

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

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In the Matter of:)		
)		
Nispero, LLC)		
t/a El Nuevo Migueleno)		
)		
Application for Substantial Change)	Case No.	10-PRO-00117
to Retailer's Class CR License)	License No.	ABRA-075403
)	Order No.	2010-602
at premises)		
1721 Columbia Road, N.W.)		
Washington, D.C. 20009)		
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Nispero, LLC, t/a El Nuevo Migueleno ("Applicant")

Ellen Jaffe and Nancy Shia, on behalf of A Group of Five or More Individuals
("Protestant")

BEFORE: Charles Brodsky, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWAL OF PROTEST

The official records of the Alcoholic Beverage Control Board (Board) reflect that Nispero, LLC, t/a El Nuevo Migueleno (Applicant), has submitted an Application for a Substantial Change to its Retailer's Class CR License located at 1721 Columbia Road, N.W., Washington D.C. The Applicant and Ellen Jaffe and Nancy Shia, on behalf of A Group of Five or More Individuals, have entered into a Voluntary Agreement, dated December 6, 2010, setting forth the terms and conditions that govern 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 Ellen Jaffe and Nancy Shia, on behalf of A Group of Five or More Individuals, are signatories to the Agreement. This Agreement constitutes a

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withdrawal of the Protest filed by A Group of Five or More Individuals of this Application.

Accordingly, it is this 8th day of December 2010, **ORDERED** that:

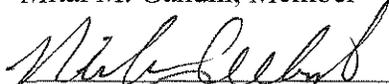
1. The Application filed by Nispero, LLC, t/a El Nuevo Migueleno (“Applicant”), for a Substantial Change to its Retailer’s Class CR License located at 1721 Columbia Road, N.W., Washington, D.C., is **GRANTED**;
2. The Protest of A Group of Five or More Individuals in this matter is hereby **WITHDRAWN**;
3. The above-referenced Voluntary Agreement submitted by the Parties to govern the operations of the Applicant’s establishment are **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant and Ellen Jaffe and Nancy Shia, on behalf of A Group of Five or More Individuals.

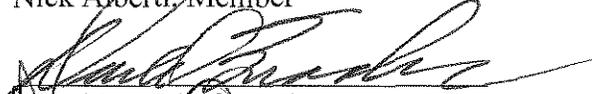
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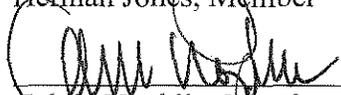


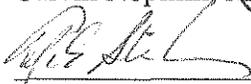
Charles Brodsky, Chairperson

Mital M. Gandhi, Member

Nick Alberti, Member

Donald Brooks, Member

Herman Jones, Member

Calvin Nophlin, Member

Mike Silverstein, 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, 1250 U Street, N.W., Third Floor, Washington, DC 20009.

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VOLUNTARY AGREEMENT

This is an agreement between Ellen Jaffe, Nancy Shia, Genie Wright, Henry Leland, John Taht, Stephen McKeivitt, Margaret Devoe, and Margaret Snow, (hereinafter the "Protestants") and Nispero, LLC t/a El Nuevo Migueleno (hereinafter Licensee), 1721 Columbia Road, NW, Washington, DC, 20009, License #ABRA-075403, to resolve ABRA Case #10-PRO-00117 (substantial change – entertainment endorsement).

1. The Licensee agrees to not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment. To ensure compliance with this provision, the licensee agrees:
 - a) To inform the live entertainment, including disc jockeys, of this provision and to monitor their compliance with this provision;
 - b) To close the upstairs windows when live entertainment is being performed;
 - c) To keep the doors closed except for ingress and egress;
 - d) To position umbrellas on the outdoor café in a way that covers the tables on the outdoor cafe;
 - e) To post a sign advising patrons to maintain peace, order, and quiet;
 - f) To provide the protestant's designated representatives with a name and telephone number of the manager(s) on duty, in order to call the establishment if residents are being disturbed by noise;
2. The licensee agrees that the closing hour of operation on the sidewalk café will be Monday – Thursday until 12:00 am and Friday, and Saturday until 1:00 am.
3. The parties agree to maintain communication in order to resolve problems that may arise that could have a negative impact on the peace, order, and quiet of the neighborhood.
4. Prior to seeking ABRA enforcement of the agreement, the Protestants agree to bring its concerns to the attention of the Licensee and to provide the Licensee with a reasonable opportunity to resolve their concerns.

Withdrawal of Protest: Upon execution of this Agreement by the Parties and its approval by the ABC Board, the Protestants deem the protest to be withdrawn.

El Nuevo Migueleno Voluntary Agreement

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DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATION ADMINISTRATION

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REC'D BY ADP

This AGREEMENT entered into on this _____ date of December, 2010.

For the Protestants:

Ellen Jaffe
Ellen Jaffe (designated representative)

Nancy Shia
Nancy Shia (designated representative)

For the Licensee:

JOSE DAVID LARIOS
Jose Larios, Owner