

BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD

**In the Matter of:** )

MeriStar Hotel Lessee, Inc. )  
t/a Embassy Row Hotel )

Application for a Retailer's Class )  
CH License (renewal) at premises )  
2015 Massachusetts Avenue, N.W. )  
Washington, D.C. )

Application No.: 10010-02/093P  
Order No.: 2003-004

Doanld J. Dakin, Richard Hellman, Ralph McManus, Mindy Jacobs, Georgette Sobel,  
Nicholas Kittrie, Suzanne Legault, Barry Chambers, and William G. Peck, Protestants

Stephen J. O'Brien, Esquire, on behalf of the Applicant

**BEFORE:** Roderic L. Woodson, Esquire, Chair  
Vera Abbott, Member  
Charles Burger, Member  
Laurie Collins, Member  
Judy Moy, Member  
Ellen Oppen-Weiner, Esquire, Member  
Audrey Thompson, Member

**ORDER ON WITHDRAWN PROTEST  
AND VOLUNTARY AGREEMENT**

The application, having been protested, came before the Board on June 5, 2002 in accordance with the D.C. Official Code Section 601 (2000 Edition). Doanld J. Dakin, Richard Hellman, Ralph McManus, Mindy Jacobs, Georgette Sobel, Nicholas Kittrie, Suzanne Legault, Barry Chambers, and William G. Peck, filed timely opposition.

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 November 27, 2002, the protestants have agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

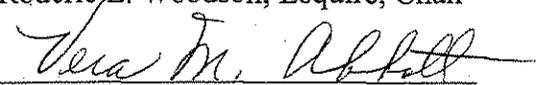
Meristar Hotel Lessee, Inc.,  
t/a Embassy Row Hotel  
Page two

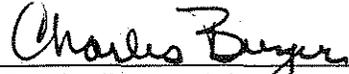
Accordingly, it is this 15th day of January 2003, **ORDERED** that:

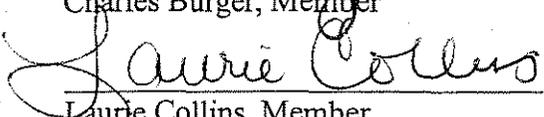
1. The opposition of Doanld J. Dakin, Richard Hellman, Ralph McManus, Mindy Jacobs, Georgette Sobel, Nicholas Kittrie, Suzanne Legault, Barry Chambers, and William G. Peck, is **WITHDRAWN**;
2. The application of MeriStar Hotel Lessee, Inc., t/a Hilton Embassy Row for a retailer's class CH license (renewal) located at 2015 Massachusetts Avenue, N.W., Washington, D.C. is **GRANTED**;
3. The above-referenced agreement between the parties is **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Protestants and the Applicant.

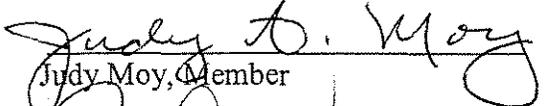
District of Columbia  
Alcoholic Beverage Control Board

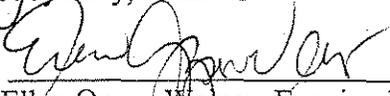
  
Roderic L. Woodson, Esquire, Chair

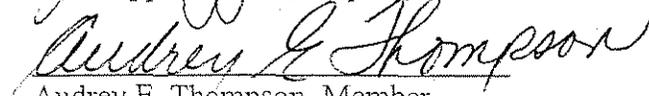
  
Vera Abbott, Member

  
Charles Burger, Member

  
Laurie Collins, Member

  
Judy Moy, Member

  
Ellen Opper-Welner, Esquire, Member

  
Audrey E. Thompson, Member

ABCA  
rec'd 12/4/02 (10010)

AGREEMENT

Made the 29<sup>th</sup> day of November, 2002, by and between Meristar Hotel Lessee, Inc., t/a Hilton Embassy Row (hereinafter "Applicant"), and Donald J. Dakin, Richard Hellman, Ralph McManus, Mindy Jacobs, Georgette Sobel, Suzanne LeGault, William G. Peck, Barry Chambers and Nicholas Kittrie (hereinafter together "Protestants").

WHEREAS, Applicant is the holder of a Retailers License Class CH issued by the District of Columbia Alcoholic Beverage Control (ABC) Board ("the Board") for use at premises 2015 Massachusetts Avenue, N.W. ("the Premises"); and,

WHEREAS, Applicant has filed with the Board an application (No. 10010) for renewal of said license; and,

WHEREAS, Protestants, all of whom are residents of the 2000 block of Q Street, N.W., have lodged with the Board protests of said renewal application; and,

WHEREAS, the parties subsequently have negotiated in an effort to resolve the issues raised by Protestants; and,

WHEREAS, the parties desire to enter into a voluntary agreement, pursuant to D.C. Code §25-446, commemorating their several agreements;

NOW, THEREFORE, the parties agree as follows:

1. The Applicant shall maintain the rear (Q Street, N.W.) frontage of the licensed premises, including the loading dock and trash compactor areas, in clean, orderly and odor-free (as determined from the curb line on the south side of Q Street, N.W.) condition. Said rear frontage shall be swept clean and washed down daily. Applicant's trash compactor shall be operated only during the hours of 7:30 a.m. to 7:30 p.m. (seven days), and shall not be removed

or replaced at any times other than between 7:30 a.m. and 7:30 p.m. Mondays through Saturdays.

