

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

In the Matter of:)

Perna, Inc.)
t/a Barmy Wine and Liquors)

Application for Renewal of the)
Single Sales Exception to a)
Retailer's Class A License)

License No. ABRA-023822
Order No. 2012-030

at premises)
1912 L Street, N.W.)
Washington, D.C. 20036)

Perna, Inc., t/a Barmy Wine and Liquors (Applicant)

Will Stephens, Chairperson, Advisory Neighborhood Commission (ANC) 2B

BEFORE: Nick Alberti, Interim Chairperson
Donald Brooks, Member
Calvin Nophlin, Member
Mike Silverstein, Member

**ORDER ON APPLICATION FOR RENEWAL
OF THE SINGLE SALE EXCEPTION AND
AMENDMENT TO VOLUNTARY AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Perna, Inc., t/a Barmy Wine and Liquors, located at 1912 L Street, N.W., Washington, D.C., Applicant for a Renewal of the Exception to Single Sales Restriction, and ANC 2B entered into a Voluntary Agreement (Agreement), dated February 17, 2009, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Voluntary Agreement (Amendment), dated December 14, 2011, setting forth the terms and conditions that govern the operation of the Applicant's establishment and incorporating an agreement to waive the single sales restriction.

The Applicant has a pending secondary tier violation. However, ANC 2B supports this request, as demonstrated in the Amendment among the Parties to waive the single sales restriction, for this establishment, subject to the terms and conditions therein.

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t/a Barmy Wine and Liquors
License No. ABRA-023822
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For these reasons, the Board finds no significant adverse impacts and grants the Application.

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Will Stephens, on behalf of ANC 2B, are signatories to the Amendment.

Pursuant to the Amendment to Voluntary Agreement, dated December 14, 2011, all terms and conditions of the Agreement, dated February 17, 2009, not amended by the Amendment shall remain in full force and effect.

Accordingly, it is this 18th day of January 2012, **ORDERED** that:

1. The Application filed by Prerna, Inc., t/a Barmy Wine and Liquors, for Renewal of the Exception to the Single Sales Restriction at the location of 1912 L Street, N.W., Washington, D.C., is **GRANTED**;
2. The Board's approval of this Application is perpetual and not limited to one year;
3. The above-referenced Amendment to Voluntary 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:

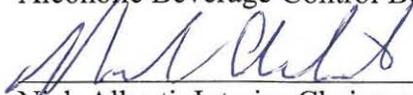
Section 2 (Single-Sales Exemption) – The following sentence in Section 2 shall be removed: “However, ANC 2B reserves the right to revoke this exemption should the Licensee be cited for violations by the Alcoholic Beverage Regulation Administration, the ABC Board or the Metropolitan Police Department.”

The parties have agreed to this modification.

4. Copies of this Order shall be sent to the Applicant and ANC 2B.

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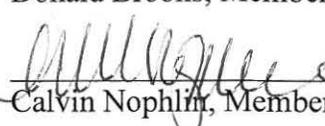
District of Columbia
Alcoholic Beverage Control Board



Nick Alberti, Interim Chairperson



Donald Brooks, Member



Calvin Nophlin, Member

I recuse myself from this matter.



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, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT, made on this 14th day of December, 2011 by and between Prerna, Inc. t/a Barmy Wines and Liquors located at 1912 L Street, NW, ("Licensee") and Advisory Neighborhood Commission 2B ("ANC 2B")

RECITALS

WHEREAS, Licensee is the holder of a Class A license (License Number 23822) issued by the Alcoholic Beverage Control ("ABC") Board for premises located at 1912 L Street N.W., Washington, D.C.; and

WHEREAS, Licensee has applied to the Board for approval to extend hours of operation Monday through Sunday until maximum hours allowed under District law; and

WHEREAS, Licensee has previously been granted an exemption from the single-sales ban enacted in Ward 2 by ANC2B;

WHEREAS, ANC 2B has previously entered into a Voluntary Agreement with the Licensee on February 4, 2009 and February 17, 2009;

