

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

In the Matter of:

Baan Siam, Inc.
t/a Baan Siam

Application for a New
Retailer's Class CR License

at premises
425 I Street, NW
Washington, D.C. 20001

License No.: ABRA-116493
Order No.: 2020-216

Baan Siam, Inc., t/a Baan Siam, Applicant

Rachelle Nigro, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 6E

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Baan Siam, Inc., t/a Baan Siam (Applicant), Applicant for a new Retailer's Class CR License, and ANC 6E entered into a Settlement Agreement (Agreement), dated March 5, 2020, in accordance with D.C. Official Code § 25-446 (2001).

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Rachelle Nigro, on behalf of ANC 6E, are signatories to the Agreement.

Accordingly, it is this 3rd day of June, 2020, **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; and
2. Copies of this Order shall be sent to the Applicant and ANC 6E.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeambaseDocs.com
Donovan Anderson
Key: a1a5d4f5c5d9f8e5b1f7d2d6d8d0d3d9

Donovan Anderson, Chairperson

eSigned via SeambaseDocs.com
James Short
Key: 2d5d3d3d3d3d3d3d3d3d3d3d3d3d3d3d

James Short, Member

eSigned via SeambaseDocs.com
Bobby Cato
Key: 2d5d3d3d3d3d3d3d3d3d3d3d3d3d3d3d

Bobby Cato, Member

eSigned via SeambaseDocs.com
Rema Wahabzadah, Member
Key: b1f2ca42b5d5b74799b1f6d5b73d115d

Rema Wahabzadah, Member

eSigned via SeambaseDocs.com
Rafi Aliya Crockett, Member
Key: b3d9f851b45a12e4f1b155e5a12d1a0f

Rafi Crockett, Member

eSigned via SeambaseDocs.com
Jeni Hansen, Member
Key: 02172d9f692d44f8f324b1c4d10f

Jeni Hansen, Member

eSigned via SeambaseDocs.com
Edward Grandis, Member
Key: 5027bda7b960040ec14adb532541ce5

Edward S. Grandis, 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).

Settlement Agreement

by and between

Baan Siam, Inc.
and
Advisory Neighborhood Commission No. 6E

for premises located at
425 Eye Street, NW, Washington DC 20001

ALCOHOLIC BEVERAGE
REGULATION ADMIN

2020 MAR -9 P 12: 07

ABRA

Recitations

WHEREAS, Baan Siam, Inc. ("Applicant"), is a corporation organized under the laws of the District of Columbia, and duly authorized to do business in the District of Columbia; and,

WHEREAS, the premises on 425 Eye Street, NW is located within Advisory Neighborhood Commission 6E ("ANC 6E"); and,

WHEREAS, the Applicant has filed for a new Class "C" Retailer's license under the D.C. Alcoholic Beverage Control Act ("Application") with the ABC Board; and,

WHEREAS, the Application seeks approval to operate a new full-service Restaurant ("Restaurant") and Sidewalk Café at 425 Eye Street, NW; and,

WHEREAS, the Applicant and ANC 6E (collectively, the "Parties") desire to resolve potential issues in the operation of Baan Siam, Inc. located at 425 Eye Street, NW, ("Restaurant") and enter into this Settlement Agreement ("Agreement") in exchange for ANC 6E's support of the Application.

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. **Interior Hours:**

- a). The Hours of Operation on the interior premises shall be:
- i. Sunday through Thursday: 7:00am to 1:00am; and
 - ii. Friday and Saturday: 7:00am to 2:00am.

- b.) The Hours of Alcoholic Beverage Sales, Service, and Consumption on the interior premises shall be:
- i. Sunday: 8:00am to 1:00am;
 - ii. Monday through Thursday: 8:00am to 1:00am; and
 - iii. Friday and Saturday: 8:00am to 2:00am.

Provided, however (1) on days designated by the ABC Board as "extended Hours for ABC Establishments" Applicant may operate and serve alcoholic beverages for one additional hour (that

is, one hour later); (2) in the event the Council of the District of Columbia or the ABC Board grant licensees in general operating hours for particular dates, holidays or events (e.g. inauguration, World Cup), Applicant may avail itself to such extended hours; (3) on January 1 of each year, Applicant may operate and serve alcoholic beverages until 4:00am and may apply for permission a One Day Substantial Change provide Entertainment until 3:00am on January 1 of each year; (4) and on "Daylight Saving Time Extension of Hours" as designated by the ABC Board, Applicant may operate, sell, serve, and permit the consumption of alcoholic beverages for one additional hour later.

c.) The Hours of Entertainment on the interior premises shall be:

- i. Sunday: 10:00am to 1:00am;
- ii. Monday through Thursday: 8:00am to 1:00am; and
- iii. Friday and Saturday: 8:00am to 2:00am.

3. **Sidewalk Café.**

a.) Sidewalk Café Hours of Operation and Hours of Alcoholic Beverage Sales, Service, and Consumption: Sunday through Saturday: 11:00am to 11:00pm.

b.) No amplified sound, entertainment, live music, or karaoke shall be permitted on the Sidewalk Café outside the Restaurant.

4. **Public Space and Trash.** Applicant shall take reasonable measures to maintain the cleanliness of the premises and ensure the Sidewalk Café and adjacent public property is free of trash/waste, including the sidewalk in front of the Restaurant. Applicant shall cause extermination services to be provided to the Restaurant by a reputable exterminator on at least a monthly basis.

5. **Noise.** Applicant will comply with all D.C. Official Code §25-725:

a) During all times, amplified music emanating from the boundaries of the Restaurant's premises (except during times that the doors are open for ingress or egress) shall not be audible in the neighboring community.

b) Amplified sound emanating from the licensed premises that is audible in other nearby residential premises is prohibited.

6. **Construction of Agreement.** Any reference to specific laws and regulations in this Agreement is meant for informational purposes only. ANC 6E does not intend for a violation of any DC law or regulation to also be considered a violation of this Agreement.

7. **Notice and Opportunity to Cure.** In the event that either party is in breach of this Agreement, the breaching party shall be entitled to reasonable notice and opportunity to cure in the form of thirty (30) days' notice before the non-breaching party can seek enforcement of the Agreement. If the breaching party fails to cure within thirty (30) days, (or, within respect to a breach which reasonably requires more than thirty days to cure, fails to commence cure of such breach and diligently pursues such cure), then the non-breaching party shall be entitled to file a complaint with the ABC Board pursuant to D.C. Official Code §25-447.

If to Applicant: Baan Siam, Inc.
425 Eye St., NW
Washington, DC 20001

If to ANC: Advisory Neighborhood Commission 6E
 P.O. Box 93020, Brentwood Park Station
 Washington, DC 20090
 Attn: Alexander Marriott
 Email: alexmarriottanc@gmail.com

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

10. **No Protest.** Upon execution of this Settlement Agreement and its acceptance by the ABC Board, ANC 6E agrees to support Applicant's pending ABC license Application and shall refrain from filing a protest against Applicant's pending license application.

In witness thereof, the Parties, acting through their authorized representatives, have agreed to and signed this Settlement Agreement.

Baan Siam, Inc.

By: 

Date: 3-5-20

Advisory Neighborhood Commission 6E

By: 

Rachelle Nigro, Chair

Date: 3-5-2020