

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

<u>In the Matter of:</u>)	
)	
L & L, Inc.)	
t/a Hawk & Dove)	
)	
Application for a Retailer's Class)	Application no. 9536-02/102P
CR License (renewal))	2002-226
at premises)	
329 Pennsylvania Avenue, N.W.)	
Washington, D.C.)	
)	

Kenan P. Jarboe, Chair, on behalf of the Advisory Neighborhood Commission 6B, and
John L. Mellenius, Protestants

Stuart J. Long, President, on behalf of the Applicant

BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Laurie Collins, Member
Judy Moy, Member
Ellen Opper-Weiner, Esquire, Member
Audrey Thompson, Member

ORDER ON WITHDRAWN PROTEST AND VOLUNTARY AGREEMENT

The application, having been protested, came before the Board on June 19, 2002, in accordance with D.C. Official Code Section 25-601 (2000 Edition). Kenan P. Jarboe, Chair, on behalf of the Advisory Neighborhood Commission 6B, and John L. Mellenius, filed opposition in a timely manner. However, Mr. Wellenius failed to appear at the roll call hearing, and the Board dismissed his opposition.

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 June 18, 2002, the protestant has agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

L & L, Inc.
t/a Hawk & Dove
Page two

Accordingly, it is this 4th day of September 2002, **ORDERED** that:

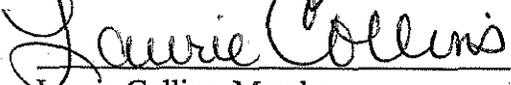
1. The opposition of John L. Mellenius is **DISMISSED**;
2. The opposition of Kenan P. Jarboe, Chair, on behalf of the Advisory Neighborhood Commission 6B is **WITHDRAWN**;
3. The application of L & L, Inc. t/a Hawk & Dove for a retailer's class CR license located at 329 Pennsylvania Avenue, S.E., Washington, D.C. is **GRANTED**;
3. The above-referenced agreement between the parties, is **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Protestants and the Applicant.

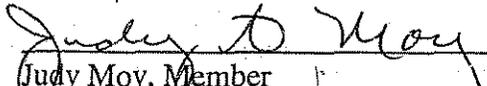
District of Columbia
Alcoholic Beverage Control Board

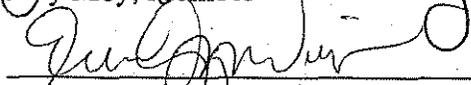

Roderic L. Woodson, Esquire, Chair

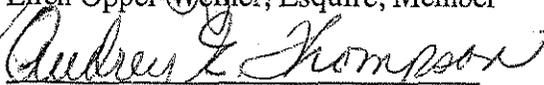

Vera Abbott, Member


Charles Burger, Member


Laurie Collins, Member


Judy Moy, Member


Ellen Opper-Weiner, Esquire, Member


Audrey E. Thompson, Member

AGREEMENT

Made this 18TH day of June by and between L & L, Inc. t/a Hawk & Dove, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant is the holder of a Retailers License Class CT issued by the District of Columbia Alcoholic Beverage Control (ABC) Board ("the Board") for use at premises 329 Pennsylvania Avenue, S.E. ("the Premises"); and,

WHEREAS, Applicant has filed with the Board an application (No. 9536) for a substantial change in the nature of its operation, such change relating to utilization of the second floor of said Premises; and,

WHEREAS, the Premises is within the boundaries of the ANC; and,

WHEREAS, ANC 6B has voted to oppose said application pending the execution of a voluntary; and,

WHEREAS, the parties subsequently have negotiated in an effort to resolve the issues of potential noise and trash which may result from the substantial change;

NOW, THEREFORE, the parties agree as follows:

1. The Applicant shall undertake whatever level of soundproofing that may be required at the Premise to ensure compliance with ABC noise regulations and the D.C. Noise Abatement Act and shall at all time comply with ABC noise regulations which requires that holders of Class C licenses shall not produce any sound, noise, or music by mechanical device or musical instrument of such intensity that it may be heard in any other premise other than the licensed premise, especially in those premises directly located on C Street to the rear of the Premise.
2. If on any occasion despite these efforts, such sound, noise or music from the Premise is heard in the neighboring premises, the Applicant will respond immediately to a request to lower the volume and the Applicant will work with the nearby residents to eliminate the problem in the future.

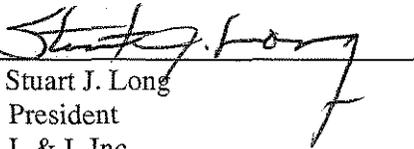
3. The Applicant shall either increase the number or size of the existing trash dumpsters and/or increase the frequency of trash collection, and shall institute a recycling program consistent with D.C. law with the intent of reducing the amount of trash in the back of the Premise.
4. In consideration of, and reliance upon, the commitments reflected in above paragraphs, ANC 6B withdraws its opposition the applicant's request (No. 9536) for a substantial change in the nature of its operation.
5. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds a petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

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

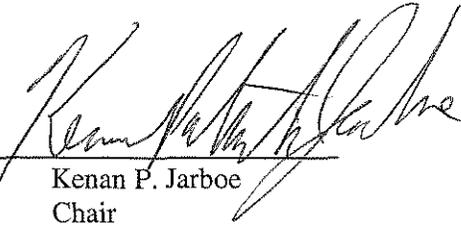
APPLICANT:

ANC 6B:

By:


Stuart J. Long
President
L & L Inc.

By:

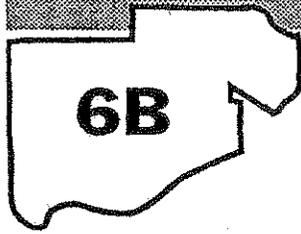

Kenan P. Jarboe
Chair
ANC 6B

2002-6-27-004

CAPITOL NEAR SOUTHEAST

921 PENNSYLVANIA AVENUE, S.E. — SUITE 1100

Advisory Neighborhood Commission



PHONE: 543-3344 WASHINGTON, D.C. 20003

June 18, 2002

#9536
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OFFICERS

Chairperson
Kenan P. Jarboe

Vice Chairperson
Will Hill

Secretary
Kalimah Abdul-Sabur

Treasurer
Robert Siegel

Parliamentarian
Neil Glick

ABC Board
Government of the District of Columbia
941 North Capitol Street, NE – 7th Floor
Washington, DC 20002

Re: Application # 9536
L&L, Inc. t/a Hawk & Dove

329 Penn Ave SE

COMMISSIONERS

- SMD 1 *David Sheldon*
- SMD 2 *Robert Siegel*
- SMD 3 *Mary Wright*
- SMD 4 *Julie Olson*
- SMD 5 *Kenan P. Jarboe*
- SMD 6 *Michael Simpson*
- SMD 7 *Charles White*
- SMD 8 *Wilbert "Will" Hill*
- SMD 9 *Kalimah Abdul-Sabur*
- SMD 10 *Kemi Muwakkil*
- SMD 11 *Neil Glick*
- SMD 12 *John Branscomb*
- SMD 13 *Colleen Harris*

Dear Board Members:

Enclosed for your consideration is a voluntary agreement between ANC 6B and L&L, Inc. t/a Hawk & Dove concerning their application (# 9536) for a substantial change in operations. With the acceptance of this agreement, ANC 6B withdraws its opposition to this application.

Sincerely,

Kenan P. Jarboe
Kenan P. Jarboe
Chairperson

Enc.