

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

<b>In the Matter of:</b>	)	
	)	
MHG Café Dupont, LLC	)	
t/a Circa at Dupont	)	
New Application for a Retailer's	)	
Class CR License – renewal	)	License no.: 76074
at premises	)	Case no.: <del>61162-07/010P</del>
1601 Connecticut Avenue, N.W.	)	Order no.: 2007-019
Washington, D.C.	)	

MHG Café Dupont, LLC, Applicant

David A. Bowie, Chairman, on behalf of Advisory Neighborhood Commission 2B,  
Protestant

**BEFORE:** Charles A. Burger, Chairperson  
Vera M. Abbott, Member  
Judy A. Moy, Member  
Audrey E. Thompson, Member  
Peter B. Feather, Member  
Albert G. Lauber, Member

**ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST**

The new application for a Retailer's Class "CR" License, having been protested, came before the Alcoholic Beverage Control Board ("Board") on January 31, 2007, in accordance with D.C. Official Code § 25-601 (2001). David A. Bowie, Chairman, on behalf of Advisory Neighborhood Commission 2B filed timely opposition by letter on December 28, 2006.

The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated January 8, 2007, the Protestant has agreed to withdraw its protest, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

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Accordingly, it is this 14<sup>th</sup> day of February 2007, **ORDERED** that:

1. The protest of David A. Bowie, Chairman, on behalf of Advisory Neighborhood Commission 2B, is **WITHDRAWN**;

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2. The renewal application of MHG Café Dupont, LLC, t/a Circa at Dupont, for a Retailer's Class "CR" License at 1601 Connecticut Avenue, N.W., Washington, D.C., is **GRANTED**;

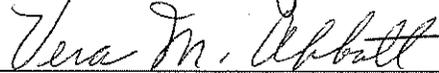
3. The above-referenced agreement is **INCORPORATED** as part of this Order;  
and

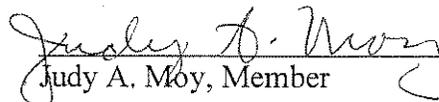
4. Copies of this Order shall be sent to the Protestant and the Applicant.

MHG Café Dupont, LLC  
t/a Circa at Dupont  
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License no. 76074  
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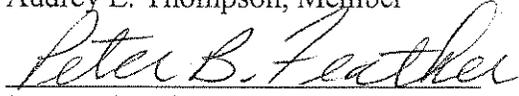
District of Columbia  
Alcoholic Beverage Control Board

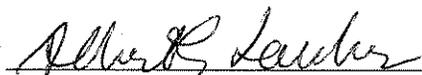
  
\_\_\_\_\_  
Charles A. Burger, Chairperson

  
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Vera M. Abbott, Member

  
\_\_\_\_\_  
Judy A. Moy, Member

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Audrey E. Thompson, Member

  
\_\_\_\_\_  
Peter B. Feather, Member

  
\_\_\_\_\_  
Albert G. Lauber, 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.

2/6/07  
Fpm

**VOLUNTARY AGREEMENT**

This Agreement, made and entered this 8<sup>th</sup> day of January, 2007, by and between MHG Café Dupont, LLC t/a Circa at Dupont, 1601 Connecticut Avenue, N.W., Washington, D.C. (hereinafter the "Applicant") Advisory Neighborhood Commission 2B ("ANC 2B"), and Ronald L. Wilson, Diego D'Ambrosio, Kathryn Kailian, Alan Skvirsky and Anexoria Skvirsky, separately and individually (hereinafter the "Protestants").

**RECITALS**

WHEREAS, the Applicant has filed for a Class CR license to be issued by the Alcoholic Beverage Control Board of the District of Columbia for premises known as 1601 Connecticut Avenue, N.W.; and

WHEREAS, ANC 2B and the individuals have protested the Application; and

WHEREAS, the parties desire to resolve the protest by Voluntary Agreement.

