

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

In the Matter of:)

The Big Stick, LLC)
t/a The Big Stick)

Holder of a)
Retailer's Class CR License)

20 M Street, S.E.)
Washington, D.C. 20003)

License No. ABRA-094844
Order No. 2016-170

The Big Stick, LLC, t/a The Big Stick (Applicant)

Andy Litsky and Dr. Coralie Farlee, Commissioners, Advisory Neighborhood
Commission (ANC) 6D

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ORDER ON AMENDMENT TO COOPERATIVE AGREEMENT

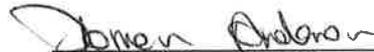
The official records of the Alcoholic Beverage Control Board (Board) reflect that The Big Stick, LLC, t/a The Big Stick (Licensee), and ANC 6D entered into Settlement Agreement (Agreement), dated May 12, 2014, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Cooperative Agreement (Amendment), dated April 11, 2016, in accordance with D.C. Official Code § 25-446 (2001).

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Andy Litsky and Dr. Coralie Farlee, on behalf of ANC 6D, are signatories to the Amendment.

Accordingly, it is this 20th day of April, 2016, **ORDERED** that:

1. The above-referenced Amendment to Cooperative Agreement, dated April 11, 2016, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the original Agreement, not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee and ANC 6D.

District of Columbia
Alcoholic Beverage Control Board

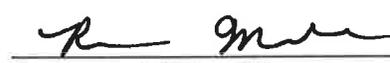


Donovan Anderson, Chairperson

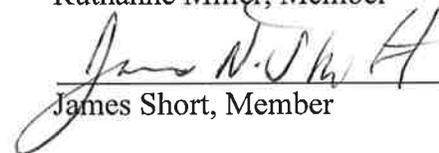


Nick Alberti, Member

Mike Silverstein, Member



Ruthanne Miller, Member



James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).

★ ★ ★ Advisory Neighborhood
Commission 6D

11014th Street SW, Suite W130, Washington, DC 20024
ANC Office: 202 554-1795 □ FAX: 202 554-1774
office@anc6d.org

AMENDMENT #1 TO COOPERATIVE AGREEMENT

THIS AMENDMENT TO SETTLEMENT AGREEMENT is made on this 11th day of April, 2016, by and between The Big Stick, t/a The Big Stick, License Class CR # 094844 (licensee) and Advisory Neighborhood Commission 6D (ANC6D) the ANC ("The ANC"), collectively, the Parties. This amendment updates and supplements the Settlement Agreement dated May 12, 2014, between The Big Stick and ANC6D and finalized by ABC Board Order #2014-288 dated July 16, 2014.

RECITALS

WHEREAS, Licensee and ANC6D entered into new Settlement Agreement dated May 12, 2014, for an establishment located at 20 M Street, SE, Washington, D.C. 20003, and

WHEREAS, original Settlement Agreement dated May 12, 2014, was silent regarding hours of operation, sales, and consumption of alcohol on the sidewalk café; and

WHEREAS, the ABRA-issued Licensee dated January 12, 2015, specified and authorized hours for [operation of] the sidewalk café as: Sunday to Saturday from 10:00 a.m. to 11:00 p.m.; and

WHEREAS, the Parties request that the Alcoholic Beverage Control Board approve this Amendment to Cooperative Agreement conditioned upon the Licensee's compliance with the terms of this written Amendment and the previously executed Settlement Agreement and Board Order and ABRA License; and

NOW, THEREFORE, in consideration of the recitals set forth above, it is mutually understood and agreed by and between the undersigned Parties to amend the previously executed Agreement as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. Paragraph 1 is amended to read as follows:
 - In sentence 3 (line 5, "Thursday and 3:00a.m. Friday-Saturday;") – replace the semi-colon (;) with a period (.); and
 - Insert the following: The hours of operation, sale, and consumption of alcohol on the sidewalk café shall be:
 - Sunday through Thursday, 10:00 a.m. to 1:00 a.m.; and
 - Friday and Saturday, 10:00 a.m. to 2:00 a.m.

And also add "There shall be no music piped to the exterior area"

- The word "provided" that follows the semi-colon in line 5 (referenced above) shall be changed to a capital P.

3. **Compliance with ABRA Regulations.** Licensee promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations and all other provisions applicable to liquor licenses.
4. **Agreement Otherwise Unamended.** Except as otherwise provided herein, the terms and conditions of the previously executed Settlement Agreement, Board Order, and License are expressly reaffirmed and remain in full force and effect.

