

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

In the Matter of:

Alero Heights, LLC
t/a Alero Restaurant & Lounge

Holder of a
Retailer's Class CR License

at premises
3345 14th Street, N.W.
Washington, D.C. 20010

License No. ABRA-084364
Order No. 2012-526

Alero Heights, LLC, t/a Alero Restaurant & Lounge (Licensee)

Thomas Boisvert, Chairperson, Advisory Neighborhood Commission (ANC) 1A

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member

ORDER ON VOLUNTARY AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Alero Heights, LLC, t/a Alero Restaurant & Lounge (Licensee), and ANC 1A have entered into a Voluntary Agreement (Agreement), dated March 10, 2010, 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 Former Chairperson Cliff Valenti, on behalf of ANC 1A, are signatories to the Agreement.

Accordingly, it is this 12th day of December, 2012, **ORDERED** that:

1. The above-referenced Voluntary Agreements 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 9 (Community Participation) – The following sentence shall be modified to read as follows: "Owners and/or managers shall endeavor to attend at least one ANC 1A or SMD 1A05 meeting per year."

Section 10 (Employment Practices) shall be removed.

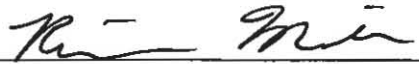
Section 11 (Right to Protest) – The following sentence shall be modified to read as follows: "The parties agree that if reasonable discussion of violations are not resolved, after notice to the Applicant, the parties may file a complaint with Alcoholic Beverage Regulation Administration (ABRA)."

The parties have agreed to these modifications.

2. Copies of this Order shall be sent to the Licensee and ANC 1A.

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District of Columbia
Alcoholic Beverage Control Board



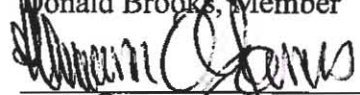
Ruthanne Miller, Chairperson



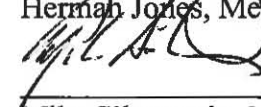
Nick Alberti, Member



Donald Brooks, Member



Herman Jones, 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.

MURRAY A. KIVITZ*
IRWIN H. LIPTZ*
LEONARD J. KOENICK*
HARLAN L. WEISS*

*ALSO ADMITTED IN D.C.

KIVITZ & LIPTZ, LLC

ATTORNEYS AT LAW

SUITE 750

7979 OLD GEORGETOWN ROAD
BETHESDA, MARYLAND 20814-2429

TELEPHONE (301) 951-3400

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KIVITZANDLIPTZ@HOTMAIL.COM

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATION ADMINISTRATION

2010 APR 14 A 8:58 WRITER'S E-MAIL:

m.kivitz@yahoo.com

REC'D BY _____

April 13, 2010

Government of the District of Columbia
Alcoholic Beverage Regulation
Administration
1250 U Street, NW
Washington, DC 20009

Re: New Application
Applicant:

Alero Heights, LLC
3345 14th Street, NW
Washington, DC 20010

To Whom It May Concern:

Attached hereto is an application on behalf of the above named Applicant for a Class CR License.

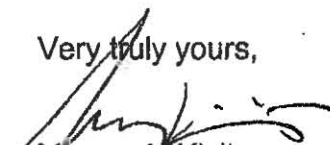
The Applicant proposes to operate a restaurant trading as Alero Restaurant & Lounge at 3345 14th Street, NW.

Also attached is a Cooperative Agreement executed between the Applicant and Advisory Neighborhood Commission 1A dated April 8, 2010.

It is respectfully submitted that this application be processed as a Stipulated License permitting the sale and service of alcoholic beverages on the premises during the interim of the application process and approval.

Please advise us at your earliest opportunity if additional information is needed to expedite the Stipulated License.

Very truly yours,



Murray A. Kivitz

MAK/sln

Enclosures



ADVISORY NEIGHBORHOOD COMMISSION 1A

ANC 1A01 - Lisa Kralovic
ANC 1A02 - Calvin Woodland
ANC 1A03 - Luis Morales
ANC 1A04 - Betty Pair
ANC 1A05 - William Jordan

ANC 1A06 - Samuel Johnson
ANC 1A07 - James Simcox
ANC 1A08 - Cliff Vaienti
ANC 1A09 - LaKeisha Thomas
ANC 1A10 - Lenwood Johnson
ANC 1A11 -

Columbia Heights, Parkview and Pleasant Plains
733 Euclid St, NW
Washington, DC 20010
COOPERATIVE AGREEMENT

THIS AGREEMENT made and entered into this 10th day of March, 2010 by and between Victor Martinez, President Alero Heights LLC (hereinafter the "Licensee") and The Neighborhood Advisory Commission 1A ("ANC 1A")

WHEREAS, Applicant will file an application with the District of Columbia Alcohol Beverage Control Board (hereinafter "ABC Board") for A Stipulated class "C" license for the Restaurant at 3345 14th Street., NW; trading as "Alero Restaurant & Lounge."

