

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

In the Matter of:)	
)	
Amko International, Inc.)	
t/a Capitol Supermarket)	
)	
Holder of a)	License No. ABRA-001688
Retailer's Class B License)	Order No. 2014-519
)	
at premises)	
1231 11th Street, N.W.)	
Washington, D.C. 20001)	

Amko International, Inc., t/a Capitol Supermarket (Licensee)

Matt Raymond, Chairperson, Advisory Neighborhood Commission (ANC) 2F

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

ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Amko International, Inc., t/a Capitol Supermarket (Licensee), and ANC 2F entered into Settlement Agreement (Agreement), dated February 4, 2009, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated November 10, 2014, in accordance with D.C. Official Code § 25-446 (2001).

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Matt Raymond, on behalf of ANC 2F, are signatories to the Amendment.

Accordingly, it is this 10th day of December, 2014, **ORDERED** that:

1. ~~The above-referenced Amendment to Settlement Agreement, dated November 10, 2014, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;~~
2. All terms and conditions of the original Agreement, not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee and ANC 2F.

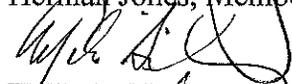
District of Columbia
Alcoholic Beverage Control Board

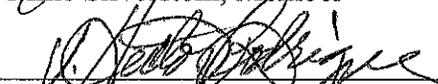

Ruthanne Miller, Chairperson

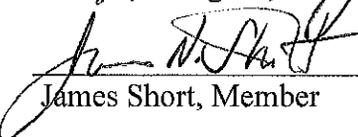

Nick Alberti, Member


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, 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).

AMENDMENT TO VOLUNTARY AGREEMENT

This Amendment to Voluntary Agreement ("Amendment") is made this 10th day of November, 2014, by and among AMKO International, Inc., t/a Capitol Supermarket ("Applicant"), and Advisory Neighborhood Commission 2F ("ANC 2F").

WITNESSETH

WHEREAS, Applicant, holder of a Class "B" License No. ABRA-001688, at 1231 11th St, NW, has applied for license renewal;

WHEREAS, ANC 2F at its regularly scheduled and duly noticed monthly meeting on November 5, 2014, with a quorum present and operating throughout, voted unanimously (6-0) to withdrawal its protest to the application for license renewal subject to approval of this Amendment agreement;

WHEREAS, Applicant has agreed to enter into this Amendment agreement with the Community and to request further that the ABC Board's approval of the Applicant's license renewal request be conditioned upon Applicant's compliance with the terms of its Voluntary Agreement dated February 4, 2009, as previously approved by the ABC Board;

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

1. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.

2. Incorporation of Voluntary Agreement dated February 4, 2009. The parties agree to incorporate the terms of the Voluntary Agreement dated February 4, 2009, and approved by the ABC Board. Applicant agrees to adhere to the terms of and amendments to that said agreement regarding deliveries, loading, and unloading as detailed below by this Amendment.

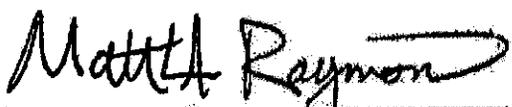
3. Addition of a tenth provision: "Deliveries, Loading, and Unloading." The Voluntary Agreement dated February 4, 2009, is amended through the addition of the following provision:

"10. Deliveries, Loading, and Unloading. The Licensee agrees to exclusively use the dedicated loading/unloading zone in front of the property on 11th St, NW for receiving all commercial deliveries and the loading or unloading of supplies, merchandise, and all other wares and goods related to the Licensee's business activities. Under no circumstance shall the Licensee use the alleyway behind the property for receiving deliveries, loading, or unloading, unless the dedicated loading/unloading zone in front of the property on 11th St, NW is made

temporarily unavailable due to closure by a District of Columbia government agency or occupancy of the space by a District of Columbia government agency vehicle.”

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date and year first written above.

For ANC 2F:



Commissioner Matt Raymond, *Chairman*

For AMKO International, Inc.

