

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

_____)	
In the Matter of:)	
)	
Bhuller's Corporation)	
t/a JJ Mutt Wine & Spirits)	
)	
Holder of a)	License No. ABRA-025523
Retailer's Class A License)	Order No. 2013-246
)	
at premises)	
643 Pennsylvania Avenue, S.E.)	
Washington, D.C. 20003)	
_____)	

Bhuller's Corporation, t/a JJ Mutt Wine & Spirits (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 Bhuller's Corporation, t/a JJ Mutt Wine & Spirits, (Licensee), and ANC 6B entered into Voluntary Agreements (Agreements), dated June 13, 2006 and March 8, 2010, 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 April 25, 2013, in accordance with D.C. Official Code § 25-446 (2001).

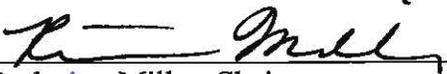
The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Brian Flahaven, on behalf of ANC 6B, are signatories to the Amendment.

Accordingly, it is this 29th day of May, 2013, **ORDERED** that:

1. The above-referenced Amendment to Settlement Agreement, dated April 9, 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 Agreements, 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.

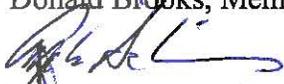
Bhuller's Corporation
t/a JJ Mutt Wine & Spirits
License No. ABRA-025523
Page 3

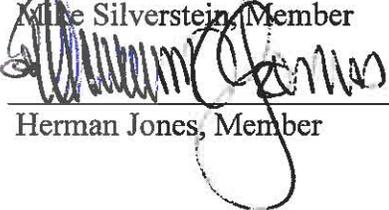
District of Columbia
Alcoholic Beverage Control Board


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.

AMENDMENT TO VOLUNTARY (COOPERATIVE) AGREEMENT

This Amendment to Voluntary (Cooperative) Agreement ("Amendment") is made this 25 day of April 2013 by and between Bhuller's Corporation t/a JJ Mutt Wine & Spirits ("Applicant") and Advisory Neighborhood Commission 6B ("ANC 6B").

WITNESSETH

WHEREAS, Applicant is the current owner and operator of an ABC-licensed establishment located at 643 Pennsylvania Ave SE, Washington, DC 20003;

WHEREAS, ANC 6B and the Applicant entered into a Voluntary (Cooperative) Agreement dated March 11, 2010 which Agreement was approved by the Alcoholic Beverage Control Board ("ABC Board") by Order dated April 28, 2010;

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:

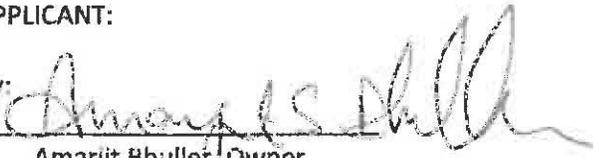
1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. **Change of name from Voluntary Agreement to Settlement Agreement** The Agreement is hereby amended to reflect the name of the Agreement document as Settlement Agreement.
3. **Change of Hours of Operation and Sales.** The Agreement is hereby amended to allow for hours of operation as follows:
Sunday – Saturday 10AM to 10PM

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:

By:


Amarjit Bhuller, Owner

Date:

5/1/2013

ANC 6B

By:


Brian Flahaven, Chair

Date:

5/1/13

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

April 29, 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

RE: ABRA—025523, JJ Mutts Wine & Spirits, 643 Pennsylvania Avenue SE, change of hours of operation & hours of alcoholic beverage sales from Monday through Saturday 10:00 a.m. -- 9:00 p.m. to Sunday through Saturday 10:00 a.m. -- 10:00 p.m.

