

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

In the Matter of:	)	
	)	
Dylan's Cafe, Inc.	)	
t/a Hunan Peking	)	
	)	
Application for a Retailer's	)	Case No. 24747-97097P
License Class DR - renewal	)	
at premises	)	
3251 Prospect Street, N.W.	)	
Washington, D.C.	)	

**Patrick Allen, on behalf of the Citizens Association of Georgetown, Protestant**

**Michael Fonseca, Esquire, on behalf of the Applicant**

**Before: Barbara L. Smith, Chair  
Dennis Bass, Member  
Allen Beach, Member  
Mary Eva Candon, Member  
Laverne King, Member  
Duane Wang, Member  
Eydie Whittington, Member**

**ORDER ON WITHDRAWN PROTEST**

This matter, having been protested, came before the Board for a public hearing on September 3, 1997 in accordance with D.C. Code Section 25-115 (c)(5)(1995 Supp.), providing for remonstrants to be heard. Patrick Allen, on behalf of the Citizens Association of Georgetown, filed a timely protest letter.

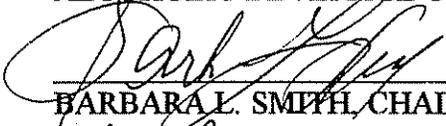
The official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board. (See Agreement dated October 3, 1997.) Pursuant to that Agreement, the Protestant has agreed to withdraw the opposition 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.

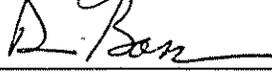
Dylan's Cafe, Inc.  
t/a Hunan Peking Restaurant  
Page two

Accordingly, it is this 12<sup>th</sup> day of November 1997, **ORDERED** that:

1. The opposition of Patrick Allen, on behalf of the Citizens Association of Georgetown, be, and the same hereby, is **WITHDRAWN**;
2. The above-referenced Agreement, dated October 3, 1997, be, and the same hereby, is **INCORPORATED** as part of this Order;
3. The application of Dylan's Cafe, Inc. t/a Hunan Peking Restaurant for a retailer's license class DR - renewal at premises 3251 Prospect Street, N.W., be, and the same hereby, is **GRANTED**; and,
4. Copies of this Order shall be sent to the Protestant and the Applicant.

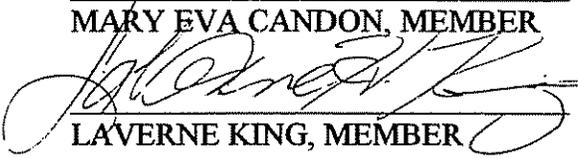
DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD

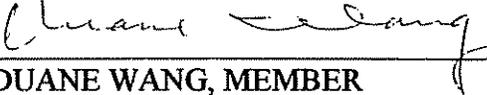
  
BARBARA L. SMITH, CHAIR

  
DENNIS BASS, MEMBER

\_\_\_\_\_  
ALLEN BEACH, MEMBER

\_\_\_\_\_  
MARY EVA CANDON, MEMBER

  
LAVERNE KING, MEMBER

  
DUANE WANG, MEMBER

\_\_\_\_\_  
EYDIE WHITTINGTON, MEMBER

AGREEMENT

#24747

Made the 5th day of October, 1997, by and between Dylan's Cafe, Inc., t/a Hunan Peking Restaurant (hereinafter "Applicant"), and the Citizens Association of Georgetown and Edward L. Emes, Jr. (hereinafter together "Protestants").

WHEREAS, Applicant filed with the District of Columbia Alcoholic Beverage Control (ABC) Board (hereinafter "the Board") an application for renewal of a Retailer's license Class DR for premises 3251 Prospect Street, N.W.; and,

WHEREAS, Protestants lodged with the Board timely protests of said application; and,

WHEREAS, the parties subsequently have negotiated in a effort to resolve the issues raised by Protestants' objections to renewal of the license; and,

WHEREAS, the parties desire to enter into a voluntary agreement, pursuant to 23 D.C.M.R. Section 1513, commemorating their several agreements;

NOW, THEREFORE, the parties agree as follows:

1. In the event applicant's gross food sales in any calendar quarterly period shall fall below fifty-five percent (55%) of total sales, applicant shall notify protestant of the same in writing within thirty (30) days of the end of such quarterly period. Advertising shall emphasize food service and not alcoholic beverage service, although the availability of alcoholic beverages may be mentioned as an incidental part of

advertisement of food service. No happy hour or other promotions of the sale of alcoholic beverages will be conducted.

2. The subject premises shall contain no "stand up" bar or standing area for consumption of alcoholic beverages. The premises, however, may contain "service" bars for preparation of alcoholic beverages for table service.

3. The subject establishment's kitchen shall remain open until one (1) hour before closing and food shall be available to be served until that time.

4. The subject establishment shall not offer live entertainment or facilities for patron dancing. Any background music provided for patrons will not be audible outside of the establishment.

5. Applicant's managers and wait staff shall receive alcohol awareness training (e.g., TIPS, TAM or any program which may be offered by the Metropolitan Police Department) within forty-five (45) days of employment.

6. Applicant shall keep the public and private space immediately adjacent to the subject premises reasonably clean and free of trash and litter.

7. Applicant acknowledges that failure to adhere to the restrictions recited in paragraph 1 through 6, inclusive, above, will constitute grounds for the Protestants to petition the Board for issuance of an Order to Show Cause, pursuant to 23 D.C.M.R. 1513.5, to gain Applicant's compliance with the terms of this Agreement. Prior to so petitioning, however, the

Protestants shall notify Applicant of any perceived violations and afford Applicant a minimum of ten (10) calendar days in which to address or rectify the perceived violation.

8. The parties request that the text of the instant Agreement be incorporated in an order of the Board granting Applicant's renewal application, conditioned upon Applicant's compliance with the terms hereof.

9. Prior to undertaking any changes in the nature of its business operations or physical facilities which are contrary to the terms of this Agreement or which might be deemed "substantial" within the meaning of 23 D.C.M.R. §505, the Applicant shall afford the Protestants a minimum of thirty (30) days prior notice of its intention to undertake such changes. No such changes shall be undertaken by the applicant prior to amendment of this agreement or, alternatively, affirmative approval of the ABC Board after notice duly given to protestants as provided in this Section 9.

10. In consideration of, and reliance upon, the foregoing commitments by Applicant, Protestants request hereby that their protests of Applicant's application for renewal of the subject Retailer's License Class DR be deemed withdrawn.

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

DYLAN'S CAFE, INC.

By: 

Kevin O, President

CITIZENS ASSOCIATION OF GEORGETOWN

By: 

Patrick H. Allen, Esquire

Vice President

Chairman, ABC Committee

  
EDWARD L. EMES, JR.

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11 05 1997  
ALCOHOLIC BEVERAGE CONTROL BOARD

FACSIMILE  
(202) 625-7706

October 6, 1997

VIA MESSENGER

Alcoholic Beverage Control Board  
Room 807  
614 H Street, N.W.  
Washington, D.C. 20001

Attn: Laura Byrd

Re: Case No. 24747-97097P  
Dylan's Cafe, Inc., t/a  
Hunan Peking Restaurant,  
holder of a Retailer's  
Class "DR" license at  
Premises 3251 Prospect  
Street, N.W.

Dear Members of the Board:

Transmitted herewith is an agreement settling the protest of our above-referenced client's renewal application.

We ask that the status hearing scheduled for October 8, 1997, be removed from the Board's calendar in light of settlement of the underlying protest.

The Board's earliest review and approval of the agreement will be appreciated sincerely.

Very truly yours,

  
Michael D. Fonseca

Enclosure