

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

<u>In the Matter of:</u>)	
)	
AY & PS Inc.)	
t/a Armand's Chicago Pizzeria)	
)	License No. 075464
)	Order No. 2010-384
Application for New)	
Retailer's Class CR License)	
)	
at premises)	
226 Massachusetts Avenue, N.E.)	
Washington, D.C. 20002)	
)	

AY & PS, Inc., t/a Armand's Chicago Pizzeria, Applicant

Karen Wirt, on behalf of Advisory Neighborhood Commission (ANC) 6C

BEFORE: Charles Brodsky, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWAL OF PROTEST

The official records of the Alcoholic Control Board (Board) reflect that AY & PS, Inc., t/a Armand's Chicago Pizzeria, Applicant for a new Retailer's Class CR License located at 226 Massachusetts Avenue, N.E., Washington, D.C., and Karen Wirt, on behalf of ANC 6C, have entered into a Voluntary Agreement, dated June 30, 2010, setting forth the terms and conditions that govern the operation of the Applicant's establishment. This Agreement constitutes a withdrawal of the Protest of this Application.

AY & PS, Inc.
t/a Armand's Chicago Pizzeria
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Accordingly, it is this 14th day of July 2010, **ORDERED** that:

1. The Application filed by AY & PS, Inc. t/a Armand's Chicago Pizzeria for a new Retailer's Class CR license located at 226 Massachusetts Avenue, N.E., Washington, D.C., is **GRANTED**;
2. The Protest in this matter is hereby **DISMISSED**;
3. The above-referenced Voluntary Agreements submitted by the Applicant and ANC 6C to govern the operations of the Applicant's establishment are **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant and ANC 6C.

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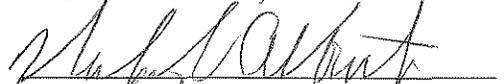
District of Columbia
Alcoholic Beverage Control Board



Charles Brodsky, Chairperson



Mital M. Gandhi, Member



Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



Calvin Noplin, Member



Mike Silverstein, 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, 1250 U Street, N.W., Third Floor, Washington, D.C. 20009.

VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT ("Agreement") is made on this 30th day of June 2010 by and between Armand's Chicago Pizzeria, AY & PS, Inc. ("Applicant"), and Advisory Neighborhood Commission 6C ("Protestant"), (collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant has applied for a renewal of License Class Retailer CR 01, # ABRA-075464 for a business establishment ("Establishment") located at 226 Massachusetts Avenue N.E. Washington, D.C. 20002 ("Premises");

WHEREAS, Protestant is Advisory Neighborhood Commission 6C, who filed a timely protest (the "Protest") against the issuance of the Applicant's license application pursuant to D.C. Official Code § 25-601(1) and 601(4), respectively;

WHEREAS, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Control Board ("ABC Board") approve the Applicant's license application conditioned upon the Applicant's compliance with the terms of this written Agreement; and

WHEREAS, the Parties are desirous of entering into a Voluntary Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to minimize the effect on (i) the peace, order and quiet of the neighborhood and (ii) pedestrian safety and vehicular traffic, and to eliminate the need for a Protest Hearing regarding the license application.

NOW, THEREFORE, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the Parties agree as follows:

1. ***Recitals Incorporated.*** The recitals set forth above are incorporated herein by reference.
2. ***Hours of Operation and Sales.*** The Applicant shall close the sidewalk café shall close each day of the week no later than 11 p.m.
3. ***Parking Arrangements for Buses.*** The Applicant agrees to instruct bus companies to load and unload patrons at Union Station, approximately 1-1/2 blocks from the Premises. The applicant will contact and cooperate with MPD if bus companies do not comply.
4. ***Notice and Opportunity to Cure.*** 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

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ALCOHOLIC BEVERAGE

shall provide for a cure within 30 days of the date of such notice. 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 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, postage prepaid, 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: Armand's Chicago Pizzeria
226 Massachusetts Avenue N.E.
Washington, DC 20002
Attn: Cammie Park
(202) 547-6600

If to Protestants: Advisory Neighborhood Commission 6C
P.O. Box 77876
Washington, DC 20013-7787
Attn: Chair of Alcoholic Beverage Licensing Committee
(202) 547-7168

Notice shall be copied to the Single Member District Commissioner also.

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.

5. **Withdrawal of Protest.** Upon execution of this Agreement by the Parties and its acceptance by the ABC Board, Protestants shall withdraw the Protest.

PROTESTANT:

ANC or other Protesting Organization

KAREN WIRT

By: Printed Name

Karen J. Wirt

Signature

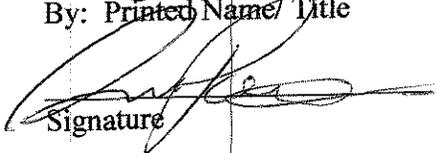
6.30.2010

Date

APPLICANT:

Armand's Chicago Pizzeria
Establishment's Name

Sungwook Park
By: Printed Name/ Title


Signature

June 29 2010
Date