Dear Ms. Miller:

At its regularly called, properly noticed meeting on April 23, 2013, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 6-0 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

COMMISSIONERS

SMD 1 *David Garrison*
SMD 2 *Ivan Frishberg*
SMD 3 *Philip Peisch*
SMD 4 *Kirsten Okfenburg*
SMD 5 *Brian Pate*
SMD 6 *Nichole Opkins*
SMD 7 *Sera Loveland*
SMD 8 *Chander Jayaraman*
SMD 9 *Brian Flahaven*
SMD 10 *Francis Campbell*

Enclosure

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

In the Matter of:)	
)	
Bhuller's Corporation)	
t/a JJ Mutt Wine & Spirits)	License No. 25523
)	Order No. 2010-334
Application for Single Sales)	
Exception to a Retailer's)	
Class A License)	
at premises)	
643 Pennsylvania Ave., S.E.)	
Washington, D.C. 20003)	

Bhuller's Corporation, t/a JJ Mutt Wine & Spirits

David F. Garrison, Chair, Advisory Neighborhood Commission (ANC) 6B

BEFORE: Charles Brodsky, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member

**ORDER ON APPLICATION FOR EXCEPTION
TO SINGLE SALE MORATORIUM AND ON VOLUNTARY AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Bhuller's Corporation, t/a JJ Mutt Wine & Spirits, Applicant for Exception to Single Sales Restriction, located at 643 Pennsylvania Ave., S.E., Washington, D.C. 20003, and David F. Garrison, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 6B (collectively, the Parties) have entered into a Voluntary Agreement (Agreement) dated April 12, 2010, setting forth the terms and conditions that govern the operation of the Applicant's establishment and incorporating an agreement to waive the single sales restriction.

The Applicant does not have any primary or secondary tier violations within 12 months preceding the date of the application and the ANC supports this request, as demonstrated in the Voluntary Agreement among the Parties to waive the single sales restriction for this establishment subject to the terms and conditions therein. For these reasons, the Board finds no significant adverse impacts and grants the Application. The Agreement has been reduced to writing and has been properly executed and filed with the

Bhuller's Corporation, t/a JJ Mutt Wine & Spirits
License No. 25523
Page Two

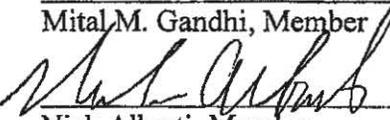
Board. The Applicant and Chairperson Garrison are signatories to the Agreement.

Accordingly, it is this 28th day of April 2010, **ORDERED** that:

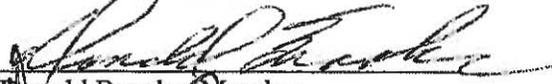
1. The Application filed by Bhuller's Corporation, t/a JJ Mutt Wine & Spirits for an Exception to the Single Sales Restriction at the location of 643 Pennsylvania Avenue, S.E., Washington, D.C., is **GRANTED**;
2. The Application must be renewed by both parties during the renewal period for the Applicant's ABC license;
3. The above-referenced Voluntary Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant and to ANC 6B.

District of Columbia
Alcoholic Beverage Control Board

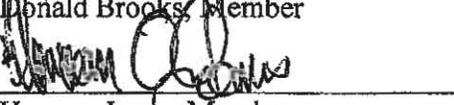
Mital M. Gandhi, Member



Nick Alberti, Member

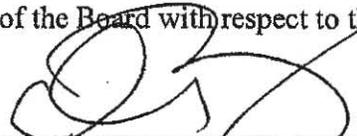


Donald Brooks, Member



Herman Jones, Member

I dissent from the position taken by the majority of the Board with respect to the approval of the Voluntary Agreement.



Charles Brodsky, Chairperson

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, 1250 U Street, N.W., 3rd Floor, Washington, D.C. 20009.

VOLUNTARY (COOPERATIVE) AGREEMENT

THIS VOLUNTARY AGREEMENT ("Agreement") is made on this 8th day of March, 2010 by and between Bhuller's Corporation, t/a JJ Mutt Wine & Spirits ("Applicant"), and Advisory Neighborhood Commission 6B, Collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant's application for renewal of a Retailer Class A license for premises, 643 Pennsylvania Ave., SE, Washington, DC, 20003, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC, and,

WHEREAS, the Parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailer Class A Liquor License at the subject premises; and,

