

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

In the Matter of:)	
)	
Capit-Oh Hill Supreme Corporation)	
t/a Capitol Supreme Market)	
)	
Holder of a)	License No. ABRA-076858
Retailer's Class B License)	Order No. 2014-446
)	
at premises)	
501 4 th Street, S.E.)	
Washington, D.C. 20003)	
)	

Capit-Oh Hill Supreme Corporation, t/a Capitol Supreme Market (Licensee)

Brian Flahaven, Chairperson, Advisory Neighborhood Commission (ANC) 6B

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

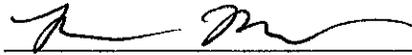
The official records of the Alcoholic Beverage Control Board (Board) reflect that Capit-Oh Hill Supreme Corporation, t/a Capitol Supreme Market, (Licensee), and ANC 6B have entered into a Settlement Agreement (Agreement), dated October 14, 2014, that governs the operation of the Licensee's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Brian Flahaven, on behalf of ANC 6B, are signatories to the Agreement.

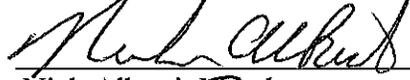
Accordingly, it is this 12th day of November, 2014, **ORDERED** that:

1. The above-referenced Settlement Agreement submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
2. Copies of this Order shall be sent to the Licensee and ANC 6B.

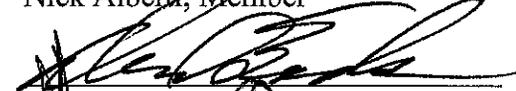
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



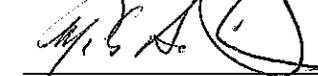
Nick Alberti, Member



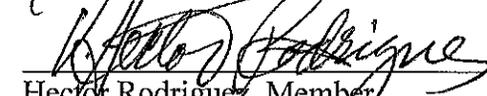
Donald Brooks, Member



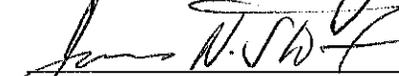
Herman Jones, Member



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

This Settlement Agreement is made on the 14 day of October, 2014 by and between Capitol Supreme Market and Advisory Neighborhood Commission 6B.

WHEREAS, Applicant's renewal for a Retailer's Class B license ABRA-076858 is now pending before the District of Columbia Alcoholic Beverage Control Board; and,

WHEREAS, the premises located 501 4th Street SE, is within the boundaries of the ANC; and

WHEREAS, the Parties desire to enter into an agreement governing certain understandings regarding the issue of the license; and

WHEREAS, the Parties are desirous of entering into a Settlement Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to promote the peace, order and quiet of the neighborhood. Both Parties recognize the importance of business neighborhoods that are safe, clean, and pedestrian friendly.

NOW, THEREFORE, the Parties agree as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. **Nature of the Business.** The Applicant will manage and operate a Retailer's Class B license under the following provisions:
 - a. The Applicant will comply with all laws and regulations governing the operations of the establishment.
 - b. The Applicant will not divide a manufacturer's package of more than one container of beer, malt liquor or ale to sell an individual container of the package if the container is less than 70 ounces.
 - c. The Applicant will not sell, give, offer, expose for sale, or deliver an individual container, a two pack or three pack of beer, malt liquor, or ale if the container is 70 ounces or less, and will not sell spirits in half-pints or smaller volumes.
 - d. The Applicant will discourage the illegal public consumption of alcohol in or around its immediate area and will participate in an ABC Board-approved course in alcoholic beverage sales management.
 - e. The Applicant will not sell or provide cups or single servings of ice.

- f. The Applicant agrees to post this Voluntary Agreement alongside his ABC license.
- g. Any change from this model concerning hours of sales will be of concern to neighboring residents and businesses.

3. Hours of Operation and Sales. The hours of operation shall be as follows:

Monday – Saturday 10:00 a.m - 10:00 p.m.
Sunday 9:00 a.m. – 8:00 p.m.

