

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

_____)		
In the Matter of:)		
)		
Congressional Liquor, Inc.)		
t/a Congressional Liquor)		
)		
Holder of a)	License No.	ABRA-089418
Retailer's Class A License)	Order No.	2013-402
)		
at premises)		
404 1 st Street, S.E.)		
Washington, D.C. 20003)		
_____)		

Congressional Liquor, Inc., t/a Congressional Liquor (Licensee)

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

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

ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Congressional Liquor, Inc., t/a Congressional Liquor, (Licensee), and ANC 6B entered into a Settlement Agreement (Agreement), dated April 10, 2012, 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 July 22, 2013, 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 Brian Flahaven, on behalf of ANC 6B, are signatories to the Amendment.

Congressional Liquor, Inc.
t/a Congressional Liquor
License No. ABRA-089418
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Accordingly, it is this 18th day of September, 2013, **ORDERED** that:

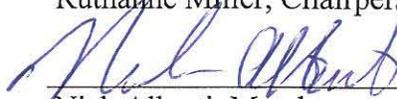
1. The above-referenced Amendment to Settlement Agreement, dated July 22, 2013, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the original Agreement, not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee and ANC 6B.

Congressional Liquor, Inc.
t/a Congressional Liquor
License No. ABRA-089418
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District of Columbia
Alcoholic Beverage Control Board



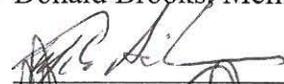
Ruthanne Miller, Chairperson



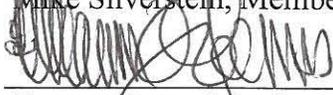
Nick Alberti, Member



Donald Brooks, Member



Mike Silverstein, Member



Herman Jones, Member

Pursuant to D.C. Official Code § 25-433, any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

ANC 6B

Capitol Hill / Southeast

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

Executive Director
Susan Eads Role

August 25, 2013

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

VIA E-MAIL: sarah.fashbaugh@dc.gov

OFFICERS

Chair
Brian Flahaven

Vice-Chair
Ivan Frishberg

Secretary
Philip Peisch

Treasurer
Brian Pate

Parliamentarian
Nichole Opkins

COMMISSIONERS

SMD 1 *David Garrison*
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*

RE: ABRA-089418, Congressional Liquors, 404 1st Street SE, change of hours of operation & hours of alcoholic beverage sales from Monday through Friday 8:30 a.m./9:00 a.m. – 9:00 p.m. & Saturday 11:00 a.m. – 8:00 p.m. to Sunday 12:00 p.m. to 8:00 p.m., Monday through Friday 8:30 a.m./9:00 a.m. – 9:00 p.m., & Saturday 11:00 a.m. – 8:00 p.m.

Dear Ms. Miller:

At its regularly called, properly noticed meeting on May 14, 2013, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 10-0 in support of the above-referenced request.

For your review and approval, please find enclosed an Amendment to the Voluntary Agreement, which was executed by both parties.

Please contact ANC 6B's Executive Director Susan Eads Role if you have questions or need further information. Thank you.

Sincerely,



Brian Flahaven
Chair

Enclosure

AMENDMENT TO VOLUNTARY (COOPERATIVE) AGREEMENT

This Amendment to Voluntary (Cooperative) Agreement ("Amendment") is made this 12 day of July 2013 by and between H & J Spirits Inc t/a ^{Congressional Liquors, Inc} Congressional Liquors ("Applicant") and Advisory Neighborhood Commission 6B ("ANC 6B").

WITNESSETH

WHEREAS, Applicant is the current owner and operator of an ABC-licensed establishment located at 401 1st Street SE, Washington, DC 20003;

WHEREAS, ANC 6B and the Applicant entered into a Voluntary (Cooperative) Agreement dated 12 April 2012 which Agreement was approved by the Alcoholic Beverage Control Board ("ABC Board") by Order dated 23 May 2012;

WHEREAS, Applicant as the current holder of the License, is bound by the terms of the Agreement;

WHEREAS, ANC 6B seeks to modify the Agreement to reflect the new official designation of this document as a Settlement Agreement; and

WHEREAS, the Applicant seeks an extension of hours of operation,

WHEREAS, to accommodate the requests of both parties, the parties agree to an amendment to the Agreement as hereinafter set forth.

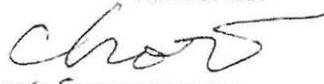
NOW, THEREFORE, the parties agree as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. **Change of name from Voluntary Agreement to Settlement Agreement** The Agreement is hereby amended to reflect the name of the Agreement document as Settlement Agreement.
3. **Change of Hours of Operation and Sales.** The Agreement is hereby amended to allow for hours of operation as follows:
 - Sunday 12 PM to 8 PM
 - Monday to Friday 8:30 AM to 9 PM
 - Saturday 11 AM to 8 PM

4. **Agreement Otherwise in Full Force and Effect.** Except as otherwise explicitly provided herein, the terms of the Voluntary Agreement shall remain in full force effect and the Agreement and this Amendment shall constitute the agreement between the parties. This Amendment may only be modified by written agreement of all the parties or their successors, or otherwise in accordance with law.