WHEREAS, the Parties are desirous of entering into a Cooperative (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 Class A license under the following:
 - a. That the Applicant will comply with all laws and regulations governing the operations of the establishment at 643 Pennsylvania Ave., SE, within the District of Columbia, including the laws and regulation governing the Class A (Retail) license to which this Cooperative Agreement applies, as applied for and previously approved by the District of Columbia in the name of the Licensee,
 - b. That the Applicant and its officers and employees will cooperate with Advisory Neighborhood Commission 6B (ANC 6B) to address any alleged violatin of the laws and regulations and in any request by the ANC that the appropriate enforcement agency investigate any violations,

- c. That notwithstanding the restriction on sales imposed by D.C. Code §25-346 the Applicant is authorized sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale if the container is 70 ounces or less, as well as spirits (liquor) sold in half-pints or smaller volumes: provided further that the Applicant will not sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale if the container is 70 ounces or less, as well as spirits (liquor) sold in half-pints or smaller volumes after the renewal date of the Applicant's liquor license unless this agreement is renewed by both parties,
- d. That the Applicant will only sell individual containers of beer, malt liquor, or ale in a clear or translucent bag,
- e. That 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,
- f. That the Applicant will not sell or provide cups or single servicing of ice,
- g. That the Applicant will not sell alcohol before or after ABC regulated hours,
- h. That the Applicant agrees to post this Cooperative Agreement, alongside the Applicant's ABC license.

Any changes from this model concerning later hours shall be considered by both Parties to be a substantial change in operation of great concern to residents and requires prior approval by the ABC Board.

3. ***Hours of Operation and Sales.*** The Applicant's hours of operation shall be as follows:

For Class A applicants, the sale of alcohol shall be restricted to the following hours:

- 1. 9:00 a.m. – 10:00 p.m. Monday – Friday
- 2. 9:00 a.m. – 10:00 p.m. Saturday

4. ***Signage, Noise and Privacy.*** Applicant will strictly comply with D.C. Official Code § 25-725 and take all necessary actions to ensure that noise in and around its immediate area is not audible within the adjacent residential or commercial properties. Applicant will prohibit and prevent loitering, rowdiness, criminal activity, and panhandling within 100 feet of the establishment by:

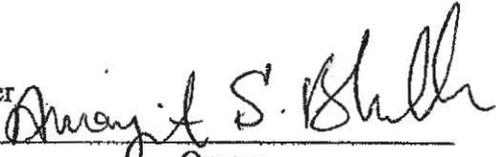
- a. Maintaining a "No Loitering/Panhandling" sign on the outside of the establishment, and
- b. Posting a notice keep in good repair and visible from point of entry a sign, which states:

1. The minimum age requirement for purchase of alcohol,
 2. The obligation of the patron to produce a valid identification document in order to purchase alcohol, and
 3. Requiring loiterers to move whenever they are observed outside of the establishment, and
 4. Calling the Metropolitan Police Department (MPD) to remove loiterers if they refuse Applicant's request to move on or if illegal activity is observed, and
 5. Keeping a written record of dates and time when the MPD was called for assistance. Applicant's log shall be provided to the Board, and for good cause shown to the Board, to any valid protestant during hearings involving future renewals or contested proceedings involving the Applicant's license, and
 6. Opposing the installation of payphones outside the establishment, and
 7. 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. – 7:00 p.m.
5. ***Public Space Cleanliness and Maintenance.*** Applicant will maintain the public space (minimally the front sidewalk up to and including the gutter in front of the subject premises, and the alley way behind the subject premises) 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 establishment, including, minimally the recommendation and guidelines of the Vector Control Division of the Department of Public Works, and
 - b. Picking up trash, including beverage bottles and cans, and all trash daily on a regular basis, and
 - c. Maintaining regular trash removal service. Obtain a dumpster to be placed in the rear of the building ensuring that the area around the dumpster is kept clean at all times. Garbage area can not encroach on abutting properties and timely disposal of commercial trash pick up takes place between 7:00 a.m. – 7:00 p.m., and
 - d. Removing snow and/or ice from sidewalks fronting (includes sidewalks on the sidewalk of corner buildings) within time limits set by the District of Columbia for such snow and/ice removal, and
 - e. Planting, watering, and generally tending to tree boxes directly in front of subject premises, if any.

