

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

In the Matter of:)	
)	
S & G, Inc.)	
t/a Park Market)	
)	
Applicant for a New)	License No. ABRA-094178
Retailer's Class B License)	Order No. 2016-093
)	
at premises)	
3400 13 th Street, N.W.)	
Washington, D.C. 20010)	
)	

S & G, Inc., t/a Park Market (Applicant)

Kent C. Boese, Chairperson, Advisory Neighborhood Commission (ANC) 1A

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that S & G, Inc., t/a Park Market, Applicant for a new Retailer's Class B License, located at 3400 13th Street, N.W., Washington, D.C., and ANC 1A have entered into a Settlement Agreement (Agreement), dated February 10, 2016, that governs the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Kent C. Boese and Commissioner Rashida Brown, on behalf of ANC 1A, are signatories to the Agreement.

Accordingly, it is this 24th day of February, 2016, **ORDERED** that:

1. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modifications:

Section 8 (Graffiti and Tagging) – This Section shall be modified to read as follows: “Applicant will be responsible for ensuring the licensed premises remains free of graffiti and tagging. If Applicant's premises is defaced by graffiti or tagging, the Applicant shall ensure that the graffiti or tagging is removed from the premises within 48 hours.”

Section 11 (Notice and Opportunity to Cure) – The third to last sentence shall be modified to read as follows: “If Applicant fails to cure within the 30 day period or, with respect to a breach which reasonably requires more than 30 days to cure, fails to commence the cure or diligently to pursue such cure, failure shall constitute a cause for the filing of a complaint with the Board to commence an investigation by ABRA's Enforcement Division pursuant to § 25-201(c)(6).”

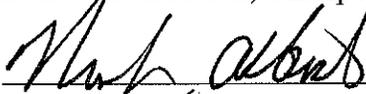
The parties have agreed to these modifications.

2. Copies of this Order shall be sent to the Applicant and ANC 1A.

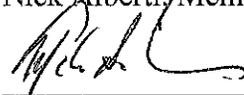
District of Columbia
Alcoholic Beverage Control Board .



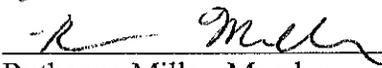
Donovan Anderson, Chairperson



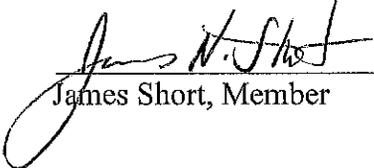
Nick Alberti, Member



Mike Silverstein, Member



Ruthanne Miller, Member



James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).



ADVISORY NEIGHBORHOOD COMMISSION 1A

SMD 1A01 – Marvin L. Johnson
SMD 1A04 – Matthew Goldschmidt
SMD 1A07 – Darwain Frost
SMD 1A10 – Rashida Brown

SMD 1A02 – Josue Salmeron
SMD 1A05 – Thu Nguyen
SMD 1A08 – Kent C. Boese
SMD 1A11 – Dotti Love Waide

SMD 1A03 – Tom Gordon
SMD 1A06 – Richard DuBeshter
SMD 1A09 – Bobby Holmes
SMD 1A12 – Margaret Hundley

SETTLEMENT AGREEMENT

THIS VOLUNTARY AGREEMENT ("Agreement") is made on this 10TH day of FEBRUARY, 2016 by and between S&G, Inc. ("Applicant") and Advisory Neighborhood Commission 1A ("Protestant") (collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant requests a Change of Hours of operation and alcoholic beverage sales as well as a Class Change from a Retailer "B" Grocery to a Retailer "A" Liquor Store for the retail store premises ("Store") to be located at 3400 13th Street, NW, Washington, DC ("Premises"); and

WHEREAS, the Parties have agreed to enter into this Agreement and request that Alcoholic Beverage Control Board ("ABC Board") approve the Applicant's license application conditioned upon the Applicant's compliance with the terms of this written Agreement; and

WHEREAS, the Parties are desirous of entering into a Settlement Agreement, pursuant to D.C. Official Code § 25-446, to eliminate the need for a Protest Hearing regarding the license application and to ensure the operation and maintenance of the Store in such a manner as to minimize the effect on (i) the peace, order, and quiet neighborhood; and (ii) pedestrian safety and vehicular traffic.

