 2008, the Protestants have agreed to withdraw its protest, provided, however, the Board's approval

N J A Hotel, LLC
t/a Courtyard by Marriott
License No. 74495
Case No. 61074-07/106P
Page Two

of the pending application is conditioned upon the Licensee's continuing compliance with the terms of the Voluntary Agreement.

Accordingly, it is this 20th day of February 2008, **ORDERED** that:

1. The protest of Scott B. Swenson, Anthony J. Maturo, Jared Thigpen, Edward Hoffman, Barbara Bishop, Cathy Hurst Weber, Andrew Weber, Richard W. Glass, David Bonior, Judy Bonior, Alicia de Forest, and Daryl Jackson, (A Group of Five or More Individual) is **WITHDRAWN**;

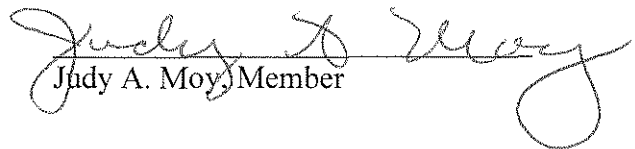
2. The Application filed by N J A Hotel, LLC t/a Courtyard By Marriott, to renew its Retailer's Class "CH" license, at 140 L Street, S.E., Washington, D.C., is **GRANTED**;

3. The above-referenced Agreement is **INCORPORATED** as part of this Order;
and

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

District of Columbia
Alcoholic Beverage Control Board


Peter B. Feather, Chairperson


Judy A. Moy, Member

Albert G. Lauber, Member


Mital M. Gandhi, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

AGREEMENT

This Agreement ("Agreement") is made this 11th day of February, 2008 by and between NJA Hotel, LLC t/a Courtyard by Marriott, 140 L Street, SE, Washington, DC (License No. 74495), ("Licensee") and Scott B. Swenson, individually and as a representative of a group of Protestants ("Protestants").

WHEREAS, Licensee has filed with the District of Columbia Alcoholic Beverage Control Board (the "Board") an application for renewal of its CH License, which included use of a summer garden, which summer garden was previously approved by the ABC Board but not utilized;

WHEREAS, the Protestants have objected to the Application for use of the summer garden; and

WHEREAS, in order to secure the Protestants' withdrawal of the protest pending before the ABC Board, Licensee has agreed to enter into this Agreement specifying the parties' Agreement and understanding regarding the Applicant's operations in connection with the summer garden entered into between the parties.

NOW, THEREFORE, in consideration of the agreements set forth herein, the parties hereto mutually agree as follows:

1. Occupancy of Outdoor Seating. The Licensee shall have a maximum capacity in its summer garden of 40 seats as specified in the seating diagrams received.
2. Hours of Operation. The hours of operation for the outdoor seating shall be 11:00 a.m. to 10:30 p.m. Sunday through Thursday and 11:00 a.m. to 11:30 p.m. on Friday and Saturday.
3. Indoor Entertainment, Noise Control and Promotional Events. The Licensee shall not offer live entertainment or recorded music of any kind on the summer garden.
4. The Licensee shall place smokeless ashtrays on all tables on the summer garden. Licensee shall install potted plants in front of the ledge on New Jersey Avenue where Capitol Hill Towers and the Hotel join in an attempt to discourage congregation. Licensee agrees not to install gas heat lamps in this area at any time.
5. Binding Agreement. This Agreement is binding upon all parties hereto. This Agreement constitutes the entire Agreement between the parties. This Agreement may be modified only by the written agreement of both parties or by order of the Board.

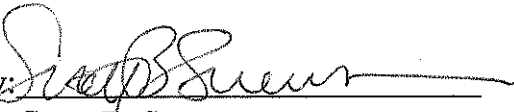
WITHDRAWAL OF PROTEST

In consideration of the execution of this Agreement, Protestants do hereby withdraw their protest to the renewal of Licensee's Renewal Application.

NJA HOTEL, LLC

By: 

Licensee

By: 

Scott B. Swenson,
On Behalf of all Protestants