

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

In the Matter of:)

Yue Ming Zhang)
t/a China Hut)

Application for a Retailer's Class B)

License – renewal)

at premises)

7708 Georgia Avenue, NW)

Washington, D.C.)

Application no.: 8971-04/007P

Order no.: 2005-10

Yue Ming Zhang, Sole Proprietor, Applicant

Jourdinia S. Brown, Commissioner, on behalf of the Advisory Neighborhood Commission 4A02, Douglas Payton, Commissioner, on behalf of the Advisory Neighborhood Commission 4B01, and Thomas Black, on behalf of a group of more than 5, Protestants

BEFORE: Charles A. Burger, Chairperson

Vera M. Abbott, Member

Judy Moy, Member

Audrey E. Thompson, Member

Peter B. Feather, Member

Albert G. Lauber, Member

Eartha Isaac, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST

The application, having been protested, came before the Board on December 17, 2003, in accordance with D.C. Official Code § 25-601 (2001). Jourdinia S. Brown, Commissioner, on behalf of the Advisory Neighborhood Commission 4A02, Douglas Payton, Commissioner, on behalf of the Advisory Neighborhood Commission 4B01, and Thomas Black, on behalf of a group of more than 5, Protestants, all filed timely protests.

The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. The Board is striking the second sentence in provision 8 of the agreement, but is approving the rest of the agreement. Pursuant to the agreement, dated May 19, 2004, the Protestants have agreed to withdraw their protests, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

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Accordingly, it is this 5th day of January 2005, **ORDERED** that:

1. The protests of Jourdinia S. Brown, Commissioner, on behalf of the Advisory Neighborhood Commission 4A02, Doug Payton, Commissioner, on behalf of the Advisory Neighborhood Commission 4B01, and Thomas Black, on behalf of a group of more than 5, are **WITHDRAWN**;

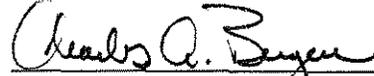
2. The application of Yue Ming Zhang, t/a China Hut for a retailer's class B license (renewal) at 7708 Georgia Avenue, N.W., Washington, D.C. is **GRANTED**;

3. The above-referenced agreement, as amended by the Board, is **INCORPORATED** as part of this Order; and

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

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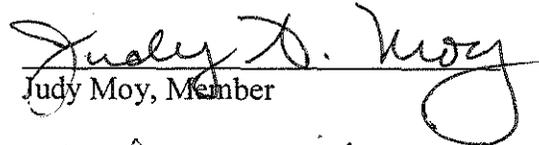
District of Columbia
Alcoholic Beverage Control Board



Charles A. Burger, Chairperson



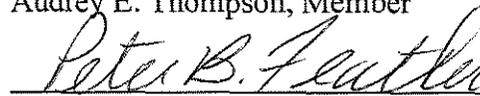
Vera M. Abbott, Member



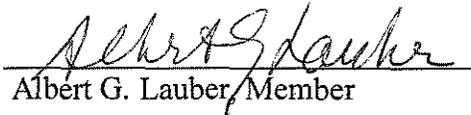
Judy Moy, Member

NON VOTING

Audrey E. Thompson, Member



Peter B. Feather, Member



Albert G. Lauber, Member

NON VOTING

Eartha Isaac, 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, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

5/19/04

COOPERATIVE AGREEMENT

This Cooperative Agreement made and entered into this 19th day of May, 2004, is by and between the China Hut and Protestants: Jourdinia S. Brown-ANC 4A² Thomas Black-community representative, and Douglas Payton-ANC 4B¹.

1. China Hut agrees not to sell singles or multiple singles of beer, domestic ales, malt liquors, and fortified wines of 70 ounces or less.
2. China Hut shall not knowingly sell alcoholic beverages to any intoxicated person, or to any person of intemperate habits, or to any person who appears to be intoxicated, and shall cooperate with the Metropolitan Police, health, and social service agencies to identify such persons. The applicant shall not sell alcoholic beverages to any person (s) under the age of 21, shall prominently display the fact that such sales are prohibited, and that patrons are subject to being asked to produce valid proof of age. These specific sale restrictions shall be posted on signs in the establishment.
3. China Hut agrees that loitering in and around its establishment is a significant problem and that the peace, order, and quiet of the neighborhood will continue to be unreasonably affected if it is not controlled. China Hut agrees to take reasonable measures to discourage loitering within and in the front and rear of its establishment. China Hut shall post clearly visible "NO LOITERING" signs (lettering no less than 5 inches) on the interior and on the exterior front, side and rear.
4. China Hut will keep a log of calls made to the Metropolitan Police Department. Said log shall be made available to the protestants upon request.
5. China Hut shall take all reasonable measures to assure that the immediate environs of the establishment are kept free of litter and debris. "Immediate environs" is defined in D.C.M.R. 720.2 as including: "all property on which the premises are located; all property used by the licensee to conduct its business, whether part of the premises or not, including parking lots and portion of alleys, sidewalks, or other public property immediately adjacent to the premises or adjacent to the property used by the licensee to conduct its business." Applicant shall clean the sidewalk in front of its premises up to and including 18 inches from the curb and from the alley behind its premises by at least 10:30 A.M. and periodically during the hours of operation.
6. China Hut shall not place signs/posters on the front window (except those that are required by the government) so as not to obstruct visibility into the establishment and shall not place signs/posters on the plexiglass. These measures will improve the appearance.

including cleaning the windows when needed. JBB 1/12 WC 92

7. China Hut shall maintain the property in reasonable condition. Upon knowledge of any graffiti on the exterior walls, China Hut shall remove said graffiti expeditiously.

8. In addition to other laws and regulations governing Class B licenses, the China Hut shall comply with hours of alcoholic beverage sales from 9:00 A.M. to 10:00 P.M. A violation of this agreement shall constitute cause for seeking a Show Cause Order. Moreover, the China Hut shall respond in writing within seven (7) business days to any written communication from the protestants related to the terms of this agreement. The Protestants agree to provide telephone numbers and addresses to the China Hut upon the signing of this agreement.

9. China Hut shall install high intensity lighting on the side and rear of its building. The lights shall remain on from dusk to dawn.

10. Upon the signing of this agreement, China Hut shall have up to sixty (60) days to sell its current stock of specified singles and shall immediately cease ordering stock not in compliance with this agreement as noted in number one (1).

WHEREFORE, the parties have affixed their hands and seals the day and date first shown above written.

CHINA HUT

BY: *Wang Jue Ming*
Yue Ming Zhang, Owner
Wen Chen
Wen Chen, Manager

PROTESTANTS

BY: *Jourdinia S. Brown*
Jourdinia S. Brown, ANC 4A Commissioner

BY: *Thomas Black*
Thomas Black, Community Representative

By: *Douglas Payton*
Douglas Payton, ANC 4B Commissioner