

The New Brookland Café, LLC
t/a B Cafe/Brookland Café
Case No. 12-PRO-00011
License No. ABRA-083121
Page 2

The official records of the Alcoholic Beverage Control Board (Board) reflect that the Applicant and the Group of Five or More Individuals have entered into a Voluntary Agreement (Agreement), dated April 3, 2012, 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 Don Padou, on behalf of the Group of Five or More Individuals, are signatories to the Agreement.

This Agreement also constitutes a withdrawal of the Protest filed by the Group of Five or More Individuals of this Application and a withdrawal of the Petition for Judicial Review currently pending before the District of Columbia Court of Appeals.

Accordingly, it is this 25th day of April, 2012, **ORDERED** that:

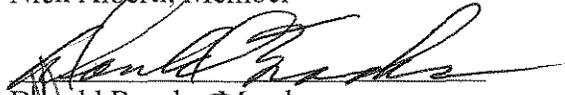
1. The Application filed by The New Brookland Café, LLC, t/a B Cafe/Brookland Café, for a Substantial Change to include an expansion with 30 additional seats inside, a new summer garden with 25 seats, and a new sidewalk café with 20 seats, to its Retailer's Class CR License, located at 3740 12th Street, N.E., Washington, D.C., is **GRANTED**;
2. The Protest of the Group of Five or More Individuals in this matter is hereby **DISMISSED**;
3. The above-referenced Voluntary Agreement, dated April 3, 2012, submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant and Don Padou, on behalf of the Group of Five or More Individuals

The New Brookland Café, LLC
t/a B Cafe/Brookland Café
Case No. 12-PRO-00011
License No. ABRA-083121
Page 3

District of Columbia
Alcoholic Beverage Control Board



Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member

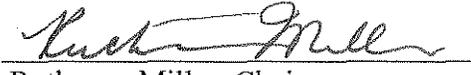


Calvin Nophlin, Member



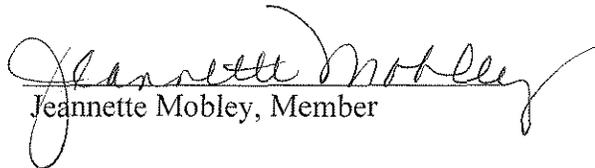
Mike Silverstein, Member

I dissent from the Board's decision.



Ruthanne Miller, Chairperson

I recuse myself from this matter.



Jeannette Mobley, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

VOLUNTARY AGREEMENT

This agreement is between New Brookland Café LLC t/a B'Café ("Café") and the Protestants against the Café's application for a substantial change to its license.

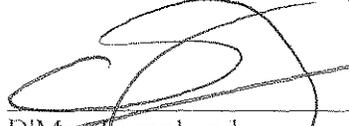
Protestants agree to dismiss their protest petition. Protestants also agree to dismiss their petition for judicial review currently pending before the Court of Appeals.

The Café agrees to the following.

- ✓ 1. The Café shall maintain satellite parking at 3700 12th Street NE. The Café shall erect a sign or banner at the satellite parking lot large and prominent enough to inform the public that the lot is available for parking for the customers of the Café. The Café shall erect a sign or banner on the exterior of the Café or its grounds, large and prominent enough to inform the public that a lot is available at 3700 12th Street NE for customers of the Café. *The parking will be non-exclusive to Brookland cafe customers.*
- ✓ 2. The sidewalk café shall not encroach on the public sidewalk. The Café shall erect, install or place a fence, railing or something similar separating the sidewalk cafe from the public sidewalk. The railing shall be of such design and construction that the tables and chairs used in the sidewalk café do not encroach on the public sidewalk. The railing separating the public sidewalk from the sidewalk café shall run the entire length of the sidewalk café, but may have breaks in it that match the doorway openings of the building.
- ✓ 3. It shall be the Café's policy that wait staff will not use the public sidewalks to serve customers. The Café shall enforce its policy.
- ✓ 4. The Café shall ensure compliance with D.C. Code § 25-761 by designing and constructing all interior expansion of the Café such that there is no access between the portion of the building occupied by the Café and the portion of the building occupied by the Brookland Inn.
- ✓ 5. The Café shall cease service of alcohol at ~~10:00~~ ^{11:00PM DL} PM every night for customers seated ^{DL} in the sidewalk café or summer garden seating areas.
- ✓ 6. *This Voluntary Agreement does not restrict the Brookland cafe from participating in Holiday Hours or any other programs/perks offered by ABRA.*

Don Padou
Protestants' Designated Representative

Date


D'Maz Lumukanda
New Brookland Café LLC

4-3-12
Date

 4/3/12

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

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In the Matter of:)	
)	
The New Brookland Café, LLC)	
t/a Brookland Café)	
)	License No. 083121
)	Order No. 2010-371
Application for New)	
Retailer's Class CR License)	
)	
at premises)	
3740 12th Street, N.E.)	
Washington, D.C. 20017)	
<hr/>)	

The New Brookland Café, LLC, t/a Brookland Café, Applicant

John Schlageter, General Counsel, on behalf of the Archdiocese for the Military Services, USA