2. The Applicant shall not accept vendor deliveries (other than bakery products) at times earlier than 7:30 a.m. or later than 9:30 p.m. Mondays through Saturdays. No deliveries, excepting bakery products, shall be accepted on Sundays. A sign to such effect shall be posted at the Q Street, N.W. door of the hotel property utilized to receive deliveries.

3. The Applicant shall undertake all reasonable measures to discourage sleeping or loitering at the exterior rear (Q Street frontage) of the licensed premises.

4. The Applicant shall not offer live or recorded music on its rooftop swimming pool and bar area such as can be heard within Protestants' residences.

5. Applicant acknowledges that failure to adhere to the restrictions recited in paragraphs 1 through 4, above, will constitute grounds for the Protestants (or any two of them) to petition the Board for issuance of an Order to Show Cause, pursuant to 23 D.C. Code §25-446, to gain Applicant's compliance with the terms of this Agreement. Prior to so petitioning, however, the Protestants shall notify Applicant of any perceived violations and afford Applicant a minimum of ten (10) calendar days in which to address or rectify the perceived violation.

6. The parties request that the text of the instant Agreement be incorporated in an order of the Board granting Applicant's license renewal application, conditioned upon Applicant's compliance with the terms hereof.

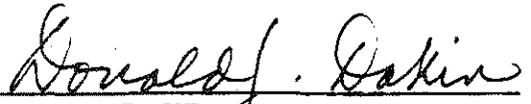
7. In consideration of, and reliance upon, the foregoing commitments by Applicant, Protestants request hereby that their protests of Applicant's application for renewal of its Retailers' Class CH license be deemed withdrawn. Protestants acknowledge that the foregoing commitments by Applicant, assuming Applicant's adherence thereto, constitute full and final

satisfaction by Applicant of Protestants' concerns regarding the subject matters of such commitments.

IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first above written.

MERISTAR HOTEL LESSEE, INC.

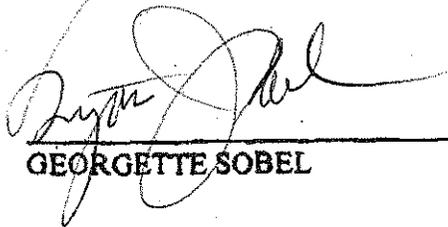
By:   
Christopher Bennett  
Senior Vice President and  
General Counsel

  
DONALD J. DAKIN

  
RICHARD HELLMAN 11/19/02

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RALPH MCMANUS

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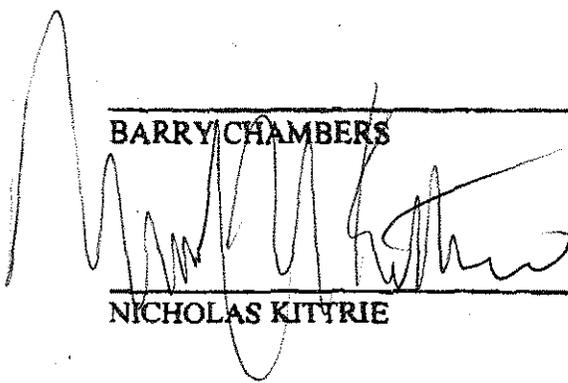
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SUZANNE LEGAULT

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WILLIAM G. PECK



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BARRY CHAMBERS

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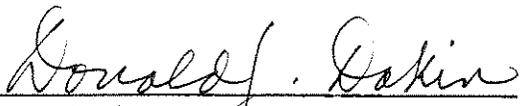
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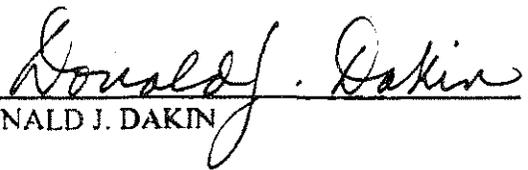
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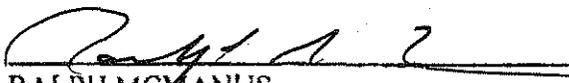
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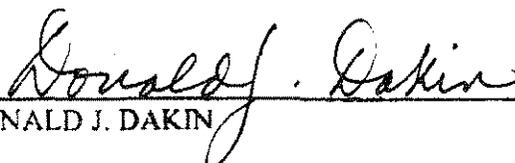
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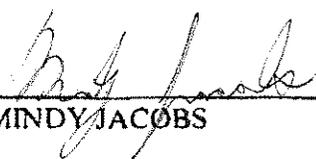
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*Suzanne Legault*

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*B. Chambers*

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BARRY CHAMBERS

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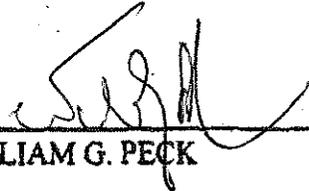
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