

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

_____)	
In the Matter of:)	
)	
Soze, LLC)	
t/a DC-3)	
)	
Applicant for a New)	
Retailer's Class DR License)	License No. ABRA-086701
)	Order No. 2011-222
at premises)	
423 8 th Street, S.E.)	
Washington, D.C. 20003)	
_____)	

Soze, LLC, t/a DC-3 (Applicant)

Neil Glick, Chairperson, Advisory Neighborhood Commission (ANC) 6B

BEFORE: Nick Alberti, Interim Chairperson
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ORDER ON VOLUNTARY AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Soze, LLC, t/a DC-3, Applicant for a new Retailer's Class DR License located at 423 8th Street, S.E., Washington, D.C., and ANC 6B, have entered into a Voluntary Agreement (Agreement), dated May 10, 2011, 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 Neil Glick, on behalf of ANC 6B, are signatories to the Agreement.

Soze, LLC
t/a DC-3
License No. ABRA-086701
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Accordingly, it is this 8th day of June 2011, **ORDERED** that:

1. The above-referenced Voluntary Agreement submitted by the Applicant and ANC 6B to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED**, except for the following modification:

Section 7: The following sentence shall be modified as follows:

“Applicant shall provide proof of its rat and vermin control contract upon the request of the Board.”

2. Copies of this Order shall be sent to the Applicant and ANC 6B.

Soze, LLC
t/a DC-3
License No. ABRA-086701
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District of Columbia
Alcoholic Beverage Control Board



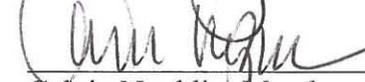
Nick Alberti, Interim Chairperson



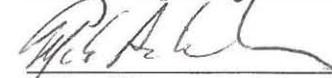
Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, 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, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT (“Agreement”) is made on this 10th day of May, 2011 by and between Soze, LLC, t/a DC-3 (“Applicant”), and Advisory Neighborhood Commission 6B.

WITNESSETH

WHEREAS, Applicant’s application for a Retailers’ Class “D” license for premises, 423 8th Street, S.E. Washington, DC, 20003, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC, and,

WHEREAS, the Parties desire to enter into an agreement governing certain understandings regarding the Class “D” Liquor License # ABRA-086701 at the subject premises; 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 promote the peace, order and quiet of the neighborhood. Both parties recognize the importance of business neighborhoods that are safe, clean, and “pedestrian friendly”.

NOW, THEREFORE, the parties agree as follows:

1. ***Recitals Incorporated.*** The recitals set forth above are incorporated herein by reference.
2. ***Nature of the Business.*** The Applicant will continue to manage and operate an existing Fast Food A-2 license with the addition of the Class “D” liquor license. Music will be limited to background and recorded music. There will be no speakers on the outside. There will be no cover charge or dancing.
3. ***Hours of Operation and Sales.*** The Applicant’s hours of operation shall be as follows:

Sunday through Saturday 11 AM - 12 AM
4. ***Floors Utilized and Occupancy.*** The Applicant will operate its establishment on the first floor of the building. Seated occupancy shall not exceed 30 seated patrons.
5. ***Noise and Privacy.*** Applicant will strictly comply with D.C. Official Code § 25-725 and to that end shall make architectural improvements to the property and take all necessary actions to ensure that music, noise and vibration from the Establishment are not audible within the adjacent residential properties. If necessary, Applicant will take reasonable steps to reduce noise emanating from the Establishment from the opening of the entry or

exit doors.

6. **Public Space and Trash.** Applicant shall keep the sidewalk (up to and including the curb), tree box(es) and curb free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall police these areas sufficiently to assure that refuse and other materials are promptly removed. The Applicant will ensure timely disposal that is the least disruptive to the neighbors and that commercial trash pick up will only take place between 7 a.m.-9 p.m.
7. **Rats and Vermin Control.** The Applicant shall provide rat and vermin control for its property. Applicant shall provide proof of its rat and vermin control contract upon the request of the ANC. Applicant shall have the Establishment and the area around the Premises properly cleaned at closing.
8. **Security Cooperation in Stemming Illegal Drugs and Public Drinking.** Applicant agrees that it shall take all necessary steps to minimize such problems, including, without limitation, designating a sufficient number of employees to control unruly patrons. Applicant shall to the full extent permissible by law discourage loitering in the front of the Premises at all times when the Establishment is open to the public, and shall request that any individuals who are simply loitering are asked to move along.
10. **License Ownership and Compliance with ABRA Regulations.** Applicant promises to abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licensees. This agreement will remain in full force and effect in event applicant sells this business.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

Applicant Soze, LLC
DC-3
423 8th Street, SE
Washington, DC 20003
Attn: Perry Smith
(202) 289-4441
(202) 289-289-4451 (fax)



Perry Smith
Managing Member

ANC: Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue, SE
Washington, DC 20036
Attn: Neil Glick, Chair
(202) 543-3344
(202) 543-3507 (fax)



Neil Glick
Chairperson

Ivan Frisberg
for Neil Glick


ANC 6B
Capitol Hill / Southeast

THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATION ADMINISTRATION

2011 MAY 13 P 5:00

703 D Street, SE
Washington, DC 20003
202.543.3344
FAX 202.543.3507

May 11, 2011

OFFICERS

Chairperson
Neil Glick
Vice Chairperson
Ivan Frishberg
Secretary
Jared Critchfield
Treasurer
Carol Green
Parliamentarian
Brian Flahaven

Charles Brodsky, Chair
Alcoholic Beverage Regulation Administration
C/o Martha Jenkins
2000 14th Street, NW, Suite 400S
Washington, DC 20009

RE: DC -3
License # ABRA-086701
New and Stipulated Licenses

COMMISSIONERS

SMD 1 *David Garrison*
SMD 2 *Ivan Frishberg*
SMD 3 *Norman Metzger*
SMD 4 *Kirsten Oldenburg*
SMD 5 *Brian Pate*
SMD 6 *Jared Critchfield*
SMD 7 *Carol Green*
SMD 8 *Neil Glick*
SMD 9 *Brian Flahaven*
SMD 10 *Francis Campbell*
SMD 11 *Vacant*

Dear Mr. Brodsky:

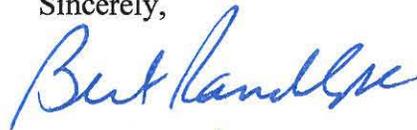
At a regularly called and properly noticed (via postings at Southeast Library, Eastern Market, ANC 6B website, and ANC 6B's constituents emailing list) meeting on May 10, 2011, with a quorum present (6 being a quorum), ANC 6B voted (8-0-1) to support the above referenced application of DC -3, located at 423 8th Street, SE, for a new DR Class liquor license.

Additionally, ANC 6B voted (8-0-1) to support the issuance of a Stipulated License for DC -3.

Please find enclosed the Cooperative (Voluntary) Agreement that has been executed by DC -3 and ANC 6B for your review and approval.

If you need further information, please do not hesitate to contact me.

Sincerely,



Neil Glick
Chair, ANC 6B