FOR Advisory Neighborhood CCommission 6D:	FOR LICENSEE, The Big Stick, LLC, t/a The Big Stick
<u>Andy Litsky by nnc</u> Andy Litsky, Chair, ANC6D	<u>[Signature]</u> Justin J. Ross Managing Member
<u>4/11/16</u> DATE	<u>4/10/16</u> DATE
<u>Coralie Farlee</u> Coralie Farlee, Chair, ABC Committee	
<u>4/11/16</u> DATE	

★ ★ ★
ANC 6D

Near Southeast/Southwest
Advisory Neighborhood Commission 6D

2016 APR 13 AM 10:32

ABRA

April 11, 2016

1101 Fourth Street, SW
Suite W 130
Washington, DC 20024
202.554.1795
Email: office@anc6d.org
Website: www.anc6d.org

✓ Donovan Anderson, Chair
Alcohol Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

OFFICERS

Chairperson
Andy Litsky
Vice Chairperson
Rachel Reilly Carroll
Secretary
Stacy Cloyd
Treasurer
Meredith Fascett

Re: ANC6D recommendation for amendment to Cooperative Agreement for The Big Stick LLC t/a The Big Stick, 20 M Street, SE, License Class CR ABRA-094844

Dear Mr. Anderson:

At its regularly scheduled, properly noticed meeting on April 11, 2016, with a quorum present, the Advisory Neighborhood Commission 6D voted 5 to 0 to 0 to recommend Amendment 1 to the Cooperative Agreement which was approved by the ABC Board in its order 2014-288. At that same meeting, the ANC6D also voted 5 to 0 to 0 to support the licensee's renewal application.

COMMISSIONERS

SMD 1 *Marjorie Lightman*
SMD 2 *Stacy Cloyd*
SMD 3 *Rachel Reilly Carroll*
SMD 4 *Andy Litsky*
SMD 5 *Roger Moffatt*
SMD 6 *Rhonda Hamilton*
SMD 7 *Meredith Fascett*

The original Settlement Agreement was silent on the hours for the sidewalk café; the ABRA license was issued to authorize operation of the sidewalk café on Sunday to Saturday, from 10:00 a.m. to 11:00 pm; but the licensee assumed that the authorized hours were later, in fact, consistent with its other nearby establishment, "Justin's." Thus, the licensee received citations for "operating (the sidewalk café) after hours." The hours now proposed should clarify the operating hours for the sidewalk café and be consistent with neighborhood needs. Amendment 2 to the 2014 Cooperative Agreement is attached.

Please contact Commissioner Litsky (at the number above) or Coralie Farlee, Chair, ABC Committee, ANC6D at 202-554-4407, cfarlee@mindspring.com if you have any questions or concerns.

Sincerely,

Andy Litsky by RRC

Andy Litsky, Chair
ANC6D

Coralie Farlee

Coralie Farlee, Chair
ABC Committee, ANC6D

Cc: Martha Jenkins

Attachment: Amendment 1 to CA

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

In the Matter of:)	
)	
The Big Stick, LLC)	
t/a The Big Stick)	
)	
Applicant for a New)	
Retailer's Class CR License)	License No. ABRA-094844
)	Order No. 2014-288
at premises)	
20 M Street, S.E.)	
Washington, D.C. 20003)	

The Big Stick, LLC, t/a The Big Stick (Applicant)

Roger Moffatt, Chairperson, Advisory Neighborhood Commission (ANC) 6D

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that The Big Stick, LLC, t/a The Big Stick, Applicant for a new Retailer's Class CR license, located at 20 M Street Street, S.E., Washington, D.C., and ANC 6D have entered into a Settlement Agreement (Agreement), dated May 12, 2014, 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 Roger Moffatt, on behalf of ANC 6D, are signatories to the Agreement.

Accordingly, it is this 16th day of July, 2014, **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, except for the following modifications:

Section 7 – This section shall be modified to include a second sentence to read as follows: “All surveillance footage shall be provided within 48 hours upon the request of MPD or ABRA’s Enforcement Division.”

Section 8 – The following sentence shall be modified to read as follows: “If the Licensee fails to respond adequately to any notice of perceived violation within ten (10) days of receipt, the ANC may file a complaint with the ABC Board which will be investigated.”

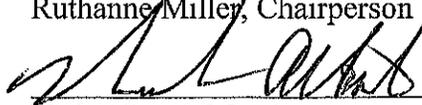
The parties have agreed to these modifications.