NOW, THEREFORE, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the Parties agree as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. **Nature of the Business.** Applicant will manage and operate a retail liquor store authorized to sell beer, wine, and liquor upon approval of the license application.
3. **Hours of Operation and Sales.** In order to keep the peace and quiet of the surrounding neighborhood, thereby making the Store appropriate for the neighborhood, Applicant will not sell alcoholic beverages before 9:00 am or after 12:00 am daily.
4. **Consumption.** Alcohol consumption is not and will not be permitted anywhere on the Premises, and the Licensee will report intoxicated persons, or persons drinking alcohol within the immediate vicinity under direct control and operation of the Licensee's location to the Metropolitan Police Department.
5. **Loitering.** Applicant will make any and all reasonable efforts to ensure there is no loitering in front of or in the vicinity of the Store, especially loud cursing, public drunkenness, and fighting and other acts of aggression.

Advisory Neighborhood Commission 1A
3400 11th Street NW #200
Washington, DC 20010

6. **Public Space and Trash.** Applicant shall keep the sidewalk (up to and including the curb), tree box(es), curb, and abutting alley clean and free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall police these areas sufficiently during operating hours to ensure that refuse and other materials are promptly removed. Applicant agrees to obtain a dumpster to be placed in the rear of the building. Applicant shall ensure that the area around the dumpster is kept clean at all times and the dumpster is placed such that it does not encroach on the abutting properties and so that no garbage is placed on abutting properties. Applicant shall maintain regular trash removal service.
7. **Rats and Vermin Control.** Applicant will make reasonable efforts to mitigate rodent and vermin infestations of its property and ensure that the Store and the area around the Premises are properly cleaned at the end of each night so that there is not refuse and odors present the following morning.
8. **Graffiti and Tagging.** Applicant will be responsible for ensuring that the area surrounding the Premises remains free of graffiti. If Applicant's premises is defaced by graffiti or tagging, it is Applicant's responsibility to ensure that the graffiti is removed from the Premises.
9. **License Ownership and Compliance with ABRA Regulations.** Applicant promises to Protestant that it shall abide by all Alcohol Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licensees, and agrees that Protestant shall have standing to ask the ABC Board to enforce any violations of the agreement.
10. **Compliance with District Laws and Regulations.** Applicant understands, agrees, and promises that they will maintain compliance with all laws and regulations of the District of Columbia at all times. Specifically, Applicant will not engage in any illegal activities such as but not limited to: the sale of tobacco or alcoholic beverages to underage minors, the sale of illegal/unregulated substances, and the sale of individual cigarettes.
11. **Notice and Opportunity to Cure.** In the event that any of the parties is in breach of this Agreement, it shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the Agreement. Unless the breach is of an emergency nature or is a repetition of a prior breach, reasonable notice and opportunity shall be provided for a cure within 30 days of the date of such notice. If Applicant fails to cure within the 30 day period or, with respect to a breach which reasonably requires more than 30 days to cure, fails to commence the cure or diligently to pursue such cure, failure shall constitute a cause for seeking a Show Cause Order from the ABC Board pursuant to D.C. Official Code § 25-47. Unless otherwise noted above, any notices required to be made under this Agreement shall be in writing and mailed via certified mail, return receipt requested, postage prepaid, or hand-delivered to the other party to this Agreement at the following addresses. Notice shall be deemed given as of the time of receipt or refusal of receipt:

If to Applicant:
S&G, Inc. DBA Park Market
3400 13th Street, NW
Washington, DC 20010

If to Protestant:
Advisory Neighborhood Commission 1A
3400 11th Street, NW #200
Washington, DC 20010

Failure to give notice shall not constitute waiver or acquiescence to the violation, but notice shall be a prerequisite to the filing of a complaint with the ABC Board or any other enforcement action.

This Settlement Agreement was approved by a quorum of Advisory Neighborhood Commissioners at the ANC 1A public meeting held February 10, 2016.

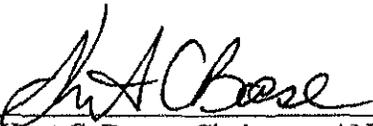
APPLICANT:



On Behalf of S&G, Inc. DBA Park Market

2/08/2016
Date

PROTESTANT:



Kent C. Boese, Chairman, ANC 1A

2/10/16
Date



Rashida Brown, Secretary, ANC 1A

2/10/16
Date