6. ***Security Cooperation in Stemming Illegal Drugs and Public Drinking.*** Applicant agrees that it shall take all necessary steps to minimize such problems, including, without limitation, designating a sufficient number of employees to assure adequate security and to control unruly patrons. Applicant shall to the full extent permissible by law discourage loitering in the front of the Premises at all times when the Establishment is open to the public, and shall request that any individuals who are simply loitering are asked to move along.
7. ***License Ownership and Compliance with ABRA Regulations.*** Applicant promises 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. This agreement will remain in full force and effect in event applicant sells this business.
8. ***Participation in the Community.*** Applicant agrees to seek to maintain open communication with the community for which the ANC acts. To this end, Applicant shall from time to time be represented at ANC-6B public meetings, which currently occur on the second Tuesday of each month at 7 p.m. at The Peoples Church, 535 8th Street SE, Washington, D.C. 20003. Applicant, upon notice from the ANC, shall send a representative of the Establishment to a meeting(s) to confer and deal in good faith with issues raised under this Agreement,
9. ***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:

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

Applicant: Bhuller's Corporation
JJ Mutt Wine & Spirits
643 Pennsylvania Ave., SE
Washington, DC 2003
Attn: Amarjit Bhuller, Owner
Phone: 202.746.8126



Owner

Fax:

ANC:

Advisory Neighborhood Commission
703 D Street, SE
Washington, DC 20003
Attn: David F. Garrison, Chair
(202) 543-3344
Fax (202) 543-3705


Chair 3/10/10

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

In the Matter of:

Bhuller's Corporation

t/a JJ Mutts Wine & Spirits

Application for a Retailer's

Class A License – Renewal

at premises

643 Pennsylvania Avenue, S.E.

Washington, D.C.

Application no.: 851

License no.: 25523

Order no.: 2006-133

Scott Cernich, Chairperson, on behalf of Advisory Neighborhood Commission 6B, and
Bhuller's Corporation, Signatories

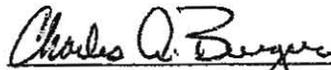
BEFORE: Charles A. Burger, Chairperson
Vera M. Abbott, Member
Judy A. Moy, Member
Audrey E. Thompson, Member
Peter B. Feather, Member
Albert G. Lauber, Member
Eartha Isaac, Member

ORDER ON VOLUNTARY AGREEMENT

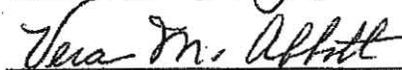
The official records of the Board reflect that Scott Cernich, Chairperson, on behalf of Advisory Neighborhood Commission 6B, and Bhuller's Corporation have reached an agreement, dated June 13, 2006, which has been reduced to writing and has been properly executed and filed with the Board. Having determined that the June 13, 2006 agreement complies with all applicable laws and regulations, the Board does hereby, this 28th day of June 2006, **APPROVE** the agreement and **INCORPORATE** the text of the same into this Order. Copies of this Order shall be sent to the Signatories.

Bhuller's Corporation
t/a JJ Mutts Wine & Spirits
Application no. 851
License no. 25523
Page two

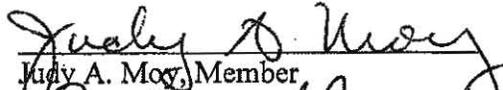
District of Columbia
Alcoholic Beverage Control Board



Charles A. Burger, Chairperson



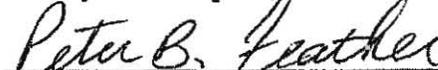
Vera M. Abbott, Member



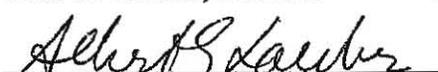
Judy A. Moy, Member



Audrey E. Thompson, Member



Peter B. Feather, Member



Albert G. Lauber, Member



Eartha Isaac, 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, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

Voluntary (Cooperative) Agreement

AGREEMENT

Made this 13th day of June, 2006, by and between JJ Mutts Wine & Spirits ("Applicant") and Advisory Neighborhood Commission 6B ("ANC") (collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant's application for a Retailers Class "A" license # 25523, for 643 Pennsylvania Avenue, SE, Washington, D.C. 20003 (the "Premises"), is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and

