

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

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<b>In the Matter of:</b>	)	
	)	
L Wisdom Corporation	)	
t/a Wisdom	)	
	)	
Holder of a	)	
Retailer's Class CT License	)	License No. ABRA-077708
	)	Order No. 2013-576
at premises	)	
1432 Pennsylvania Avenue, S.E.	)	
Washington, D.C. 20003	)	
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L Wisdom Corporation, t/a Wisdom (Applicant)

Brian Flahaven, Chairperson, on behalf of Advisory Neighborhood Commission (ANC)  
6B

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

**ORDER ON SETTLEMENT AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that L Wisdom Corporation, t/a Wisdom, and ANC 6B have entered into a Settlement Agreement (Agreement), dated October 8, 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 Chairperson Brian Flahaven, on behalf of ANC 6B, are signatories to the Agreement.

Accordingly, it is this 4<sup>th</sup> day of December, 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, except for the following modification:

Section 6 (Noise, Odor, and Privacy) – This section shall be modified to read as follows: “No objectionable noises, odors or other conditions will be created by the Applicant. Applicant will strictly comply with D.C. Official Code § 25-725, which may include the need to make architectural improvements to the property. Applicant agrees to keep its doors closed when music is being played inside the establishment but may open its window panels during such times, provided that the music is not audible beyond the street curbside. If necessary, Applicant will take reasonable steps necessary to reduce noise emanating from the opening of entry or exit doors. Applicant will take all reasonable steps to strictly comply with D.C. Regulations concerning noise emanating from the establishment's mechanical equipment.”

The parties have agreed to this modification.

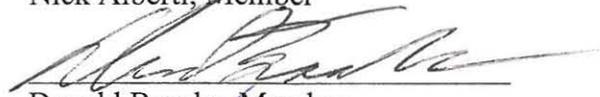
2. This Settlement Agreement replaces and supersedes previous Settlement Agreements between the parties; and
3. Copies of this Order shall be sent to the Applicant and ANC 6B.

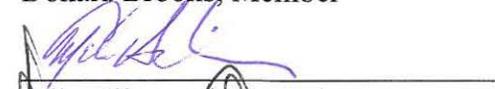
**L Wisdom Corporation**  
**t/a Wisdom**  
**License No. ABRA-077708**  
**Page 3**

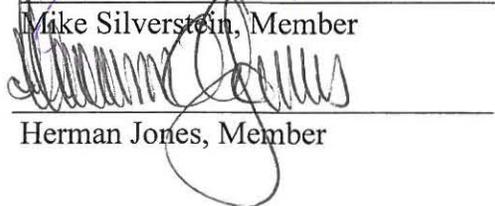
District of Columbia  
Alcoholic Beverage Control Board

  
Ruthanne Miller, Chairperson

  
Nick Alberti, Member

  
Donald Brooks, Member

  
Mike Silverstein, Member

  
Herman Jones, 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 14<sup>th</sup> 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to D.C. Official Code § 25-433, 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).

## SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made on this 8<sup>th</sup> day of October, 2013 by and between L Wisdom Corporation ("Applicant"), and Advisory Neighborhood Commission 6B, (Collectively, the "Parties").

### WITNESSETH

WHEREAS, Applicant's application for a license for premises, 1432 Pennsylvania Avenue, SE, Washington, DC, 20003, 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 issue of a Retailers' Class "CT" Tavern Liquor License at the subject premises; and,

WHEREAS, the Parties are desirous of entering into a Settlement Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to promote the peace, order and quiet of the neighborhood. Both parties recognize the importance of business neighborhoods that are safe, clean, and "pedestrian friendly".

NOW, THEREFORE, the parties agree as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. **Nature of the Business.** The Applicant shall manage and operate at the address a place that is regularly used for the sale and service of prepared food and alcoholic beverages. The license shall have limited indoor seating of 70 patrons and outside (sidewalk or other) voluntary seating not to exceed 15 patrons.
3. **Hours of Operation and Sales.** The Applicant's hours of operation shall be as follows:
  - Inside Services
    - Sunday through Thursday 10am to 2 AM
    - Friday and Saturday 10 AM to 3 AM
  - Sidewalk Services
    - Sunday through Thursday 10am to 2 AM
    - Friday and Saturday 10 AM to 3 AM
  - Entertainment Endorsement
    - Sunday through Thursday 10am to 1 AM
    - Friday and Saturday 10 AM to 2 AM

Provided that: (a) on days designated by the ABC Board as "Extended Hours for ABC Establishments" Applicant may operate (including sale and consumption) for one hour later than the hours listed above; (b) in the event that the Council of the District of Columbia or the ABC Board grants licensees in general extended operating hours (such as for the Inauguration), Applicant may avail itself of such extended hours; and (c) on January 1 of each year, Applicant may operate (including sale and consumption) until 3:00 a.m.

4. **Floors Utilized and Occupancy.** The Applicant will operate its establishment according to the occupancy indicated on the Certificate of Occupancy issued by the Department of Consumer and Regulatory Affairs.
5. **Sidewalk Café.** Applicant will operate its sidewalk café in accordance with the Public Space Management Branch Certification. Applicant will direct that its employees inspect the sidewalk café on a regular basis to ensure its cleanliness.
  - a.) Applicant agrees to limit the hours of use for the back enclosed patio to 11pm Sunday – Thursday, and 12am on Friday and Saturday. Applicant will not install speakers for amplified music in this space.
6. **Noise, Odor, and Privacy.** ANC consents to issuance of an entertainment endorsement. Notwithstanding, no objectionable noises, sounds, odors, or other conditions will be created by the Applicant. Applicant will strictly comply with D.C. Official Code § 25-725 and to that end shall take all necessary actions to ensure that music, noise and vibration from the Establishment are not audible outside the establishment at any time. Applicant may open its window panels, and that music may be played at such times at a level not audible beyond the street curbside. No live entertainment shall be presented on the sidewalk café. If necessary, Applicant will take reasonable steps to reduce noise emanating from the Establishment from the opening of the entry or exit doors. The applicant will take all reasonable steps necessary to mitigate noise emanating from mechanical equipment associated with the applicant's operations (e.g., air conditioning unit, grease fan) -- including installing sound-mitigating insulating material around the equipment, if necessary --to comply with D.C. regulations, prevent an increase in existing sound level conditions of the site, and abate noises objectionable to the residential neighbors.

