

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:)

Bangkok Bistro, Inc.)
T/a Same)

Application for a Retailer's)
Class CR - renewal)
at premises)

Case No. 23312-00087P

3251 Prospect Street, NW)
Washington, DC)

Edward L. Emes, Jr., Protestant

Dimitri P. Mallios, Esquire, on behalf of Applicant

BEFORE: RODERIC L. WOODSON, ESQUIRE, CHAIR
VERA M. ABBOTT, MEMBER
CHARLES A. BURGER, MEMBER
LAURIE COLLINS, MEMBER
JUDY A. MOY, MEMBER
ELLEN OPPER-WEINER, ESQUIRE, MEMBER
AUDREY E. THOMPSON, MEMBER

AMENDED ORDER
ON WITHDRAWN PROTEST AND VOLUNTARY AGREEMENT
(Amended to strike the word "Supplemental" from the Agreement)

This matter, having been protested, came before the Board for a roll call hearing on June 21, 2000, in accordance with D.C. Code Section 25-115(c)(5) (1999 Supp.), providing for the protestants to be heard. The Board received a timely protest letter from Edward L. Emes, Jr., dated June 5, 2000.

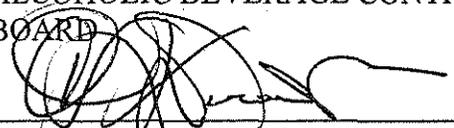
The official records of the Board reflect that the parties entered into an agreement, dated November 6, 2000, which had been reduced to writing, properly executed, and filed with the Board. However, the word "supplemental" had been inserted and initialed by, or on behalf of, the protestant and a "Supplemental Agreement" was forwarded to the Board without the applicant's knowledge. The protestant inserted the word "supplemental" based on his belief that there was an existing agreement. The applicant notified the Board that it was not in agreement with the insertion of the word "supplemental" into the agreement. To resolve this matter, a Fact Finding Hearing was held on April 25, 2001.

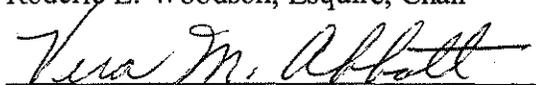
After a careful review of the record and representations by the parties, the Board determined that there is no preexisting voluntary agreement that attaches to the license of this licensee (Bangkok Bistro) and that the November 6, 2000, agreement entered into between the parties stands alone. Pursuant to said agreement, the protestant agreed to withdraw the opposition, provided the Board's approval of the pending application is conditioned upon compliance with the terms of the agreement.

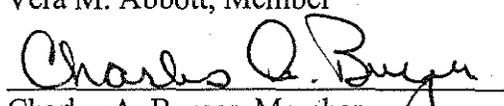
Accordingly, it is this 20th day of June 2001, **ORDERED** that:

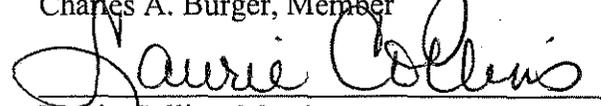
1. The opposition of Edward L. Emes, Jr., be, and the same hereby is **WITHDRAWN**;
2. The characterization of a "Supplemental" Agreement, be, and the same hereby is stricken from the record;
3. The "Agreement" entered into between the parties, dated November 6, 2000, be, and the same hereby is **INCORPORATED** and part of this **ORDER**; and
4. The application of Bangkok Bistro, t/a Same, for a retailer's class CR license (renewal) at premises 3251 Prospect Street, NW, Washington, DC, be, and the same hereby, is **GRANTED**; and
5. Copies of this Order shall be sent to the Protestant and the Applicant.

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL
BOARD


Roderic L. Woodson, Esquire, Chair

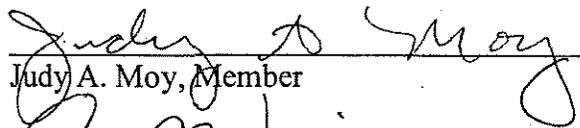

Vera M. Abbott, Member


Charles A. Burger, Member

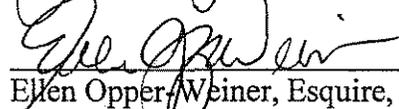

Laurie Collins, Member

(More signatures on the next page)

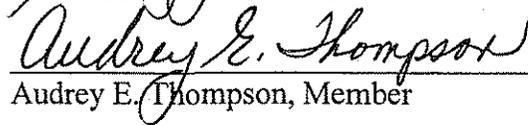
Bangkok Bistro
T/a Same
Page 3



Judy A. Moy, Member



Ellen Opper Weiner, Esquire, Member



Audrey E. Thompson, Member

[Signature]
Supplemental ~~AGREEMENT~~

23312

AGREEMENT made this 6 day of November, 2000, by and between BANGKOK BISTRO, INC. (the Applicant), and EDWARD L. EMES (the Protestant).

WITNESSETH:

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board (ABC) is Applicant's application for renewal of its CR License at premises 3251 Prospect Street, N.W., ABC Application No. 23312; and

WHEREAS, by letter dated June 5, 2000, Protestant has again protested the liquor license renewal for this establishment; and

WHEREAS, Protestant had previously protested the renewal of this license; and

WHEREAS, the Applicant, in recognition of the Board's policy of encouraging the parties to settle their differences in an amicable manner by reaching a Voluntary Agreement whereby the Applicant agrees to certain measures to address the Protestant's concerns; and

WHEREAS, the parties have come to an Agreement;

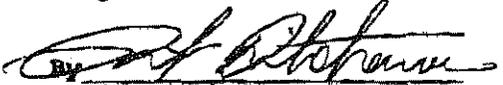
NOW, THEREFORE, in consideration of the premises above recited, and the mutual covenants and promises set forth below, the parties agree as follows:

1. Bangkok Bistro will no longer remove its garbage and trash from the back door of the room adjacent to its restaurant through the courtyard. All garbage and trash will be removed by Bangkok Bistro through its premises to the door from their kitchen which opens on to Prospect Street.
2. In consideration of the above, and provided Applicant complies with this Agreement, Protestant does hereby withdraw his protest dated June 5, 2000, and agrees that he will not protest the trash issue again.
3. This Agreement shall last up to and including the next renewal date. This Agreement will automatically renew itself provided the Protestant files no protest against this license for any matter previously protested. Protestant shall have the right to file a protest for any new violation of Title 25. In the event that any protest is filed other than pursuant to that law, then this Agreement shall automatically terminate.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals on the year and date first above written.

APPLICANT:

Bangkok Diastro, Inc.


By Nit Kitcharoen, President

PROTESTANT:


Edward L. Emes, Jr. Nov 6 2001


Elizabeth D. Emes