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

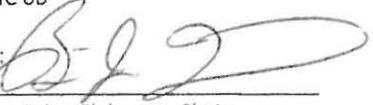
APPLICANT: *Congressional Liquors Inc*
~~H&L Spirits, Inc~~
t/a Congressional Liquors
401 1st St SE
Washington, DC, 20003
ABRA-071157

By: 

Mr. Choi Hyung S. Choi, President

Date: 07/22/2013

ANC 6B

By: 

Brian Flahaven, Chair

Date: 7/27/13

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

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In the Matter of:)
)
H & J Spirits, Inc.)
t/a Congressional Liquors)
)
Application for Renewal of a)
Retailer's Class A License)
)
at premises)
404 1 st Street, S.E.)
Washington, D.C. 20003)
<hr/>)

License No. ABRA-071157
Order No. 2012-232

H & J Spirits, Inc., t/a Congressional Liquors (Applicant)

Andrew Jared Critchfield, Chairperson, Advisory Neighborhood Commission (ANC) 6B

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member
Jeannette Mobley, Member

ORDER ON VOLUNTARY AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that H & J Spirits, Inc., t/a Congressional Liquors (Applicant), and ANC 6B have entered into a Voluntary Agreement (Agreement), dated April 10, 2012, that governs the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Andrew Jared Critchfield, on behalf of ANC 6B, are signatories to the Agreement.

Accordingly, it is this 23rd day of May, 2012, **ORDERED** that:

1. The above-referenced Voluntary Agreements submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modifications:

Section 2 (g) (Nature of the Business) – The following sentence shall be modified to read as follows: “Any change from this model concerning hours of sales will be of great concern to nearby residents.”

Section 3 (f) (Hours of Operation and Sales) – The following sentence shall be modified to read as follows: “Applicant's log shall be provided to the Board during hearings involving future renewals of contested proceedings involving the Applicant's license.”

The parties have agreed to these modifications.

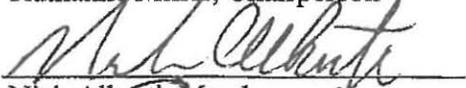
2. Copies of this Order shall be sent to the Applicant and ANC 6B.

H & J Spirits, Inc.
t/a Congressional Liquors
License No. ABRA-071157
Page 3

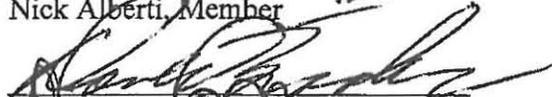
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



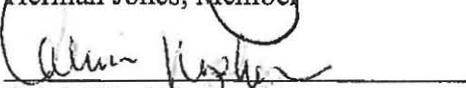
Nick Alberti, Member



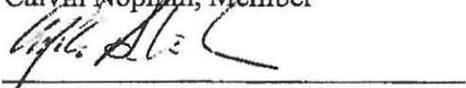
Donald Brooks, Member



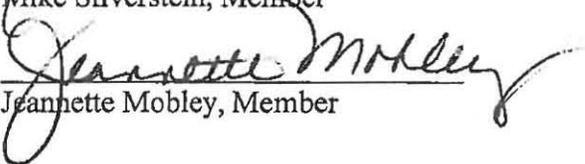
Herman Jones, Member



Calvin Nophin, Member



Mike Silverstein, Member



Jeannette Mobley, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

ANC 6B

Capitol Hill / Southeast

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATION ADMINISTRATION

2012 APR 26 P 4: 23

REC'D BY _____

April 13, 2012

921 Pennsylvania Avenue SE
Suite 305
Washington, DC 20003
202.543.3344
fax 202.543.3507
office@anc6b.org

Ruthanne Miller, Chairperson
ABC Board
2000 14th Street NW
Ste 400S
Washington, DC 20009

OFFICERS

Chairperson
Andrew Jared Critchfield

Vice Chairperson
Ivan Frishberg

Secretary
Brian Pate

Treasurer
Carol Green

Parliamentarian
Brian Flahaven

**RE: Congressional Liquors
License # ABRA-071157**

Dear Ms. Miller:

COMMISSIONERS

SMD 1 *David Garrison*
SMD 2 *Ivan Frishberg*
SMD 3 *Norman Metzger*
SMD 4 *Kirsten Oldenburg*
SMD 5 *Brian Pate*
SMD 6 *Andrew Jared Critchfield*
SMD 7 *Carol Green*
SMD 8 *Neil Glick*
SMD 9 *Brian Flahaven*
SMD 10 *Francis Campbell*

At a regularly called and properly noticed meeting on April 10, 2012, with a quorum present, ANC 6B voted 9-0 to approve a new Voluntary Agreement and support the renewal of this license. Enclosed is the Voluntary Agreement executed by Congressional Liquors and ANC 6B for your review and approval. This resolves our Protest of the renewal of this license.

Additionally, ANC 6B requests the Board allow Congressional Liquors 30 days from the date of the Board Order to sell off its existing stock.

Please contact me should you have any questions regarding this matter.

Sincerely,



Andrew Jared Critchfield, Ph.D.
Chair

Enclosure: Voluntary Agreement

VOLUNTARY AGREEMENT

This Voluntary Agreement is made on the 10th day of April, 2012 by and between H & J Spirits, Inc, t/a Congressional Liquors and Advisory Neighborhood Commission 6B.

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

WHEREAS, the premises located at 404 1st 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 license number ABRA-071157; 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 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 A license under the following provisions:
 - a. The Applicant will comply with all laws and regulations governing the operations of the establishment at 404 1st Street SE.
 - 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 not allow 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 considered by both parties to be a substantial change in operations, and of great concern to nearby residents.

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

Monday - Friday 8:30 a.m. – 9:00 p.m.

Saturday 11:00 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 and to any protestant during hearings involving future renewals of contested proceedings involving the Applicant’s license, 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

H & J Spirits, Inc
t/a Congressional Liquors
404 1st Street SE
Washington, DC 20003
Phone 202-547-1600

President Jung S Kim

 *Mar 29/12*

ANC

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

Andrew Jared Critchfield, Chair