- a. **Signage, Noise and Privacy.** Applicant will strictly comply with D. C. Official Code and will prohibit and prevent loitering, rowdiness, panhandling and criminal activity within 100 feet of the establishment, to the best of its ability by:
 - b. Maintaining a “No Loitering/Panhandling” sign on the outside of the establishment, and
 - c. Posting a notice kept in good repair and visible from point of entry, a sign which states
 - i. the minimum age requirement for purchase of alcohol,
 - ii. the obligation of the patron to produce a valid identification document in order to purchase alcohol, and
 - d. Requesting loiterers to move on whenever they are observed outside of the establishment, and
 - e. Calling MPD to remove loiterers if they refuse Applicant’s request to move on or if illegal activity is observed, and
 - f. Keeping a written record of dates and times when MPD is called for assistance. Applicant’s log shall be provided to the Board upon request, and
 - g. Applicant will ensure timely disposal of trash that is the least disruptive to the neighbors and that commercial trash pick up will only take place between 7:00 a.m and 7:00 p. m.

4. Public Space Cleanliness and Maintenance. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:

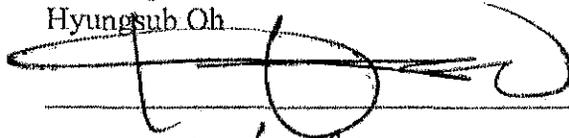
- a. Exercising due diligence to prevent and or rid vermin infestation in and around the establishment, including following the recommendations and guidelines of the Vector Control Division of the Department of Public Works.

- b. Picking up trash, including beverage bottles and cans, and all trash on a regularly basis.
- c. Maintaining regular trash removal service and ensuring the area around the trash can is kept clean at all times.
- d. Removing snow and ice from sidewalks fronting the establishment within the time limits set by the District of Columbia.
- e. Planting, watering and generally tending to tree boxes in front of the premises, if any.

IN WITNESS WHEREOF, the Parties have affixed hereunto their signatures.

Applicant

Capit-Oh Hill Hill Supreme Corp.
Capitol Supreme Market
501 4th Street, SE
Washington, DC 20003
Hyungsub Oh



Date: 10/14/2014

ANC

Advisory Neighborhood Commission 6B
921 Pennsylvania Ave SE
Ste 305
Washington, DC 20003
202-543-3344

Chair



10/19/14

ANC 6B

Capitol Hill / Southeast

October 17, 2014

921 Pennsylvania Avenue SE
Suite 305
Washington, DC 20003-2141
202-543-3344 (office)
202-543-3507 (fax)
office@anc6b.org

Ruthanne Miller, Chair
Alcoholic Beverage Control Board
2000 14th Street NW, Suite 400S
Washington, DC 20009

Executive Director
Susan Eads Role

VIA E-MAIL: janea.raines@dc.gov

RE: ABRA-076858, Capitol Supreme Market, 501 4th Street SE, Renewal

OFFICERS

Chair
Brian Flahaven

Vice-Chair
Ivan Frishberg

Secretary
Nichole Opkins

Treasurer
Brian Pate

Parliamentarian
Philip Peisch

Dear Ms. Miller:

At its regularly called, properly noticed meeting on October 14, 2014, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 7-0-1 to support the above-referenced request.

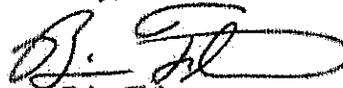
For your review and approval, please find enclosed a Settlement Agreement, which was executed by both parties.

Please contact Commissioner Sara Loveland, ANC 6B's Alcohol Beverage Control Committee Chair, at 202-330-8745 or sara6b07@anc6b.org if you have questions or need further information. Thank you.

COMMISSIONERS

SMD 1 *Vacant*
SMD 2 *Ivan Frishberg*
SMD 3 *Philip Peisch*
SMD 4 *Kirsten Oldenburg*
SMD 5 *Brian Pate*
SMD 6 *Nichole Opkins*
SMD 7 *Sara Loveland*
SMD 8 *Chander Jayaraman*
SMD 9 *Brian Flahaven*
SMD 10 *Francis Campbell*

Sincerely,



Brian Flahaven
Chair

Enclosure