

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

INITIAL	DATE
MLL	9-7-94
MS	9-7-94
MS	9-7-94
MS	9-7-94

In the Matter of:

Mekong Corporation
t/a Vietnam Georgetown Restaurant) Case No. 10983-94029P
Application for a Retailer's
License Class "CR" - renewal
at premises
2934 M Street, N.W.
Washington, D.C.

Edward Schwartz, Chair, ABC Committee, on behalf of Advisory
Neighborhood Commission 2E, Protestant

An Quang Duong, President, on behalf of Applicant

BEFORE: MARY EVA CANDON, ESQUIRE, Chairperson
JAMES C. JEFFERSON, Member
JAMES L. O'DEA, III, ESQUIRE, Member
BARBARA L. SMITH, ESQUIRE, Member

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on April 20, 1994, in accordance with D.C. Code Section 25-115 (c)(5)(1992 Supp.), providing for remonstrants to be heard. Edward Schwartz, Chair, ABC Committee, on behalf of the Advisory Neighborhood Commission 2E (hereinafter "ANC 2E") filed a timely protest by letter dated April 4, 1994.

The official records reflect that the parties have now reached an Agreement which has been reduced to writing and has been properly executed and filed with the Board.^{1/} Pursuant to the Agreement, the Protestant has agreed to withdraw the opposition provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

^{1/} See Agreement, dated April 19, 1994.

Mekong Corporation
t/a Vietnam Georgetown Restaurant
Page two

Accordingly, the Board FINDS this _____ day of _____
1994 that:

1. The opposition of Edward Schwartz, Chair, ABC Committee, on behalf of ANC 2E, be, and the same hereby, is WITHDRAWN;
2. The above-referenced Agreement between the parties be, and the same hereby, is INCORPORATED as part of this Order;
3. The application of Martin's Tavern, Inc. t/a same for a retailer's license class CR - renewal at premises 1264 Wisconsin Avenue, N.W., be, and the same hereby, is GRANTED;
4. Copies of the Order shall be sent to the Protestant and the Applicant.

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

Mary Eva Candon, Esquire
Chairman

James C. Jefferson,
Member

James L. O'Dea, III, Esquire
Member

Barbara L. Smith, Esquire
Member

Advisory Neighborhood Commissioner
Edward B. Schwartz

DKH: ABC
rec'd - 4/19/94
lab

#10983

Ms. Laura Byrd
Department of Consumer
& Regulatory Affairs
Division of Alcoholic Beverage Control
614 H Street, N.W.
Washington, D.C.

April 19, 1994

Re: Application No. 10983 (Mekong Corp./Vietnam Georgetown)

Dear Ms. Byrd:

This is to advise that the applicant and I have resolved all disputes relating to the above-captioned application (the "Application"). My agreement with the applicant is reflected in the enclosed Voluntary Agreement.

This is to further advise that I hereby withdraw my protest against the Application.

Thank you for your cooperation in this matter.

Sincerely,



Edward B. Schwartz

3411 Prospect St., N.W.
Washington, D.C. 20007
(202) 298-7868

AGREEMENT

*BRA:ABC
rec'd. 4/19/94
lst*

Edward J. Schwartz (Proprietor)

Made this 16 day of April, 1994, by and between ~~Advisory Neighborhood Commis-~~
~~sion 2E ("ANC 2E")~~ and Mekong Corporation ("Applicant").

WHEREAS, pursuant to Application No. 10983, Applicant has applied to the Alcoholic
Beverage Control Board (the "Board" or "ABC") for a Class CR License (the "License"); and

WHEREAS, Applicant and ~~ANC 2E~~ ^{*Proprietor*} desire to settle all issues relating to the issuance of the
License;

THEREFORE, Applicant and ~~ANC 2E~~ ^{*Proprietor*}, in consideration of the mutual promises and
covenants contained herein, voluntarily enter this Settlement Agreement ("Agreement").

1. Applicant shall operate a bona fide restaurant on the said premises pursuant to a Certificate
of Occupancy permitting restaurant use;

2. The restaurant shall have a maximum capacity of 50 persons; *inside and 50 persons
outdoor when patio is opened.*

3. On Sundays through Thursdays, the restaurant shall cease to serve any and all alcoholic
beverages at 11:00 P M, shall close the doors to new customers and remove all alcoholic
beverages from the tables, bar, and any customer serving areas at 11:00 P M, and shall
vacate the premises of any and all customers by 11:30 P M; on Fridays and Saturdays, the
restaurant shall cease to serve any alcoholic beverages at 12:00 P M, shall close the doors
to new customers and remove all alcoholic beverages from the tables, bar, and any customer
serving area at 12:00 P M, and shall vacate the premises of any and all customers by
12:30 A M.

4. The restaurant shall not have or use live entertainment of any kind.

5. Applicant shall not change, nor request the ABC for permission to make any changes, as to
the type of alcoholic beverages which may be served, the number of seats allowed as set forth
herein, or the location, size, or configuration of the restaurant as it presently exists as set forth in
the restaurant Certificate of Occupancy and the records of the District of Columbia Department of

Consumer and Regulatory Affairs;

6. The parties hereto agree that any failure of Applicant to adhere to the terms of this Agreement shall constitute grounds for ^{As stated} ~~ANC 2E~~ or other interested party to petition the ABC for issuance of an order to show cause pursuant to 23 DCMR 1513.5, in order to gain Applicant's compliance with the terms of this Agreement;

7. This agreement shall be binding on anyone to whom the license is sold, transferred, or assigned.

8. Applicant agrees to notify ^{As stated} ~~ANC 2E~~ of any sale, transfer, or assignment of the License.

9. ~~ANC 2E~~ agrees not to protest the Application, contingent upon the ABC's acceptance of this Agreement as a specific and express condition of the issuance of applicant's license.

Mekong Corporation

Amquanaquong

By: _____

Advisory Neighborhood Commission

By: *W. B. P. J.*
Westy McDermid, Chairman