

#194

AGREEMENT

Made this 17th day of July 2003, by and between Alabama Express (the applicant), Advisory Neighborhood Commission 7B, (the ANC), and the Hillcrest Community Civic Association (HCCA)..

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "A" license for premises, 2846 Alabama Avenue, S.E., Washington, DC 20020, ABC Application #194-03/029P, 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 the Hillcrest neighborhood; and,

WHEREAS, the parties desire to enter into a voluntary agreement governing certain understandings regarding the issue of a Retailers' Class "A" Liquor License at the subject premises;

NOW, THEREFORE, the parties agree as follows:

1. Applicant will discourage loitering, panhandling and disorder within 100 feet of the establishment by:
 - A. Maintaining a "No Loitering, No Loud Music, No Panhandling" sign facing the outside of the establishment; and,
 - B. Posting a sign inside the establishment requesting customers not to contribute to panhandlers; and not to consume alcohol in the adjacent parking lots; and
 - C. Asking loiterers to move on whenever they are observed outside the establishment; and,
 - D. Calling the MPD to remove the loiterers whenever they are observed outside the establishment; and
 - E. Not selling alcohol products after 8:30pm Monday-Thursday and after 9:00pm Friday and Saturday; and
 - F. Maintaining a log of telephone calls to MPD, including date/time/cause/caller; and
2. Applicant agrees to participate in an ABC Board-approved course in alcoholic beverage sales management.
3. Applicant will keep windows free of papers so that the Metropolitan Police Department can see clearly into the establishment for security purposes.
4. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
 - A. Picking up trash, including beverage bottles and cans, on a daily basis, or more often if needed.
 - B. Sweeping the outside of the establishment on a daily basis, or more often if needed.
5. Applicant will keep isles in the establishment opened at all times.
6. Applicant will not sell single "blunts," tobacco-rolling papers, and bags used for drugs, or other drug paraphernalia.

7. Applicant will ensure surveillance camera inside establishment is working properly with reasonably fresh tapes.

8. In consideration of, and reliance upon the voluntary commitments reflected in the above paragraphs, the ANC 7B and HCCA will not oppose the applicant's pending license application.

9. The parties further agree that any failure of Applicant to adhere to the foregoing voluntary commitment would constitute grounds for the ANC 7B and/or HCCA to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

10. The parties further agree that in the event of a sale of establishment during this license period, the owner will convey this agreement to the new owner.

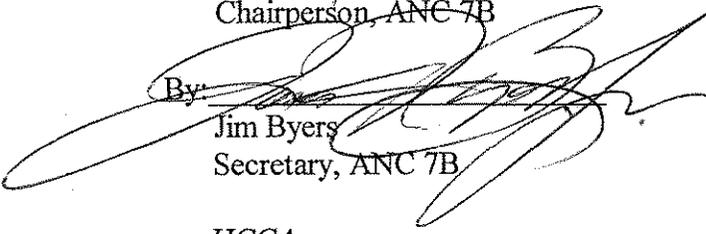
IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

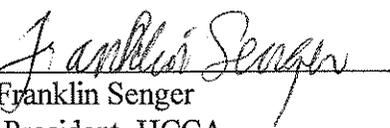
By: 
Owner
Alabama Express
Application #194-03/029P

ANC 7B:

By: 
Kathy Chamberlain
Chairperson, ANC 7B

By: 
Jim Byers
Secretary, ANC 7B

HCCA:

By: 
Franklin Senger
President, HCCA

NAYLOR DUPONT

Advisory Neighborhood Commission 7B



District of Columbia Government
3200 S Street, S.E.
Washington, D.C. 20020
email: anc7b@pressroom.com
web: www.anc7b.org
phone: (202) 584-3400 fax: (202) 584-3420



July 23, 2003

Mr. Charles Burger, Acting Chairman
Alcohol Beverage Control Board
Alcohol Beverage Regulation Administration
941 North Capitol Street, NE, Suite 7200
Washington, D.C. 20002

Subject: **Voluntary Agreement – Renewal of Class A License:**
App. 194-03/029P: Alabama Express, 2846 Alabama Avenue, SE

Dear Mr. Burger:

On Thursday, July 17, 2003, at a regularly scheduled public meeting of ANC 7B, with all commissioners present, ANC 7B commissioners voted unanimously to approve the enclosed voluntary agreement which addresses most of the concerns voiced by residents. The voluntary agreement was signed by ANC 7B representatives, president of the Hillcrest Community Civic Association (community where business is located), and the owner of Alabama Express.