WHEREAS, in recognition of the ABC Board's policy of encouraging parties to address neighborhood concerns by negotiating agreements, the parties hereto being desirous of entering into an agreement whereby Applicant will agree to adopt certain measures to address the ANC 1A's concerns and ANC 1A will agree to support the renewal of the ABC License.

NOW, THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the parties agree as follows:

1. **Compliance:** The Licensee will comply with all the laws and regulations governing the operation of a Retailer's Class C license by which this cooperative agreement applies, as applied for and approved by the District of Columbia in the name of the Licensee
2. **Sales:**
 - a. The Licensee will not knowingly serve alcoholic beverages to an intoxicated person.
 - b. The Licensee will contact the Metropolitan Police Department and report any and all unlawful activity conducted inside or observed outside of the property used by the Licensee for business.
3. **Noise Suppression:** Sound emanating from any part of the establishment shall not be audible in residential structures in the vicinity. The Restaurant's operation shall at all times be in compliance with the D.C. Noise Control Act. Applicant will encourage employees and patrons, by posted signs or other printed notation, to be considerate of residents in the neighborhood after departing the building, by keeping conversations and other noises at a level that will not disturb the peace, order, quiet and tranquility of residents in the enjoyment of their homes or generate a noise complaint. All due diligence shall be made by the Applicant to ensure that there is no especially loud cursing, public drunkenness, fighting and other acts of aggression.

4. **Hours of Operation:** Applicant shall have the right but not be obligated to open its doors to receive patrons from
 - a. 10:00 am to 2:00 am Monday through Thursday,
 - b. 10:00 am to 3:00 am on Friday,
 - c. 10:00 am to 3:00 am on Saturday and
 - d. 10:00 am to 2:00 am on Sunday, and
 - e. shall be allowed to stay open to the maximum allowable hours when the laws governing A.B.C. licensed establishments allows for such (eg. New Years Eve, Inauguration).
 - f. Food service will be available until at least two (2) hours before closing.

5. **Entertainment Endorsement:** ANC1A approves Licensees' application for an Entertainment Endorsement to its ABC License to permit live band and D.J. entertainment during operating hours to commence at 7:00 p.m. and to end one-half (1) hour prior to Closing. *w/17*

6. **Sidewalk Café:** ANC1A approves the Licensees' application for a sidewalk café without live entertainment.

7. **Trash Removal:** Applicant will maintain regular trash/garbage removal (days to be decided by owner and business necessity) from the trash and dumpster area and see that those areas are regularly kept clean. The Applicant shall enclose the dumpsters and keep dumpster lids tightly closed and incapable of being entered by rodents, in order to limit odors and help control pest and rodent population. Applicant will conduct regular rodent and pest (insect) abatement. Trash removal shall not be scheduled before 7AM.

8. **Ingress and Egress:** No patron shall be allowed to ingress or egress at any location except at the designated building's entrance.

9. **Community Participation:** Owners and/or managers are required to attend at least one ANC 1A or SMD 1A05 meeting per year.

10. **Employment Practices:** Applicant will make its best effort to recruit, hire, and maintain employees from the Columbia Heights, Park View, and Pleasant Plains neighborhood and adjacent areas.

11. **Right to Protest:** The parties agree that if reasonable discussion of violations are not resolved, after notice to the Applicant, then any failure of the Licensee to adhere to the foregoing commitments would constitute a breach of this agreement and grounds for the ANC 1A to petition the Board for issuance of an order to Show Cause, as provided by the D.C. Regulations.

IN WITNESS WHEREOF, the Parties place their signatures to this agreement, this 8th day of April, 2010

ANC 1A

By: *[Signature]*
 Print Name: William H. Jordan

Victor Martinez, President

By: *[Signature]*
 Print Name: Victor Martinez

9/19/10
 WILLIAM H. JORDAN 9/19/10