

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

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In the Matter of:)	
)	
Lemo Group, LLC)	
t/a Wapa Café)	
)	
Applicant for a New)	
Retailer's Class CR License)	License No. ABRA-094602
)	Order No. 2014-265
at premises)	
6230 Georgia Avenue, N.W.)	
Washington, D.C. 20011)	
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Lemo Group, LLC, t/a Wapa Café (Applicant)

Karrye Y. Braxton, 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 Lemo Group, LLC, t/a Wapa Café, Applicant for a new Retailer's Class CT license, located at 6230 Georgia Avenue, N.W., Washington, D.C., and ANC 4A have entered into a Settlement Agreement (Agreement), dated May 27, 2014, 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 Karrye Y. Braxton, on behalf of ANC 4A, are signatories to the Agreement.

Accordingly, it is this 25th day of June, 2014, **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, except for the following modifications:

Section 1 – The following sentence shall be modified to read as follows:
“...however, that in no event shall there be food or beverages served on the sidewalk café after 12:00 a.m. on each day Applicant is open for business on the exception days.”

Section 4 – The following language shall be added: “Light Entertainment consists Jazz, spoken words, small group musical combo, etc. There will be no DJ and/or set up for dancing.”

Section 7 – The following statement shall be modified to read as follows:
“Applicant agrees to work in good faith with the community to resolve any problems arising from the operation of the business.”

Section 8 – The cite to the statute shall read as follows: “D.C. Official Code §25-446(e).”

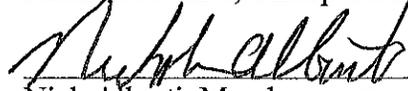
The parties have agreed to these modifications.

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

District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



Donald Brooks, Member



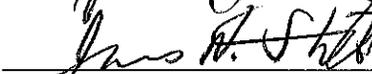
Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, Member

Pursuant to D.C. Official Code § 25-433, 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to D.C. Official Code § 25-433, 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).

SETTLEMENT AGREEMENT

AGREEMENT made this ²⁷ day of May, 2014, by and between Lemo Group, LLC/WAPA Cafe (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 C restaurant license for premises located at 6230 Georgia Avenue, N.W., ABC Application #094602; and

WHEREAS, the WAPA Cafe Restaurant and Market 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 includes the following requirements:

1. The hours of operation and sale of alcohol for the restaurant and sidewalk cafe will be 8 AM to 4 PM Sunday; 8 AM to 12 AM (Midnight), Monday through Saturday. 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), provided, however that in no event shall there be food or beverages served on the sidewalk cafe after 11:00 p.m. on each day Applicant is open for business on the exception days.
2. Alcoholic beverages may not be carried out of the establishment or beyond the outdoor seating area 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 will be allowed.
5. Applicant shall place "No Loitering" signs on the inside and outside of the establishment. The signs will be clearly visible to patrons and pedestrians.
6. The Applicant will comply with its Occupancy Permit.
7. Applicant agrees to work in good faith with any Protestants to resolve any problems arising from the operation of the business.

Lemo Group, LLC/WAPA Cafe - ANC 4A Settlement Agreement
Page Two

8. 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)).

In consideration of the above, ANC 4A will advise the ABC Board that it will not object to Application #094602.

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

Lemo Group, LLC/WAPA Cafe

Print Name Maria D'Jesus Maria v. D'Jesus

Sign Name *Maria D'Jesus*

Title General Manager

Date 05/23/14

Print Name Leonardo Contreras Leonardo Contreras

Sign Name *Leonardo Contreras*

Title Manager

Date 05/23/14

ADVISORY NEIGHBORHOOD COMMISSION 4A

Print Name Karve Y. Braxton

Sign Name *Karve Y. Braxton*

Title Chair, ANC4A

Date May 17, 2014