

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

In the Matter of:	)	
	)	
Trustees of Amherst College	)	
t/a Folger Theatre Group	)	
	)	
Application for Renewal of a	)	License No. ABRA-001792
Retailer's Class CX Multipurpose Facility License	)	Order No. 2013-294
	)	
at premises	)	
201 East Capitol Street, S.E.	)	
Washington, D.C. 20003	)	
	)	

Trustees of Amherst College, t/a Folger Theatre Group (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 Application filed by Trustees of Amherst College, t/a Folger Theatre Group, for renewal of its Retailer's Class CX Multipurpose Facility License, located at 201 East Capitol Street, S.E., Washington, D.C., and ANC 6B have entered into a Settlement Agreement (Agreement), dated May 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.

**Trustees of Amherst College  
t/a Folger Theatre Group  
License No. ABRA-001792  
Page 2**

Accordingly, it is this 19th day of June, 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; and
2. Copies of this Order shall be sent to the Applicant and ANC 6B.

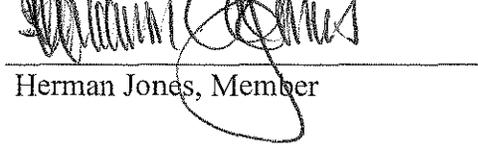
District of Columbia  
Alcoholic Beverage Control Board

\_\_\_\_\_  
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.

## SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made on this 8th day of May, 2013 by and between the Folger Theater Group ("Applicant"), and Advisory Neighborhood Commission 6B, (collectively, the "Parties").

### WITNESSETH

WHEREAS, Applicant's application for a license for premises, 201 East Capitol Street, 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 "C" Multipurpose 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 will manage and operate a C- Multipurpose license at the listed address.
3. ***Hours of Operation and Sales.*** The Applicant's hours of sales/service shall be as follows:  
Sunday through Saturday 6:00 PM – 9:00 PM
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. ***Noise, Odor, and Privacy.*** No objectionable noises, sounds, odors, or other conditions will be created by the Applicant.

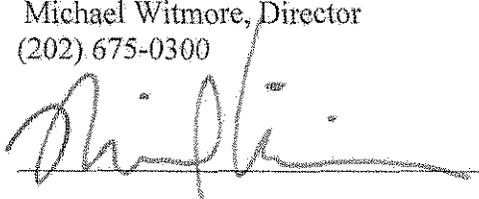
6. **Public Space and Trash.**

- a. Applicant shall keep their 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 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.

7. **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.

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

Applicant: Folger Theater Group  
 ABRA-001792  
 201 East Capitol Street SE  
 Washington, DC 20003  
 Michael Witmore, Director  
 (202) 675-0300



Date: 7 May 2013

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



Date: 5/19/13

# 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

May 28, 2013

Executive Director  
*Susan Eads Role*

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

VIA E-MAIL: sarah.fashbaugh@dc.gov

## OFFICERS

Chair  
*Brian Flahaven*

Vice-Chair  
*Ivan Frishberg*

Secretary  
*Philip Peisch*

Treasurer  
*Brian Pate*

Parliamentarian  
*Nichole Opkins*

RE: ABRA-001792, Folger Theatre Group, 201 East Capitol Street SE, License  
Renewal

Dear Ms. Miller:

At its regularly called, properly noticed meeting on May 14, 2013, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 10-0 in support of the above-referenced request.

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

Please contact ANC 6B's Executive Director Susan Eads Role if you have questions or need further information. Thank you.

**COMMISSIONERS**  
SMD 1 *David Garrison*  
SMD 2 *Ivan Frishberg*  
SMD 3 *Philip Peisch*  
SMD 4 *Kirsten Oldenburg*  
SMD 5 *Brian Pate*  
SMD 6 *Nichole Opkins*  
SMD 7 *Sara Loveland*  
SMD 8 *Chander Jayaraman*  
SMD 9 *Brian Flahaven*  
SMD 10 *Francis Campbell*

Sincerely,



Brian Flahaven  
Chair

Enclosure