2. Copies of this Order shall be sent to the Applicant and ANC 6D.

District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



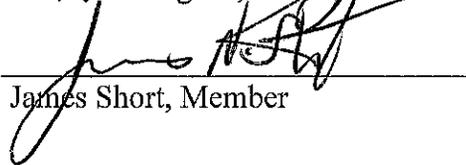
Donald Brooks, Member

Herman Jones, Member

Mike Silverstein, Member



Héctor Rodríguez, Member



James Short, 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 14th Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to D.C. Official Code § 25-433, stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b).

SETTLEMENT AGREEMENT

This Settlement Agreement is made on this 12th day of May, 2014, by and between The Big Stick LLC ("the Licensee"), and Advisory Neighborhood Commission 6D ("the ANC").

WITNESSETH

WHEREAS, the Licensee's application for a Class CR Alcoholic Beverage Control (ABC) license for premises 20 M Street, SE is pending before the District of Columbia ABC Board; and,

WHEREAS, said premises is within the jurisdictional boundaries of the ANC;

WHEREAS, the parties desire to enter into this Settlement Agreement in order to reflect their understandings regarding certain aspects of the Licensee's operations;

NOW, THEREFORE, in consideration of the recitals set forth above and the terms and conditions provided below, the parties agree as follows:

1. The Licensee shall operate a full-service restaurant with sidewalk cafe featuring food and beverages (alcoholic and non-alcoholic). The Licensee's interior occupancy shall not exceed 103; its sidewalk café seating shall not exceed 56. Hours of operation may commence as early as 8:00am daily and shall terminate no later than 2:00am Sunday – Thursday and 3:00am Friday - Saturday; provided that: (a) on days designated by the DC ABC Board as "Holiday Extension of Hours" applicant may avail itself of the extended hours so provided; and, (b) in the event the Council of the District of Columbia or the ABC Board grants licensees in general extended operating hours (such as for Inauguration) applicant may avail itself of such extended hours. Consistent with Alcoholic Beverage Control Board interpretations, "closing hours" shall be construed as the hours at which no patrons shall remain on the premises.
2. The Licensee may offer live entertainment in the form of a "DJ" inside the establishment; provided, that any such entertainment shall terminate not later than 2:00am Sundays – Thursdays and 3:00am Fridays and Saturdays. Live entertainment will not be offered on the sidewalk café. The Licensee's operations shall at all times be in compliance with the D.C. Noise Control Act and DC Code 25-725, taking all necessary and appropriate actions to ensure that music, noise, and vibration comply with said section 25-725, including, if necessary, reduction of noise levels. Should noise issues arise, the licensee will make available its representative to participate in sound level tests with a representative of ANC 6D.
3. Licensee will encourage employees and patrons to be considerate of residents in the neighborhood after departing the premises, by keeping conversations and other noises at a level that will not disturb the peace, order, quiet and tranquility of residents in the

enjoyment of their homes and by departing the vicinity of the premises immediately upon exiting.

4. Licensee will contract for regular rodent and pest (insect) abatement.
5. To maintain the peace, order and quiet of the surrounding neighborhood, Licensee shall receive all deliveries of food, beverages and supplies during hours between 8:00am and 9:00pm. Licensee shall not dispose of glass bottles outdoors after 11:00pm.
6. The Licensee shall undertake reasonable measures to ensure that alcoholic beverages are not served to minors. The Licensee's management and bartending staff shall be certified in recognized alcohol awareness programs (such as "TIPS" or "TAM").
7. The licensee shall maintain video camera coverage of the exterior of its premises. Surveillance footage shall be maintained for a minimum of thirty (30) days before erasure.
8. In the event of perceived violations of the foregoing provisions by Licensee, the ANC shall provide written notice of such to the Licensee. If the Licensee fails to respond adequately to any notice of perceived violation within ten (10) days of receipt, the ANC may petition the ABC Board, pursuant to DC Code 25-446(e) for issuance of a notice to show cause in order to enforce the provisions of this Agreement.
9. The Licensee acknowledges that the ANC is relying on the foregoing commitments in determining to withdraw protest as may heretofore have been filed with the ABC Board. The parties jointly request that this Agreement be incorporated into the ABC Board's order approving the pending license application.

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

ADVISORY NEIGHBORHOOD COMMISSION 6D

By: Roger Moffatt
Andrew Litsky, Chairman
Roger Moffatt

THE BIG STICK LLC

By: J
Justin J. Ross, Managing Member