7. ***Public Space and Trash.***

a. Applicant shall keep its entire property and the sidewalk (up to and including the curb), tree box(es), curb, and alley clean and free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall police these areas sufficiently to assure that refuse and other materials are promptly removed.

b. Applicant shall ensure that the area around the dumpster is kept clean at all times and the dumpster is placed such that it does not encroach on the abutting property owners and that no garbage is placed on the abutting property. Applicant shall ensure that no trash is placed outside the establishment other than in a fully-closed dumpster. Applicant shall ensure that the lids on all dumpsters are fully closed at all times. Applicant shall not place trash in its dumpster in any manner that would prevent the full closure of the dumpster. Applicant shall ensure that all dumpsters used are properly maintained and replaced when damaged.

c. Applicant shall ensure that all grease is placed in a secure well-maintained container inside the property where possible. Any grease leak shall be cleaned up promptly and all containers shall be properly maintained and replaced when damaged or leaking.

d. Applicant will ensure timely trash disposal that is the least disruptive to the neighbors. To that end, no glass shall be recycled or otherwise disposed after 10 p.m. or before 7 a.m. Any glass material needing to be recycled or otherwise disposed between 10 p.m. and 7 a.m. shall be stored inside the Applicant's establishment until 7 a.m.

e. Commercial trash pick up in residential areas takes place between 7 a.m.-7 p.m. Applicant shall not allow for its trash to be picked up outside of those hours.

8. ***Rats and Vermin Control.*** The Applicant shall provide rat and vermin control for its property. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure that there are no garbage and odors present the following morning.

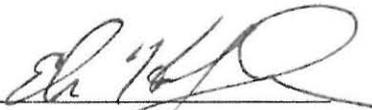
9. ***Security Cooperation in Stemming Criminal Activity and Public Drinking.*** Applicant agrees that it shall take all reasonable steps to minimize such problems, including, without limitation, providing a sufficient number of employees to assure adequate security and to control unruly patrons, whether inside or in the immediate outside area; monitoring for and prohibiting criminal activity within or about the Premises, maintaining contact and cooperating with MPD and other enforcement officials when known or suspected drug activities occur. Applicant shall to the full extent permissible by law discourage loitering in the vicinity of the Premises.

10. ***Compliance with ABRA Regulations.*** Applicant promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licensees.

11. **Cancellation of previous Agreements.** Except as otherwise explicitly provided herein, this Agreement shall have full force effect and shall constitute the agreement between the parties. This agreement may only be modified by written agreement of all the parties or their successors, or otherwise in accordance with law. All other previous Voluntary or Settlement Agreements are rendered null and void.

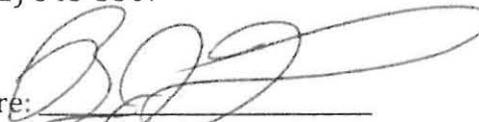
IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

Applicant: L. Wisdom Corp LLC, t/a Wisdom  
ABRA# 0-77708  
1432 Pennsylvania Ave, SE (address)  
Washington, DC 20003  
Erik Holzner, Managing Member  
310 630-9000, phone

Signature: 

Date: 8 Oct 2013

Advisory Neighborhood Commission 6B  
Washington, DC 20003  
Brian Flahaven, Chairperson  
(202) 543-3344  
Fax (202) 543-3507

Signature: 

Date: 10/8/13

 **ANC 6B**  
*Capitol Hill / Southeast*

921 Pennsylvania Avenue SE  
Suite 305  
Washington, DC 20003-2141  
202-543-3344 (office)  
202-543-3507 (fax)  
office@anc6b.org

Executive Director  
*Susan Eads Role*

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Vice-Chair  
*Ivan Frishberg*

Secretary  
*Philip Peisch*

Treasurer  
*Brian Pate*

Parliamentarian  
*Nichole Opkins*

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SMD 5 *Brian Pate*  
SMD 6 *Nichole Opkins*  
SMD 7 *Sara Loveland*  
SMD 8 *Chander Jayaraman*  
SMD 9 *Brian Flahaven*  
SMD 10 *Francis Campbell*

October 15, 2013

Ruthanne Miller, Chair  
Alcoholic Beverage Control Board  
2000 14<sup>th</sup> Street NW, Suite 400S  
Washington, DC 20009

VIA E-MAIL: tesha.anderson@dc.gov

RE: ABRA-077708, Wisdom, 1432 Pennsylvania Avenue SE, License Renewal

Dear Ms. Miller:

At its regularly called, properly noticed meeting on October 8, 2013, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 9-0-1 to support the above-referenced request.

For your review and approval, please find enclosed a Settlement Amendment, which was executed by both parties.

Please contact Commissioner Sara Loveland, ANC 6B's Alcohol Beverage Control Committee Chair, at 202-330-8745 or [sara6b07@anc6b.org](mailto:sara6b07@anc6b.org) if you have questions or need further information. Thank you.

Sincerely,



Brian Flahaven  
Chair

Enclosure