NOW, therefore, in consideration of the Recitals set forth above, and the mutual covenants in agreements hereinafter set forth, the parties agree as follows:

1. Trash Pick-up. Applicants shall arrange to have the trash picked up six (6) days a week (every day except Sunday), and to pick up trash and litter which might accumulate in the area surrounding the trash dumpster, and to clean said area.
2. Extermination. Applicant agrees to regularly schedule exterminator service for the entire building.
3. Noise. Applicant shall install a new HVAC system with a vibration pad. Applicant shall move the location of the exhaust fan so it is out of view and further back on the roof.
4. Hours of Operation. The hours of operation of the Applicant shall be 5:30 a.m. to 1:00 a.m., Sunday through Thursday, and 5:30 a.m. to 2:00 a.m., Friday and Saturday. The parties agree to meet to discuss extension of these hours after the establishment has been open a minimum of six (6) months to consider extension of the hours to those of surrounding businesses.

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trash for  
the day  
if necessary  
OK  
JKK*

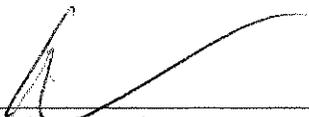
5. Music. Applicant shall provide background music. Applicant shall provide live music consisting of one instrument (e.g., piano, clarinet, guitar). Applicant shall have no disc jockey, no dancing and no cover charge. The entertainment will terminate at 11:00 p.m. on weekdays and 12:00 midnight on weekends.
  6. Outdoor Summer Garden. The hours of the outdoor summer garden will close at the hours set forth on the Application; namely, 11:00 p.m., Sunday through Thursday, and until 12:00 midnight, Friday and Saturday. When the outdoor summer garden is closed, Applicant agrees also to close the exterior front windows.
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7. Withdraw of Protests. The Protestants hereby withdraw their Protest and join in with the Applicant in requesting the Alcoholic Beverage Control Board of the District of Columbia approve of the Application submitted by Applicant conditioned upon Applicant's compliance with the terms of this Agreement.

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

APPLICANT:

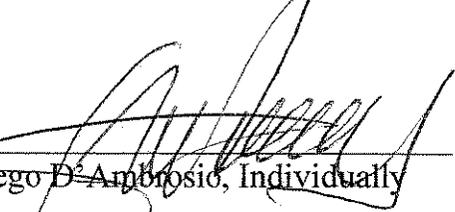
MHG Café Dupont, LLC

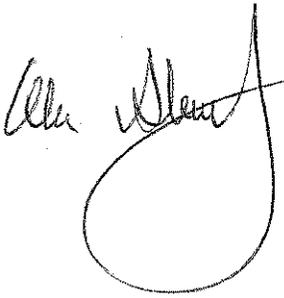
Advisory Neighborhood Commission 2B

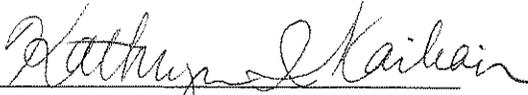
By:   
 Stephen P. Gavula

By:   
 Chairperson

By: \_\_\_\_\_  
 Ronald L. Wilson, Individually

By:   
 Diego D'Ambrosio, Individually

 (all ok.)

By:   
 Kathryn Kailian, Individually

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APPLICANT:

MHG Café Dupont, LLC

Advisory Neighborhood Commission 2B

By: \_\_\_\_\_

Stephen P. Gávula

By: \_\_\_\_\_

Chairperson

By: \_\_\_\_\_

Ronald L. Wilson, Individually

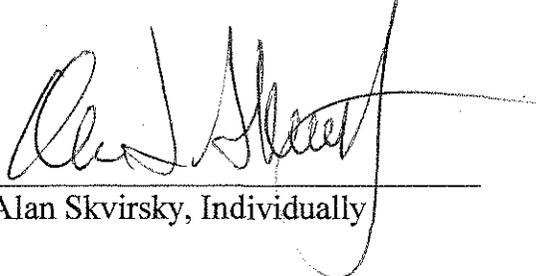
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Diego D' Ambrosio, Individually

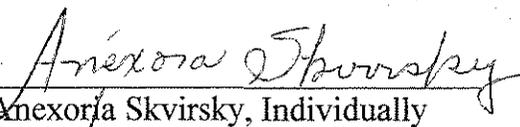
By: \_\_\_\_\_

Kathryn Kailian, Individually

By:

  
Alan Skvirsky, Individually

By:

  
Anexora Skvirsky, Individually