

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

In the Matter of:

Harris Teeter, LLC
t/a Harris Teeter

Petition to Amend or
Terminate a Settlement Agreement
for a Retailer's Class B License

at premises
1631 Kalorama Road, N.W.
Washington, D.C. 20009

License Number: ABRA-095171
Order Number: 2015-004

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

**ORDER UNILATERALLY AMENDING PETITIONER'S
SETTLEMENT AGREEMENT**

Harris Teeter, LLC, t/a Harris Teeter (Petitioner) filed a Petition to Unilaterally Amend or Terminate its Settlement Agreement (Petition) in order to amend its Settlement Agreement, originally approved on October 21, 2009. *See* Board Order No. 2009-250.

The Petitioner's Petition is authorized by D.C. Official Code § 25-446. Notice of Petition was placarded on the Petitioner's premises and published in the D.C. Register on October 31, 2014. At the end of the protest period, the Alcoholic Beverage Control Board did not receive any objections to the filing. Therefore, the Petition is uncontested.

The Board is only required to produce findings of fact and conclusions of law on contested issues of fact. *See Craig v. District of Columbia Alcoholic Beverage Control Bd.*, 721 A.2d 584, 590 (D.C. 1998) ("The Board's regulations require findings only on contested issues of fact."); 23 DCMR § 1718.2. Accordingly, based on the Board's review of the Petition, Petitioner has satisfied all remaining requirements imposed by Title 25 and Title 23 to merit the termination or amendment of its settlement agreement by the Board.

The Petitioner seeks to amend its Settlement Agreement for purposes of extending the hours of sales for beer and wine. The hours requested are as follows: Sunday through Saturday, 7:00 a.m. to 12:00 midnight.

ORDER

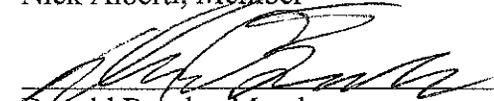
Therefore, it is hereby **ORDERED** on this 7th day of January, 2015, that:

1. The Petition to Unilaterally Amend its Settlement Agreement, approved on October 21, 2009, filed by Harris Teeter, LLC, t/a Harris Teeter, at premises 1631 Kalorama Road, N.W., Washington, D.C., is hereby **GRANTED**;
2. The Petitioner's Retailer Class B License will be reissued to reflect its new hours of sales Sunday through Saturday from 7:00 a.m. to 12:00 midnight;
3. All terms and conditions of the original Agreement, not amended by this Order, shall remain in full force and effect; and
4. A copy of this Order shall be delivered to the Petitioner and to ANC 1C.

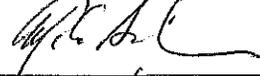
District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson

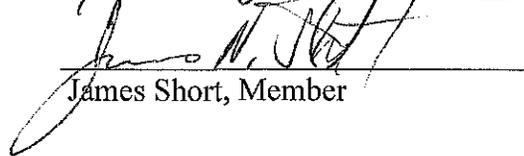

Nick Alberti, Member


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).