

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

In the Matter of:)
)
)
Room 11, LLC)
t/a Eleventh Hour Wine Bar)
)
Holder of a)
Retailer's Class CR License)
)
at premises)
3232-3234 11th Street, N.W.)
Washington, D.C. 20010)
)

License No. ABRA-079568
Order No. 2011-464

Room 11, LLC, t/a Eleventh Hour Wine Bar

William Brown, Chairperson, Advisory Neighborhood Commission (ANC) 1A

BEFORE: Nick Alberti, Interim Chairperson
Donald Brooks, Member
Calvin Nophlin, Member

ORDER ON VOLUNTARY AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Room 11, LLC, t/a Eleventh Hour Wine Bar (Licensee), and ANC 1A have entered into a Voluntary Agreement (Agreement), dated September 14, 2011, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Agreement, in accordance with D.C. Official Code § 25-446 (2001).

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson William Brown, on behalf of ANC 1A, are signatories to the Agreement.

The Voluntary Agreement, dated September 14, replaces any previous Voluntary Agreements.

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t/a Eleventh Hour Wine Bar
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ORDER

Accordingly, it is this 2nd day of November 2011, **ORDERED** that:

1. The above-referenced Voluntary Agreement, dated September 14, 2011, 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 1A.

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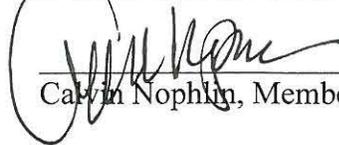
District of Columbia
Alcoholic Beverage Control Board



Nick Alberti, Interim Chairperson



Donald Brooks, Member



Calvin Nophlin, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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.



ADVISORY NEIGHBORHOOD COMMISSION 1A

SMD 1A01 – Lisa Kralovic
SMD 1A04 – Betty Pair
SMD 1A07 – Thomas Boisvert
SMD 1A10 – Lenwood O. Johnson

SMD 1A02 – Vickey Wright-Smith
SMD 1A05 – Laina Aquiline
SMD 1A08 – Kent Boese

SMD 1A03 – Sheldon Scott
SMD 1A06 – William Brown
SMD 1A09 – Bobby Holmes

VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT (“Agreement”) is made on this 14th day of September 2011 by and between Room 11, LLC t/a Eleventh Hour Wine Bar (“Establishment”), and William Brown (SMD 1A06), Chairperson of Advisory Neighborhood Commission 1A (“Protestant”), (collectively, the “Parties”).

WITNESSETH

WHEREAS, Establishment has applied for and received a License Class “CR” for a business establishment (“Establishment”) located at 3232-3234 11th Street N.W., Washington, D.C. (“Premises”);

WHEREAS, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Control Board (“ABC Board”) approve the modifications to the Applicant’s license application conditioned upon the Applicant’s compliance with the terms of this written Agreement; 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 minimize the effect on the peace, order and quiet of the neighborhood;

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth below, the Parties agree as follows:

1. **Noise Suppressions.** There shall be no loud or live music performed in the establishment or played, or performed on the patio (summer garden) and/or or side walk café. Sound emanating from any part of the establishment shall not be audible in residential structures in the vicinity or on the sidewalks across the street from and adjacent to the establishment on 11th and Lamont Streets. The Establishment’s operations shall at all times be in compliance with the D.C. Noise Control Act. Applicant will encourage employees and patrons, by posting signs or other printed notation, to be considerate of residents in the neighborhood after departing the establishment, by keeping conversations and other noises at a level that will not disturb the peace, order, quiet and tranquility of residents in the enjoyment of their homes or generate a noise complaint.

2. **Hours of Operation.** The Applicant's hours of operation shall be as follows:
Sunday 11:00 a.m. – 1:00 a.m.,
Monday through Thursday 11:00 a.m. – 1:00 a.m.,
Friday and Saturday 11:00 a.m. – 2:00 a.m.

The Applicant's hours of operation for Side Walk Café and Summer Garden shall be as follows:

Sunday 11:00 a.m. – 11:00 p.m.,
Monday through Thursday 11:00 a.m. – 11:00 p.m.,
Friday and Saturday 11:00 a.m. – 12:00 a.m.

3. **Trash Removal.** The Establishment will maintain regular trash/garbage removal service, and see that those areas are regularly kept clean. The Establishment shall enclose the dumpster and keep dumpster lids tightly closed and incapable of being entered by rodents, in order to limit odors and help control pest and rodent population. Applicant will conduct regular rodent and pest (insect) abatement.
4. **Public Space and Trash.** Applicant shall keep the sidewalk (up to and including the curb), tree box(es), clean and free of litter, cigarette butts, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall police these areas sufficiently to assure that refuse and other materials are promptly removed.
5. **Food Service to Liquor Ratio.** Establishment will comply in all respects with the requirements of its license or other requirements of the law, including maintaining the appropriate ratio between food service and liquor sales, (45 percent liquor sales and 55 percent food sales or that ratio mandated by District Regulations pursuant to the particular license granted herein). The Establishment shall refuse to sell alcohol to legally underage persons, and refuse to sell alcohol to inebriated patrons.
6. **License Ownership and Compliance with ABRA Regulations.** Applicant promises to Protestants that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licensees, and agrees that Protestants shall have standing to ask the ABC Board to enforce any violations of the agreement. Applicant also specifically agrees to be the sole owner of the ABC license.

7. **Notice and Opportunity to Cure.** In the event that any of the parties is in breach of this Agreement, it shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the Agreement. Unless the breach is of an emergency nature or is a repetition of a prior breach, reasonable notice and opportunity shall provide for a cure within 30 days of the date of such notice. If Applicant or the licensee fails to cure within the 30-day period (or, with respect to a breach which reasonably requires more than 30-days to cure, fails to commence cure of such breach and diligently pursues such cure) failure shall constitute a cause for seeking a Show Cause Order from the ABC Board pursuant to D.C. Official Code § 25-447. Unless otherwise noted above, any notices required to be made under this Agreement shall be in writing and mailed via certified mail, return receipt requested, postage prepaid, or hand-delivered, to the other parties to this Agreement at the following addresses. Notice shall be deemed given as of the time of receipt or refusal of receipt:

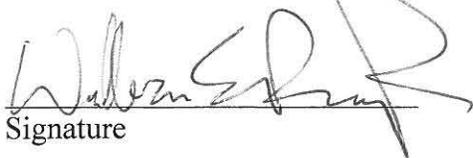
If to Applicant: Room 11, LLC t/a Eleventh Hour Wine Bar
3232-3234 11th Street N.W.
Washington, DC 20010

If to Protestants: Advisory Neighborhood Commission 1A
1380 Monroe Street NW #103
Washington, DC 20010

Failure to give notice shall not constitute waiver or acquiescence to the violation, but notice shall be a prerequisite to the filing of a complaint with the ABC Board or any other enforcement action.

PROTESTANT:

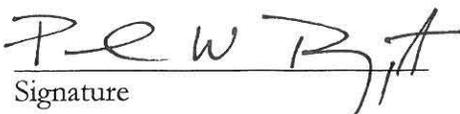
ANC or other Protesting Organization
By: William E. Brown Jr., ANC 1A06


Signature

Establishment:

Room 11, LLC t/a Eleventh Hour Wine Bar
Establishment's Name

By: Paul Ruppert


Signature