

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

_____)
In the Matter of:)
)
MHG Café Dupont, LLC)
t/a Circa at Dupont)
)
Holder of a) License No. ABRA-076074
Retailer’s Class CR License) Order No. 2013-377
)
)
at premises)
1601 Connecticut Avenue, N.W.)
Washington, D.C. 20009)
_____)

MHG Café Dupont, LLC, t/a Circa at Dupont (Licensee)

Will Stephens, Chairperson, on behalf of Advisory Neighborhood Commission (ANC)
2B

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

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that MHG Café Dupont, LLC, t/a Circa at Dupont (Licensee), and ANC 2B have entered into a Settlement Agreement (Agreement), dated April 10, 2013, 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 Will Stephens and Commissioner Stephanie Maltz, on behalf of ANC 2B, are signatories to the Agreement.

Accordingly, it is this 14th day of August, 2013, **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, except for the following modification:

Section 5 (Music) – The following sentence shall be modified to read as follows: “Applicant may provide background music.”

The parties have agreed to this modification.

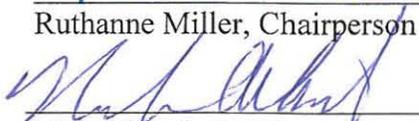
2. Copies of this Order shall be sent to the Licensee and ANC 2B.

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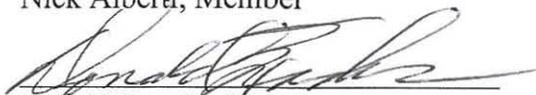
District of Columbia
Alcoholic Beverage Control Board



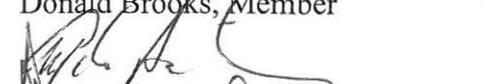
Ruthanne Miller, Chairperson



Nick Alberti, Member



Donald Brooks, Member



Mike Silverstein, Member



Herman Jones, 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.

1601 Connecticut AVE NW

VOLUNTARY SETTLEMENT

This Agreement, made and entered this 10th day of April 2013, by and between MHG Cafe Dupont, LLC t/a Circa at Dupont, 1601 Connecticut Avenue, N.W., Washington, D.C. (hereinafter the "Applicant") and Advisory Neighborhood Commission 2B ("ANC 2B").

RECITALS

WHEREAS, the Applicant has filed for a Class CR license to be issued by the Alcoholic Beverage Control Board of the District of Columbia for premises known as 1601 Connecticut Avenue, N.W.; and

WHEREAS, ANC 2B has protested the Application; and

WHEREAS, the parties desire to resolve the protest by Voluntary Settlement.

NOW, therefore, in consideration of the Recitals set forth above, and the mutual covenants in agreements hereinafter set forth, the parties agree as follows:

1. Trash Pick-up. Applicants shall arrange to have the trash picked up six (6) days a week (every day except Sunday), and to pick up trash and litter which might accumulate in the area surrounding the trash dumpster, and to clean said area.
2. Extermination. Applicant agrees to regularly schedule exterminator services for the entire building.
3. Noise. Applicant shall install a new HVAC system with a vibration pad. Applicant shall move the location of the exhaust fan so it is out of view and further back on the roof.
4. Hours of Operation. The hours of operation of the Applicant shall be 5:30 a.m. to 1:00 a.m., Sunday through Thursday, and

5:30 a.m. to 2:00 a.m., Friday and Saturday. The parties agree to meet to discuss extension of these hours after the establishment has been open a minimum of six (6) months to consider extension of the hours to those of surrounding businesses.

5. Music. Applicant shall provide background music. Applicant shall provide live music consisting of one instrument (e.g., piano, clarinet, guitar). Applicant shall have no disc jockey, no dancing and no cover charge. The entertainment will terminate at 11:00 p.m. on weekdays and 12:00 midnight on weekends.

6. Outdoor Summer Garden. The hours of the outdoor summer garden will close at the hours set forth on the Application, namely, 12:00 midnight, Sunday through Thursday, and until 1:00 am, Friday and Saturday. When the outdoor summer garden is closed, Applicant agrees to also close the exterior front windows.

7. Withdraw of protests. The Protestants hereby withdraw their Protest and join in with the Applicant in requesting the Alcoholic Beverage Control Board of the District of Columbia approve of the Application submitted by Applicant conditioned upon Applicant's compliance with the terms of this Agreement.

Signed by:



Will Stephens, ANC2B Chair



Stephanie Maltz, ANC2B03



Stephen P. Gavula, MCH Cafe Dupont Group