

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

In the Matter of:)
)
Decadence, LLC)
t/a Decadence)
)
Holder of a)
Retailer's Class DR License)
)
at premises)
6204 Georgia Avenue, N.W.)
Washington, D.C. 20011)
_____)

License No. ABRA-097611
Order No. 2015-454

Decadence, LLC, t/a Decadence (Applicant)

Stephen A. Whatley, Chairperson, Advisory Neighborhood Commission (ANC) 4A

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Decadence, LLC, t/a Decadence (Licensee), and ANC 4A, have entered into a Settlement Agreement (Agreement), dated September 6, 2015, 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 Stephen A. Whatley, on behalf of ANC 4A, are signatories to the Agreement.

Accordingly, it is this 7th day of October, 2015, **ORDERED** that:

1. The above-referenced Settlement 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 3 – This Section shall be modified to read as follows: “Dancing will be discouraged by Applicant.”

Section 4 – The following term shall be removed: “easy listening and jazz music.”

The Parties have agreed to these modifications.

2. Copies of this Order shall be sent to the Applicant and ANC 4

District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson

Nick Alberti, Member


Donald Brooks, Member

Herman Jones, Member


Mike Silverstein, Member

Hector Rodriguez, 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).

SETTLEMENT AGREEMENT

AGREEMENT made this 6 day of September, 2015, by and between Decadence, LLC/Robin Franklin (the Applicant) and ADVISORY NEIGHBORHOOD COMMISSION 4A (ANC4A).

WITNESSETH:

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board (ABC) is Applicant's request for a new Class D restaurant license for premises located at 6204 Georgia Avenue, N.W., ABRA Application # 097611; and

WHEREAS, Decadence is located in close proximity to residences on upper Georgia Avenue NW; and

WHEREAS, the parties desire to enter into a Settlement Agreement setting forth certain understanding regarding Applicant's operations;

NOW, THEREFORE, the Applicant and ANC 4A agree that the Settlement Agreement include the following requirements:

1. The hours of operation and sale of alcohol for the restaurant: Monday through Friday 12 pm – 10 pm and Saturday 8 am – 10 pm. Notwithstanding the foregoing, Applicant shall be allowed to stay open the maximum allowable hours on those days when the laws governing Alcoholic Beverage Regulation Administration (ABRA) licensed establishments allow for such (e.g., New Year's Eve, Inauguration).
2. Alcoholic beverages may not be carried out of the establishment. Food service shall be available until at least one (1) hour before closing.
3. No form of dancing will be allowed.
4. Light entertainment (one-person band, easy listening and jazz music) will be allowed. The amplification will not be heard outside of the establishment. The Applicant will not charge a cover fee.
5. Applicant shall place "No Loitering" signs on the inside and outside of the establishment. "No Trespassing" signs will also be placed on the sides and back of the establishment. The signs will be clearly visible to patrons and pedestrians.
6. The Applicant will comply with its Occupancy Permit which allows for an occupancy load of 20 individuals.
7. Applicant shall take all reasonable measures to ensure that the immediate environs, as defined in 23 DCMR 720.2, of Applicant's establishment are kept free of litter and debris. Applicant shall clean its immediate environs by 10:30 a.m. daily, periodically as needed during the hours of operation, and within one (1) hour before closing. Applicant further agrees to not deposit business trash or debris in public trash receptacles.

8. Applicant agrees to work in good faith with any Protestants to resolve any problems arising from the operation of the business.

9. If Applicant or 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 filing a complaint with the ABC Board pursuant to D.C. Official Code § 25-446(3)).

10. Applicant agrees to provide notice to ANC 4A by certified mail, return receipt requested or by hand delivery, of any proposed transfer of its Class D License or a change in its operation/management before any transfer or change is implemented. This Agreement shall be a permanent attachment to the Applicant's Class D license, and shall convey to any subsequent license holder with all covenants and conditions contained therein.

In consideration of the above, ANC 4A will advise the ABC Board that it will not object to Application #097611 and will support the Applicant's request for a stipulated license.

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

Decadence, LLC

Print Name Robin Franklin
Sign Name *Robin Franklin*
Title owner
Date 9/6/15

ADVISORY NEIGHBORHOOD COMMISSION 4A

Print Name Stephen A. Whatley
Sign Name *Stephen A. Whatley*
Title Chair ANC4A
Date 9/10/2015