

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

_____)	
In the Matter of:)	
)	
Big Bucks, LLC)	
t/a Buck's Fishing & Camping)	
)	
Holder of a)	License No. ABRA-060769
Retailer's Class CR License)	Order No. 2012-410
)	
at premises)	
5031 Connecticut Avenue, N.W.)	
Washington, D.C. 20008)	
_____)	

Big Bucks, LLC, t/a Buck's Fishing & Camping (Licensee)

Roman Jankowski, Chairperson, Advisory Neighborhood Commission (ANC) 3F

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
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 Big Bucks, LLC, t/a Buck's Fishing & Camping, (Licensee), and ANC 3F entered into a Voluntary Agreement (Agreement), dated June 11, 2012, that governs the operation of the Licensee's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Roman Jankowski, on behalf of ANC 3F, are signatories to the Agreement.

The official records of the Board reflect that the parties have agreed to replace the previous Voluntary Agreement, dated September 15, 2003.

Accordingly, it is this 17th day of October, 2012, **ORDERED** that:

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

Section 12 shall be removed.

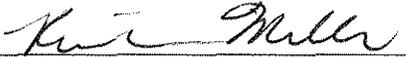
Section 13 – The following language shall be removed: “If licensee fails to cure within the 30-day period (or, with respect to a breach which reasonably requires more than 30-days to cure, fails to commence cure of such breach by diligently pursues such cure) failure shall constitute a cause of seeking a Show Cause Order from the ABC Board pursuant to D.C. Official Code § 25-447.”

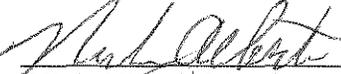
The parties have agreed to these modifications.

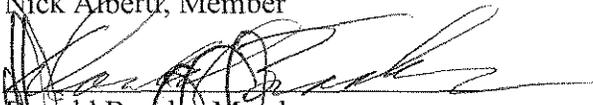
2. Copies of this Order shall be sent to the Licensee and ANC 3F.

Big Bucks, LLC
t/a Buck's Fishing & Camping
License No. ABRA-060769
Page 3

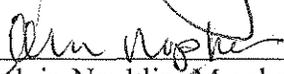
District of Columbia
Alcoholic Beverage Control Board

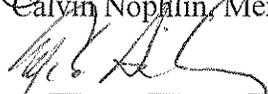

Ruthanne Miller, Chairperson


Nick Alberti, Member


Donald Brooks, Member


Herman Jones, Member


Calvin Nophlin, Member


Mike Silverstein, 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.

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3F
North Cleveland Park • Forest Hills • Tenleytown

3F01 – Adam Topp, Secretary
3F02 – Karen Perry, Vice Chair
3F03 – Karen Beiley
3F04 – Thomas Whitley
3F05 – Roman Jankowski, Chair
3F06 – Cathy Wies
3F07 – Bob Summers gill, Treasurer



Box 244
4401- A Connecticut Avenue, N.W.
Washington, D.C. 20008-2322

Web site: www.anc3f.us

E-mail: commissioners@anc3f.us
Phone: 202.362.8120

September 5, 2012

Ruthanne Miller, Chair
Alcoholic Beverage Control Board
2000 14th Street, N.W., Suite 400 South
Washington, D.C. 20001

RE: Buck's Fishing & Camping
5031 Connecticut Avenue, N.W.

Dear Chair Miller:

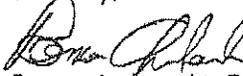
At the duly noticed public meeting of ANC 3F on June 11, 2012, with a quorum present (a quorum being four), the ANC approved the attached new Voluntary Agreement between ANC 3F and Buck's Fishing & Camping by a vote of 6-0-0. Then, at a duly noticed public meeting of ANC 3F on July 9, 2012, with a quorum present, ANC 3F voted 5-0-0, not to opposed a stipulated license for the establishment and the outdoor patio.

This Voluntary Agreement replaces the Voluntary Agreement dated September 15, 20003, between ANC 3F and Buck's. The main differences are longer hours and the addition of a DDOT-approved unenclosed sidewalk café.

Buck's Fishing & Camping is a first-class restaurant, a good neighbor, and a benefit to our ANC. Mr. Alefantis, the owner of Buck's, has always been generous in contributing time and resources to charitable events and a place for the residents to hold neighborhood events.

The ANC and our residents look forward to the outdoor café and the later hours for dining. We encourage the ABC Board to approve this Voluntary Agreement. If you have any questions or concerns about the Voluntary Agreement, please contact Karen Perry, the ANC-designated Commissioner. She can be reached at 202-363-6748 or karenperry2@juno.com.