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

1. **Hours of Operation and Sales.** ANC2B agrees to allow the Licensee to operate during the hours legally set forth by the ABC Board and the Government of the District of Columbia.
2. **Single-Sales Exemption.** ANC2B hereby grants the Licensee an exemption to the single-sales ban enacted by the Council of the District of Columbia. The Licensee shall not have to reapply for this exemption annually. However, ANC2B reserves the right to revoke this exemption should the Licensee be cited for violations by the Alcoholic Beverage Regulation Administration, the ABC Board or the Metropolitan Police Department.
3. **Agreements Otherwise Unamended.** Except as otherwise provided herein, the terms and conditions of the previously executed Voluntary Agreement are expressly reaffirmed and remain in full force and effect. The Licensee reaffirms its continuing efforts to help alleviate any trash and rodent issues, curb public drunkenness and public urination.

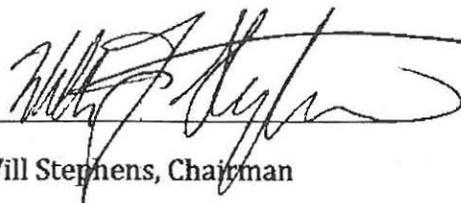
APPLICANT:

Prerna, Inc. t/a
Barmy Wines and Liquors



Prav Saraff, Vice President

ADVISORY
NEIGHBORHOOD COMMISSION
2B:



Will Stephens, Chairman



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B**

December 19, 2011

Acting Chairman Nick Alberti
Alcoholic Beverage Control Board
Reeves Center
2000 14th Street NW
Washington, DC 20009

Re: Request by Barmy Wine & Liquors, 1912 L Street NW, for exception to singles sales restriction and additional hours of operation.

Dear Mr. Alberti:

At its regular meeting on December 14, 2011, the Dupont Circle Advisory Neighborhood Commission ("ANC 2B" or "Commission") considered requests by Barmy Wine & Liquors. The applicant asked for support for their request for an exception to the singles sales restriction and additional hours of operation. With nine of the nine Commissioners present, a quorum at a duly-noticed public meeting, the Commission approved the following motion by a vote of 8-0.

ANC 2B supports Barmy Wine & Liquors' application for exception to single-sales restrictions and supports the request for hours of operation until the new statutory limit for liquor retail (12:00 a.m.).

Commissioner Mike Silverstein did not participate due to his position on the ABC Board. Kevin O'Connor (kevin.oconnor@dupontcircleanc.net), Mike Feldstein (mike.feldstein@dupontcircleanc.net), and I (will.stephens@dupontcircleanc.net) are the Commission's representatives in this matter.

We have already signed an amended Voluntary Agreement (VA) with Barmy, incorporating the singles sales exception and the additional hours, which was submitted to ABRA for Board approval last week. We hope the Board will approve the VA as submitted.

ON BEHALF OF THE COMMISSION.

Sincerely,

William J. Stephens

Will Stephens, Chair

Cc: thea.davis@dc.gov
martha.jenkins@dc.gov
cynthia.simms@dc.gov
fred.moosally@dc.gov

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

In the Matter of:)
)
Prenra, Inc.,)
t/a Barmy Wines and Liquors)
)
Application for Single Sales)
Exception to a Retailer's)
Class A License)
)
at premises)
1912 L Street, N.W.)
Washington, D.C. 20036)
)

License No.: 23822
Order Number: 2009-193

Prenra, Inc., t/a Barmy Wines and Liquors

Mike Silverstien, Chair, Advisory Neighborhood Commission (ANC) 2B

BEFORE: Peter B. Feather, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Charles Brodsky, Member
Donald Brooks, Member
Herman Jones, Member

**ORDER ON APPLICATION FOR EXCEPTION TO SINGLE SALES
RESTRICTION AND VOLUNTARY AGREEMENT**

The official records of the Alcoholic Control Board (Board) reflect that Prenra, Inc., t/a Barmy Wines and Liquors, Applicant for Exception to Single Sales Restriction, located at 1912 L Street, N.W., Washington D.C., and Mike Silverstein, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 2B, (collectively, the Parties) have entered into a Voluntary Agreement (Agreement), setting forth the terms and conditions that govern the operation of the Applicant's establishment and incorporating an agreement to waive the single sales restriction.