WHEREAS, the Premises is within the boundaries of the ANC; and

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issuance of a Retailers' Class "A" Liquor License, at the subject premises;

NOW, THEREFORE, the Parties agree as follows:

1. The Applicant shall post and maintain a "No Loitering/No Panhandling" sign on the front of the establishment. The Applicant shall also post a "No Public Drinking of Alcoholic Beverages Permitted/Please Respect our Community" sign on both the interior and exterior of the premises;
2. The Applicant shall call Metropolitan Police Department when necessary to report disturbances, including loitering and criminal activity, and maintain a logbook detailing the time and date of calls made to MPD;
3. The Applicant or his/her designee shall attend two or more meeting of the Police Service Area where it is located each calendar year;
4. The Applicant shall on a daily basis or more frequently, if needed, pick-up trash, including beverage bottles and cans, in the immediate environs of the establishment, including the adjacent ally and sidewalks, pursuant to D.C. Official Code § 25-726 (2001). The Applicant shall also sweep the outside of the establishment on a daily basis, or more frequently, if needed;
5. The Applicant shall place purchases of single containers of beer or malt liquor in sizes of forty (40) or fewer ounces ("singles") only in clear or translucent plastic bags;

Voluntary (Cooperative) Agreement

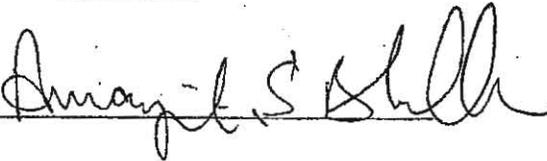
6. The Applicant and all employees who sell alcoholic beverages shall complete a Board-approved alcohol training and education certification program and submit certification of such training to the Board within ninety (90) days;
7. The Applicant shall not give away disposable cups in quantities of three (3) or less or shell or give away loose bags of ice;
8. The Applicant shall not install outdoor payphone(s) on or adjacent to the establishment; and

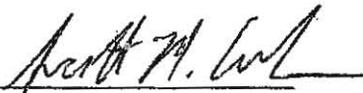
The Parties further agree that any failure of the Applicant to comply with the terms of this Agreement will constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: 

By: 

Scott Cernich, Chair, ANC6B

ANC 6B

Capitol Hill / Southeast

921 Pennsylvania Ave SE
Washington, DC 20003
202.543.3344
FAX 202.543.3507

June 14, 2006

OFFICERS

Chairperson
Scott Cernich

Vice Chairperson
Will Hill

Secretary
Julie Olson

Treasurer
Kenan Jarboe

Parliamentarian
Neil Glick

Maria M. Delaney, Director
Alcoholic Beverage Regulation Administration
941 North Capitol Street, NE, Suite 7200
Washington, DC 20002

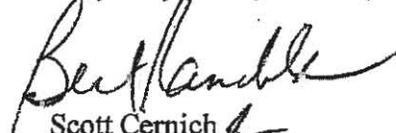
**RE: JJ Mutt Wine & Spirits
Application # 25523
643 Pennsylvania Avenue, SE
Voluntary Agreement**

Dear Ms. Delaney:

At its regularly scheduled and properly noticed meeting on June 13, 2006, with a quorum present, ANC 6B voted 7 to 0 to not oppose the Application to renew JJ Mutt Wine & Spirits License, pending the Applicant signing a Voluntary Agreement. To this end, enclosed is the Voluntary Agreement that has been executed by JJ Mutt Wine & Spirits and ANC 6B for your review and approval.

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

Very truly yours,



Scott Cernich
Chair, ANC 6B

COMMISSIONERS

SMD 1 *David Garrison*
SMD 2 *Mary Wright*
SMD 3 *Julie Olson*
SMD 4 *Scott M. Cernich*
SMD 5 *Kenan Jarboe*
SMD 6 *Will Hill*
SMD 7 *Sandra Brown Thomas*
SMD 8 *Neil Glick*
SMD 9 *Antonette Russell*
SMD 10 *Francis Campbell*
SMD 11 *Vacant*

WM
2006 JUN 19 4 11 24
GOVT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION