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police service to Mount Pleasant Street, N.W., especially in the number of disorderly calls for police service, and that MPD officers within Patrol Service Area 301 have made fewer alcohol-related arrests. Specifically, the statistical data presented by MPD revealed that the number of calls for police service to Mount Pleasant Street, N.W., has decreased from one thousand, four hundred and twenty-three (1,423) calls in 2000 to eight hundred and thirty-four (834) calls in 2004. Furthermore, the number of disorderly calls for police service to Mount Pleasant Street, N.W., has decreased from four hundred and eighty-six (486) calls in 2000 to two hundred and forty (240) calls in 2004. The testimony of Laurie Collins, Marika Torok, and Joan Gordon, on behalf of MPNA, revealed that the Mount Pleasant neighborhood has experienced a dramatic quality of life improvement since the single sales moratorium provision took effect as there has been noticeably less public consumption of alcoholic beverages, public urination, public intoxication, panhandling, and a significant reduction in the amount of litter scattered throughout the surrounding streets, alleyways, tree boxes, and front yards of neighborhood residences.

The testimony of Affected Licensees Deanna Bayer, Miceal Dedros, David Hwank, and Dale Park revealed that they were not opposed to a renewal of the single sales moratorium provision; however, each expressed concern that their establishments have undergone a severe financial impact as a result of the subsequent statutory change in the closing time of Retailer's License Class "A" and Class "B" establishments including from midnight to 10:00 p.m. for Class "B" retailer's establishments. The Board also heard testimony from other Affected Licensees in opposition to MPNA's request to renew the single sales moratorium provision for a four (4) year period. The testimony of Affected Licensees Chong Lee and Berouz Rakani revealed that on a monthly basis their establishments experience a monetary loss because of the single sales moratorium provision and that other ABC establishments within close proximity, but outside of the Mount Pleasant area, are able to profit from the single sales moratorium provision because the provision only applies to the Affected Licensees. The Board originally rendered a decision on this matter on December 15, 2004 and found the written request of MPNA, based upon the testimony and comments it received, to warrant the renewal of the existing single sales moratorium provision contained in the voluntary agreements of the Affected Licensees for a four (4) year period. Additionally, based upon comments expressed by some of the Affected Licensees regarding the economic loss that has been suffered due to the statutory change in the closing time of Retailer's License Class "A" and Class "B" establishments, the Board found it appropriate to repeal the restriction prohibiting each Affected Licensee from selling alcoholic beverages prior to 9:30 a.m. The Board notes that Mount Pleasant resident Laurie Collins did not object to this change.

On December 27, 2004, the Board received a Motion for Reconsideration of the Board's December 15, 2004 decision from ANC 1D, which indicated that ANC 1D did

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not receive written notice of the December 1, 2004 fact finding hearing regarding MPNA's request to renew the Mount Pleasant area single sales moratorium provision. The Board found that ANC 1D was not notified of the December 1, 2004 hearing and granted the Motion for Reconsideration and held another fact finding hearing on April 20, 2005 in an effort to receive comments from ANC 1D. The Board recognizes that pursuant to D.C. Official Code § 1-309.10(d) (2001) and D.C. Official Code § 25-609 (2001), an ANC's properly adopted written recommendations are entitled to great weight from the Board. During the April 20, 2005 hearing, the testimony of Jack McKay, Chair, on behalf of ANC 1D, revealed that on April 2, 2005 a resolution was passed by ANC 1D requesting the ABC Board "to extend the moratorium on specific single sales containers of alcohol, and to use this extension period to examine and study the overall impact, importance and extent the moratorium has played in changing the social landscape of Mount Pleasant Street, and to provide the legally required proof of the continuing need for the moratorium in Mount Pleasant." The Board notes that during the April 20, 2005 hearing it received a copy of the April 2, 2005 ANC 1D resolution and that prior to the end of the comment period, which expired on April 30, 2005, it received written comments from four (4) Single Member District Commissioners within ANC 1D and Najiya Shana'a, Executive Director, Neighbors' Consejo, explaining that their individual support for an extension of the Mount Pleasant moratorium is contingent upon a study being conducted to analyze the overall effects of the moratorium. On April 20, 2005, the Board also received testimony from Gregg Edwards, Chair, on behalf of All-Ways Mount Pleasant ("AMP"), requesting that the Board notify and invite testimony from a larger range of civic associations including ANC 1D, AMP, the Mount Pleasant Business Association, the Mount Pleasant Main Street, MPNA, and Neighbors' Consejo, regarding alcoholic beverage control issues. At the conclusion of the April 20, 2005 hearing, the Board took the matter under advisement.

The Board is satisfied that the testimony and evidence presented by MPD, MPNA, and several Mount Pleasant residents warrants the renewal of the Mount Pleasant single sales moratorium provision contained in paragraph R of the Licensee's voluntary agreement. However, the Board is renewing the single sales moratorium provision contained in the voluntary agreements of the Affected Licensees for a three (3) year period instead of the four (4) year period sought by MPNA. Specifically, testimony and comments submitted by ANC 1D and AMP revealed that the social and economic landscape of the Mount Pleasant area has changed significantly over the last four (4) years, creating a need to re-evaluate, over the course of the three (3) year moratorium period, whether such changes will render the moratorium necessary for the future. ANC 1D also requested that the Board conduct a study of the effects of the moratorium. While the Board believes that ANC 1D's request for a study on the effects of the Mount Pleasant moratorium would prove useful, the Board, as a matter of practice cannot and does not have the appropriate resources to perform such a study. However, the Board

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would welcome and give consideration to all relevant information that is obtained from any future studies performed pertaining to this issue. Additionally, in an effort to alleviate some of the economic hardship experienced by the Affected Licensees, the Board is repealing the restriction that prohibits each Affected Licensee from selling alcoholic beverages prior to 9:30 a.m. As a result, the Affected Licensees may begin selling alcoholic beverages at 9:00 a.m., on those days that they are approved to sell alcoholic beverages.

Accordingly, it is this 9th day of November 2005, **ORDERED** that:

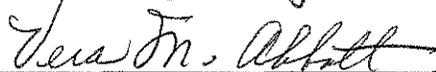
1. Paragraph R of the Licensee's existing voluntary agreement, approved on October 23, 2000, prohibiting the sale of single beers or malt liquors, is **CONTINUED** for a three (3) year period, expiring on October 4, 2008;
2. The restriction prohibiting the Licensee from selling alcoholic beverages prior to 9:30 a.m., is **REPEALED**; and,
3. Copies of this Order shall be sent to the Signatories of the voluntary agreement.

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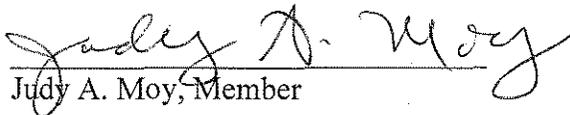
District of Columbia
Alcoholic Beverage Control Board



Charles A. Burger, Chairperson

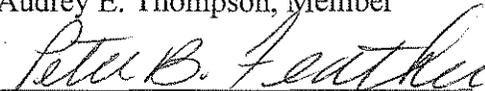


Vera M. Abbott, Member



Judy A. Moy, Member

Audrey E. Thompson, Member



Peter B. Feather, Member

Albert G. Lauber, Member



Eartha Isaac, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

COOPERATIVE AGREEMENT
BETWEEN
LEE-IRVING LIQUOR, INC. (t/a LEE IRVING LIQUOR),
THE MOUNT PLEASANT NEIGHBORHOOD ALLIANCE AND THE
ADVISORY NEIGHBORHOOD COMMISSION 1E

Whereas Lee-Irving Liquor Inc. ("Licensee") has an Alcoholic Beverage Control ("ABC") Retail Class A license for the business trading as Lee-Irving Liquor at 3100 Mt. Pleasant Street, Northwest, Washington, D.C.; and

Whereas licensee and the Mount Pleasant Neighborhood Alliance (MPNA) and Advisory Neighborhood Commission (ANC) 1E have discussed the concerns of the neighborhood and have reached an understanding relating to the operation of licensee and cooperation between licensee, MPNA and ANC 1E.

Upon acceptance by the ABC Board, this agreement supersedes and replaces all previous Voluntary Agreements previously entered into and attached to the license.

NOW THEREFORE, in consideration of the agreements by licensee set forth herein licensee agrees to comply fully with the terms of this cooperative agreement.

Licensee agrees:

- A. To comply with all laws and regulation governing the operation of establishment at 3100 Mt. Pleasant Street NW, Washington, D.C., including laws and regulations governing the Class A (retail) license to which this cooperative agreement applies, as such license may be applied for and approved by the District of Columbia in the name of licensee, as such license shall be on file with the District of Columbia.
- B. That licensee and its officers and employees will cooperate with the ANC and/or MPNA to address any alleged violation of the laws and regulations referred to in Paragraph A above or of this agreement, and in any request that the appropriate enforcement agency investigate an alleged violation.
- C. That licensee will not sell or deliver alcohol after ABC regulated hours, and that licensee will cooperate in community efforts to assure that all licensees comply with ABC requirements as to hours of sale.
- D. That in cooperation with MPNA and ANC, licensee will support community organizations, which seek to alleviate alcohol abuse problems, by participation in meetings and programs.

- E. That licensee will undertake a leadership role in the Mount Pleasant business community in an effort to enlist wider business support for clean-up, responsible alcohol sales and service, support for alcohol abuse assistance organizations, and law enforcement activities, including leading efforts to supplement current efforts to hire private trash services to clean Mount Pleasant Street on a daily basis.
- F. Licensee will notify MPNA and ANC 1E of any application to transfer the license when filing such application with the Alcohol Beverage Control Board.
- G. That licensee will keep the public space surrounding the business free of debris and trash.
- H. That licensee will prohibit loitering in front of the business and take whatever actions are necessary to enforce such prohibition.
- I. That licensee will post signs in English and Spanish advising its customers to respect the community and that licensee will not sell to intoxicated persons.
- J. That licensee will not sell or deliver alcohol in any form to any intoxicated person, to any person who appears to be intoxicated, or to any person licensee knows to abuse alcohol.
- K. That licensee will not sell or deliver alcohol in any form to any person under 21 years of age.
- L. Licensee will comply with DC law and regulation concerning advertising and signage, including historic preservation regulations and guidelines.
- M. That licensee will take all precautions to avoid the sale of alcohol in any form to anyone accompanying a person who has been denied service if it appears that an attempt is being made to buy alcohol for the person who has been denied service.
- N. That licensee will not provide 'go-cups' to customers. A "go-cup" is defined in Section 709.7 of the ABC regulations as a "drinking utensil provided at no charge or a nominal charge to customers for the purpose of consuming beverages."
- O. That licensee will take reasonable measures to ensure that the immediate environs of the location are kept free of litter and debris. The "immediate environs" is defined in Section 720.2 of the ABC Regulations as including "all property on which the premises are located; all property used by the licensee to conduct its business, whether part of the premises or not, including parking lots and the portions of the alleys, sidewalks, or other public property immediately

adjacent to the premises or adjacent to the property used by the licensee to conduct its business."

- P. That licensee will assure that all employees of licensee adhere to the provisions of this agreement, particularly with respect to the sale of alcohol in any form.
- Q. Licensee will not, directly or indirectly, knowingly sell or deliver alcoholic beverages to any intoxicated person, or to any person of intemperate habits, or to any person who appears to be intoxicated, and will cooperate with the Metropolitan Police and health and social service agencies to identify such persons. A person of intemperate habits shall be defined as any person arrested or cited for alcohol-related offenses by the Metropolitan Police for any alcohol-related crime three times or more in any one year and who has been so identified to the licensee by the Metropolitan Police Department by giving a photo and name to the licensee.
- R. For a period of one year, from November 14, 2000 up through and including November 14, 2001, licensee shall not sell beer or malt liquor in single containers of any size. On or about forty-five days prior to expiration of the one year prohibition on single sales set forth herein, all parties to this Agreement shall jointly petition the ABC Board for a fact-finding hearing concerning the effect this prohibition on single sales has had with respect to issues in the neighborhood involving peace, order and quiet, trash, loitering and service to intoxicated or intemperate persons. As a result of such hearing, the Board shall determine whether to extend or eliminate the prohibition on single sales by Licensee.

ANC 1E and MPNA agree:

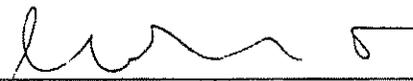
1. ANC 1E and MPNA will support renewal of the Licensee's ABC license in consideration of agreement to these provisions.
2. ANC 1E and MPNA will work with the Metropolitan Police to assure protection of licensee against any action by any patron denied service.
3. ANC 1E and MPNA will work with the Metropolitan Police to eliminate illegal alcohol sale and consumption and loitering in the Commission's jurisdiction.
4. ANC 1E and MPNA will provide the signs referred to in Provision I, above.
5. ANC 1E and MPNA will meet with the Licensee at Licensee's request to discuss and resolve matters of mutual concern.

FOR LEE-IRVING LIQUOR:



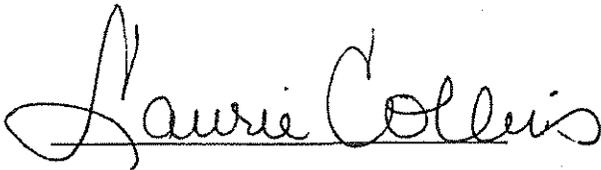
DATE: 10/21/00

FOR MPNA



DATE: 23 Oct. 2000

FOR ANC-1E



DATE: 10-23-00