The Applicant does not have any primary or secondary tier violations within 12 months preceding the date of the application and the ANC supports this request, as demonstrated in the Voluntary Agreement among the Parties to waive the single sales restriction for this establishment subject to the terms and conditions therein. For these

Prenra, Inc.
t/a Barmy Wines and Liquors
License No.: 23822
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reasons, the Board finds no significant adverse community impacts and grants the Application. The Agreement has been reduced to writing and has been properly executed and filed with the Board. Both the Applicant and Chairperson Silverstien are signatories to the Agreement.

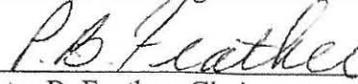
Accordingly, it is this 29th day of July 2009, **ORDERED** that:

1. The Application filed by Prenra, Inc., t/a Barmy Wines and Liquors for an Exception to the Single Sales Restriction at the location of 1912 L Street, N.W., Washington, D.C., is **GRANTED**

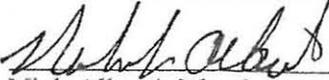
2. This above-referenced Voluntary Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and

3. Copies of this Order shall be sent to the Applicant and to ANC 2B.

District of Columbia
Alcoholic Beverage Control Board

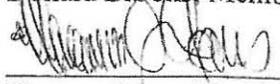

Peter B. Feather, Chairperson

Mital M. Gandhi, Member


Nick Alberti, Member

Charles Brodsky, Member


Donald Brooks, Member


Herman Jones, 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.

VOLUNTARY AGREEMENT

This agreement, entered into this 17th day of February, 2009, by and between Prerna Inc DBA "Barmy Wines and Liquors" (hereinafter the "Applicant") and Advisory Neighborhood Commission 2B (hereinafter "ANC 2B")

RECITALS

WHEREAS, The District of Columbia has enacted legislation banning the sales of certain sizes of malt liquor or ale, and including half pints or less of spirits in Ward 2 and 6; and

WHEREAS, there are provisions in that legislation to allow licensees to seek a waiver; and

WHEREAS, the applicant has come before ANC 2B with an exemplary record, seeking a waiver, and the parties desire to enter into a Voluntary Agreement in order to facilitate a waiver and

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

1. The Applicant will manage and operate an establishment which includes the sale of, malt liquor or ale, and including half pints or less of spirits. Applicant is authorized to sell, give, offer, expose for sale or deliver or deliver beer, malt liquor or ale with a capacity of 70 ounces or less, and to sell spirits, including half pints or less of spirits. Any change from this model shall be considered by both Parties to be a substantial change in operation of great concern to residents and requires prior approval by the Board.
2. The Applicant and the ANC agree with the Council's aim to curtail public drunkenness, antisocial behavior, and public urination. But they also agree that some products that would be affected by the single sales ban are generally not associated with unsocial behavior. This agreement is an application to waive the single sales ban to allow the Applicant to sell products of a high quality that do not impact negatively the quality of life in the neighborhood. The applicant agrees to work with the ANC on joint efforts to curtail public drunkenness and associated anti-social behavior.
3. Applicant shall not sell beer, malt liquor or ale with a capacity of 70 ounces or less and half pints or spirits or less after six months from the effective date of the law unless this Voluntary Agreement providing this authorization to sell single containers is

renewed by the ANC. Applicant must then reapply for an exception to the single sales ban on an annual basis.

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

APPLICANT:

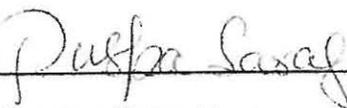
ADVISORY NEIGHBORHOOD

COMMISSION 2B

PRERNA, INC;

DBA BARMY WINES AND LIQUORS

By:



Pushpa Saraff, President

By:



Mike Silverstein, Chairman