

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

In the Matter of:)	
)	
Park & Song, Inc.)	
t/a Congress Market)	
)	
Holder of a)	License No. ABRA-076414
Retailer's Class B License)	Order No. 2015-024
)	
at premises)	
421 East Capitol Street, S.E.)	
Washington, D.C. 20003)	
)	

Park & Song, Inc., t/a Congress Market (Licensee)

Brian Flahaven, Commissioner, on behalf of 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 Park & Song, Inc., t/a Congress Market, (Licensee), and ANC 6B have entered into a Settlement Agreement (Agreement), dated November 12, 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 Commissioner Brian Flahaven, on behalf of ANC 6B, are signatories to the Agreement.

Accordingly, it is this 21st day of January, 2015, **ORDERED** that:

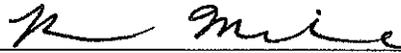
1. The above-referenced Settlement Agreement submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modification:

Section 2c (Nature of the Business) – The following language shall be removed "...and will not sell spirits in half-pints or smaller volumes."

The parties have agreed to this modification.

2. Copies of this Order shall be sent to the Licensee and ANC 6B.

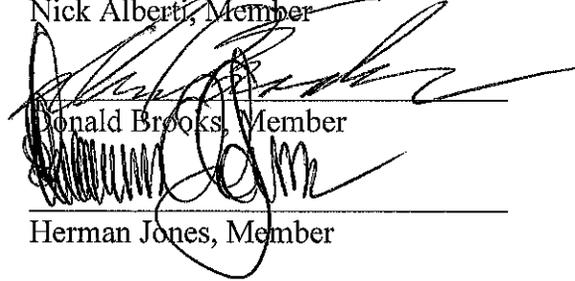
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member

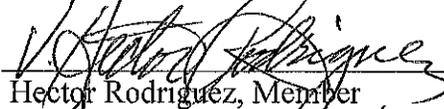


Donald Brooks, Member

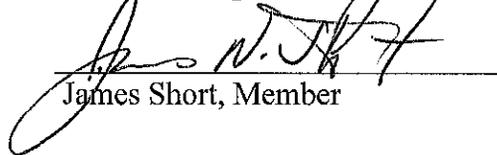


Herman Jones, Member

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, 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).

SETTLEMENT AGREEMENT

This Settlement Agreement is made on the 12th day of November, 2014 by and between Park & Song, Inc. t/a Congress Market ("Applicant") and Advisory Neighborhood Commission 6B.

WHEREAS, Applicant's renewal for a Retailer's Class B license ABRA-076414 is now pending before the District of Columbia Alcoholic Beverage Control Board; and,

WHEREAS, the premises located at 421 East Capitol 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 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 Settlement 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 – Sunday 7:30 a.m - 11:00 p.m.

The hours of sales/service shall be as follows:

Monday – Saturday 9:00 am – 10:00 pm

Sunday 10:00 am – 10:00 pm

- 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.

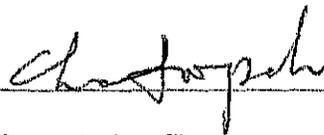
4. **Public Space Cleanliness and Maintenance.** Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:

- 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.

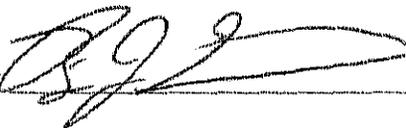
Applicant

Park & Song, Inc.
Congress Market
421 East Capitol Street SE
Washington, DC 20003
202-544-7805
Chan Soo Park, owner

 11/7/14

ANC

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

Chair  11/12/14