Sincerely,


Roman Jankowski, Chair
ANC 3F

Attachment

AGREEMENT

Made this 11th day of June 2012, by and between BIG BUCKS, LLC T/A BUCK'S FISHING AND CAMPING RESTAURANT (the "applicant") and ADVISORY NEIGHBORHOOD COMMISSION 3F, North Cleveland Park, Forest Hills, and Tenleytown (the "ANC" or "ANC 3F").

WITNESSETH:

WHEREAS, the Alcoholic Beverage Control Board approved a Voluntary Agreement between ANC 3F and Big Bucks, LLC T/A Buck's Fishing and Camping Restaurant, 5031 Connecticut Avenue, N.W., Application No. 7671, on October 22, 2003, and

WHEREAS, ANC 3F and Big Bucks, LLC T/A Buck's Fishing and Camping Restaurant are desirous of entering into a new "CR" Voluntary Agreement commemorating certain understandings regarding Applicant's operating plans for the addition of a sidewalk café and change of hours;

NOW, THEREFORE, in consideration of the premises recited, and the mutual covenants and promises set forth below, the parties agree as follows:

1. Applicant shall manage and operate a bona fide restaurant on its premises with an emphasis on food. Alcohol will be served primarily in conjunction with meal service.
2. The restaurant is one floor and, according to the Certificate of Occupancy, the restaurant shall have a maximum of 100 seats.
3. Applicant shall be permitted to have an unenclosed sidewalk café with 15 tables and 34 seats pending final approval from the Public Space Committee and all necessary permits.
4. The Applicant's hours of operation for the restaurant and unenclosed sidewalk café shall be as follows:

Sunday through Thursday: 10:00 a.m. - 12:00 midnight
Friday and Saturday: 10:00 a.m. - 1:00 a.m.

5. Applicant shall provide no facilities for dancing or live entertainment. Applicant shall be permitted to present recorded music inside the restaurant as soft background music for dining; provided however that no doors to the exterior of the restaurant shall be propped open at any time when music is being played in the restaurant. Applicant will comply with D.C. Official Code §25-725 and to that end take all necessary actions to ensure that music, noise, and vibration from the Establishment are not audible in any other premises other than the licensed establishment.
6. Patrons, whether seated at the outdoor café or inside the restaurant shall be able to purchase food from the Applicant until 1 (one) hour before closing times
7. Applicant shall not install or utilize any equipment for the showing of videos or video games or jukeboxes.
8. Applicant shall be prohibited from displaying any advertising banners, neon signs, or outside signage other than the sign permitted by zoning above its establishment. Applicant shall post no signs in public space or outside the restaurant advertising alcohol, beer and/or wine sales, happy hours, or the like.
9. Applicant shall care for the 35 feet of public spaces that borders the restaurant on Connecticut Avenue, including provision of suitable plantings, if applicable.

10. Applicant shall monitor the outdoor café to ensure that its trash is removed in a timely manner and the applicant shall have the restaurant and the area around the premises properly cleaned at the end of each night to ensure there is no garbage or odors. Applicant shall ensure that trash receptacles remain closed and free of vermin at all times.
11. Applicant shall comply with District of Columbia Official Code Title 25 and District of Columbia Municipal Regulations Title 23 as they apply to the establishment and the laws and regulations of the District of Columbia in the operation of his establishment.
12. Any change from this model shall be considered by both Parties to be a substantial change in operation of concern to residents and requires prior approval by the ABC Board.
13. Applicant agrees to maintain open communication with the ANC and the community for which the ANC acts. 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 provide for a cure within 30 days of the date of such notice. If the licensee 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 cure of such breach and diligently pursues such cure) failure shall constitute a cause for seeking a Show Cause Order from the ABC Board pursuant to D.C. Official Code § 25-447. 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, or hand-delivered, to the other parties to this Agreement at the following addresses. Notice shall be deemed given as of the time of receipt or refusal of receipt:

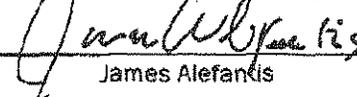
If to Applicant: Big Bucks, LLC t/a Buck's Fishing and Camping
 5031 Connecticut Avenue, N.W.
 Washington, D.C.

If to ANC: Advisory Neighborhood Commission 3F
 4401-A Connecticut Avenue, N.W., PMB 244
 Washington, D.C. 20008-2322

14. 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.

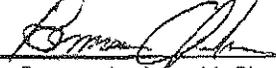
IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first above written.

Big Bucks, LLC t/a Buck's Fishing and Camping

By: 
 James Alefantis

Title: OWNER BUCK'S Fishing + Camping

ADVISORY NEIGHBORHOOD COMMISSION 3F

By: 
 Roman Jankowski, Chair