Don Padou and Sunday Abraham, on behalf of A Group of Five or More Individuals

BEFORE: Charles Brodsky, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWAL OF PROTEST

The official records of the Alcoholic Control Board (Board) reflect that The New Brookland Café, LLC, t/a Brookland Café, Applicant for a new Retailer's Class CR License located at 3740 12th Street, N.E., Washington, D.C., and the Archdiocese for the Military Services, USA, have entered into a Voluntary Agreement, dated February 4, 2010, setting forth the terms and conditions that govern the operation of the Applicant's establishment. This Agreement constitutes a withdrawal of the Protest of this Application by the Archdiocese for the Military Services. The Group of Five or More Individuals remains a Protestant.

The New Brookland Café, LLC
t/a Brookland Café
License No: 083121
Page 2

Accordingly, it is this 23rd day of June 2010, **ORDERED** that:

1. The Application filed by The New Brookland Café, LLC, t/a Brookland Café, (Applicant), for a new Retailer's Class CR license located at 3740 12th Street, N.E., Washington, D.C., is **GRANTED**;
2. The Protest filed by the Archdiocese for the Military Services in this matter is hereby **DISMISSED**;
3. The above-referenced Voluntary Agreements submitted by the Applicant and the Archdiocese for the Military Services to govern the operations of the Applicant's establishment are **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant, Archdiocese for the Military Services, USA, and Don Padou and Sunday Abraham, on behalf of the Group of Five or More Individuals.

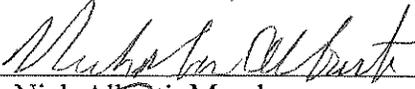
The New Brookland Café, LLC
t/a Brookland Café
License No: 083121
Page 3

District of Columbia
Alcoholic Beverage Control Board

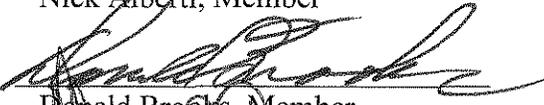


Charles Brodsky, Chairperson

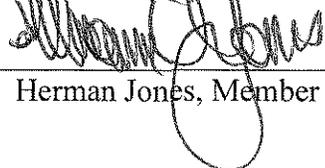
Mital M. Gandhi, Member



Nick Alberti, Member



Donald Brooks, Member



Herman Jones, 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, 1250 U Street, N.W., Third Floor, Washington, D.C. 20009.

VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT is made on this 4th day of February 2010, by and between protestant, The Roman Catholic Archdiocese for the Military Services (herein "Archdiocese") and applicant, The Brookland Café, License # ABRA083121(herein "Brookland Cafe").

WITNESSETH

WHEREAS, The Brookland Cafe has applied for a License Class Retailer's Class CR license for a business establishment named the Brookland Cafe located at 3740 12th Street, NE, Washington, D.C.

WHEREAS, the the Archdiocese, which has filed a timely protest against the issuance of the Applicant's license application pursuant to D.C. Official Code § 25-601(1) and 601(4), respectively;

WHEREAS, the Parties have agreed to enter into this Agreement and request that the 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 Voluntary Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to minimize the effect on the peace, order and quiet of the neighborhood.

NOW, THEREFORE, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the Archdiocese agrees to withdraw its protest provided:

1. THE Brookland Cafe hereby agree to take all steps necessary and ensure that live entertainment provided at the Brookland Café is not disruptive to the neighborhood and this Archdiocese. More specifically, that noise generated by live entertainment at The Brookland Café will not be audible to the residents of this Archdiocese.
2. THE Brookland Cafe hereby agree to take all means and steps necessary to ensure that the operation of their establishment does not have a negative effect on the peace, order and quiet of the neighborhood.



3. THE Brookland Cafe hereby agree to keep on file at all times with the Vicar General's Office at the Archdiocese the direct contact numbers (cell phone) of at least 2 principles of the Brookland Cafe so that they can timely address the legitimate concerns of this Archdiocese. The Brookland Cafe further agrees to answer/return all calls, regardless of the hour, received by this Archdiocese. More specifically, the Archdiocese will call all numbers listed above to assist in the prompt response from the Brookland Café.

4. Upon the signature of this Voluntary Agreement by both parties and the acceptance of this Voluntary Agreement by The District of Columbia Alcoholic Beverage Control Board, the protest of the Archdiocese is thereby considered withdrawn and full support is given to the Brookland Cafe in their application for license number ABRA-083121

PROTESTANT:

Archdiocese for the Military Services, USA

John L. Schlageter
By: John L. Schlageter, Esq., General Counsel

[Signature] 4/22/10
Signature

APPLICANT:

The Brookland Cafe

DMZ V. Luvukanda/owner info@brooklandcafe.com
By: Printed Name/ Title

[Signature]
Signature (202) 438-2127

Rabindranath Ramson (Rob) owner of Bldg
202-438-5988 indianrob@gmail.com
Michael Simpson 240-501-5928 info@brooklandcafe.com
Manager