Please note for the record that we believe this establishment contributes to many of the problems in the 2800-2900 blocks of Alabama Ave SE. It is a magnet for loiterers, litterers, panhandlers, and public urinators, but it is beyond the capabilities of the establishment to control these problems. We signed the agreement because continued appearances before the ABC Board take us away from our paying jobs, require us to use too much of our annual leave, while knowing we have little chance of winning a protest case where most of the problems occur outside the establishment.

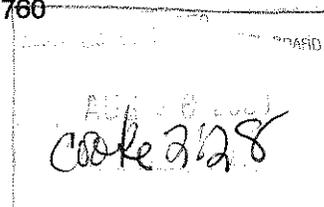
Assuming this agreement becomes part of the official ABRA record and is legally binding, ANC 7B and the Hillcrest Community Civic Association withdraw our opposition to the renewal of a Class A license for Alabama Express. Therefore, neither ANC 7B nor the Hillcrest Community Civic Association will be represented at the hearing scheduled for August 13, 2003.

Sincerely,

Kathy Chamberlain, Chair, ANC 7B
Commissioner, 7B02
Home: 202-581-8272
Work: 301-457-1590

Franklin Senger
President, Hillcrest Community Civic
Association
202-582-1760

Enclosure: Voluntary Agreement



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

In the Matter of:)	
)	
I and J Baik Corporation)	
t/a Alabama Express)	
)	
Application for a Retailer's Class A)	
License (renewal))	Application no. 194-03/029P
at premises)	2003-69
2846 Alabama Avenue, S.E.)	
Washington, D.C.)	

Kathy Chamberlain, Chairperson, on behalf of the Advisory Neighborhood Commission 7B, Protestant

In Suk Baik, President, on behalf of the Applicant

BEFORE: Charles Burger, Interim Chairperson
Vera Abbott, Member
Laurie Collins, Member
Judy Moy, Member
Ellen Opper-Weiner, Esquire, Member 1/
Audrey Thompson, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST

The application, having been protested, came before the Board on June 18, 2003, in accordance with the D.C. Official Code Title 25, Section 601 (2000 Edition). Kathy Chamberlain, Chairperson, on behalf of the Advisory Neighborhood Commission 7B, filed a timely protest letter.

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 July 17, 2003, the protestant has agreed to withdraw the protest, provided, however, the Board's approval of the pending application is

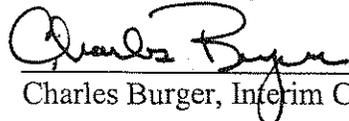
I and J Baik Corporation
t/a Alabama Express
Case no. 194-03/029P
Page two

conditioned upon the licensee's continuing compliance with the terms of the agreement. 1/

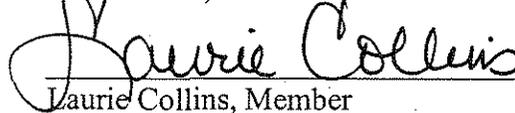
Accordingly, it is this 10th day of September 2003, **ORDERED** that:

1. The protest of Kathy Chamberlain, Chairperson, on behalf of the Advisory Neighborhood Commission 7B, is **WITHDRAWN**;
2. The application of I and J Baik Corporation t/a Alabama Express for a retailer's class A license (renewal) at 3846 Alabama Avenue, S.E., Washington, D.C. is **GRANTED**;
3. The above-referenced agreement is **INCORPORATED** as part of this Order;
and
4. Copies of this Order shall be sent to the Protestant, the Signatory, and the Applicant.

District of Columbia
Alcoholic Beverage Control Board

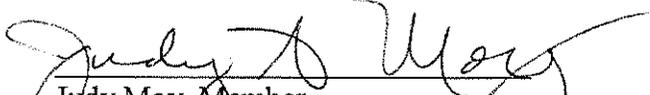

Charles Burger, Interim Chairperson

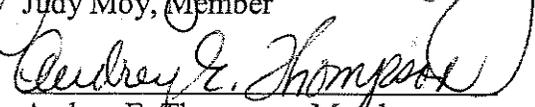
Vera Abbott, Member


Laurie Collins, Member

1/ Reverend Franklin Senger, President, on behalf of the Hillcrest Community Civic Association, is a signatory to the agreement even though he was not a protestant in this matter.

I and J Baik Corporation
t/a Alabama Express
Case no. 194-03/029P
Page two


Judy Moy, Member


Audrey E. Thompson, Member