

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

In the Matter of:

Made In Mad Momos, LLC
t/a Mad Momos

Applicant for a New
Retailer's Class CR License

at premises
3605 14th Street, N.W.
Washington, D.C. 20010

License No. ABRA-088409
Order No. 2013-242

Made In Mad Momos, LLC, t/a Mad Momos (Licensee)

Thomas Boisvert, Chairperson, Advisory Neighborhood Commission (ANC) 1A

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

ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Made In Mad Momos, LLC, t/a Mad Momos, (Licensee), and ANC 1A entered into a Settlement Agreement (Agreement), dated March 12, 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 April 10, 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 Applicant and Chairperson Thomas Boisvert, on behalf of ANC 1A, are signatories to the Agreement.

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t/a Mad Momos
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Accordingly, it is this 22nd day of May, 2013, **ORDERED** that:

1. The above-referenced Amendment to Settlement Agreement, dated April 10, 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 1A.

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District of Columbia
Alcoholic Beverage Control Board



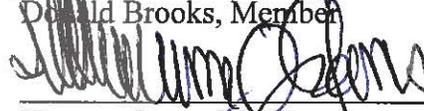
Ruthanne Miller, Chairperson



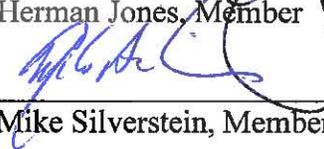
Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, 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.



ADVISORY NEIGHBORHOOD COMMISSION 1A

SMD 1A01 - Lisa Kratovic
SMD 1A04 - Laina Aquilino
SMD 1A07 - Thomas Boisvert
SMD 1A16 - Anthony Cluino

SMD 1A02 - Vickie Wright-Santiti
SMD 1A05 - Kevin Holmes
SMD 1A08 - Kent Boese
SMD 1A11 - Doti Love Wade

SMD 1A03 - Steve Swank
SMD 1A06 - Patrick W. Flynn
SMD 1A09 - Bobby Holmes
SMD 1A12 - Rosalind M. Gilliam

RESOLUTION TO AMEND THE SETTLEMENT AGREEMENT BETWEEN ANC 1A AND MAD MOMOS

WHEREAS, Made in Made in Mad Momos, LLC /a Mad Momos (3605 13th St NW) has applied for a substantial change to its License under the D.C. Alcoholic Beverage Control Act to add entertainment, cover charge and dancing; and

WHEREAS, the current version of its Settlement Agreement, "Noise and Noise Suppression" are addressed in section 5; and

WHEREAS, Commissioner Laina Aquilino of SMD 1A04, is in support of the entertainment endorsement,

THEREFORE, BE IT FURTHER RESOLVED THAT:

1. ANC 1A amend the Settlement Agreement to read:

The Applicant may provide entertainment in the form live bands, karaoke, comedy, poetry readings, DJ and dancing, insofar as it adheres to the "Noise and Noise Suppression" clause in its Settlement Agreement and occurs within the hours of:

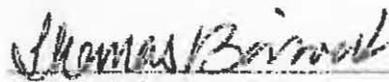
Sunday - Thursday: 6pm-1am
Friday & Saturday: 6pm-2am

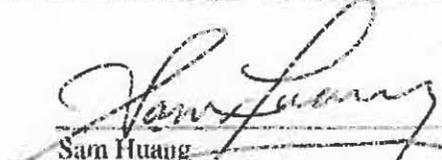
2. ANC 1A incorporate these changes in an updated version of the Settlement Agreement.

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Certification:

After providing sufficient notice for and with a quorum of 12 present at its April 10, 2013 meeting, Advisory Neighborhood Commission 1A voted, with 11 Yeas, 0 Nos and 1 Abstentions, to adopt the above resolution.


Thomas Boisvert
Chairperson, ANC 1A


Sam Huang
Made in Mad Momos, LLC /a Mad Momos

Made In Mad Momos, LLC
t/a Mad Momos
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The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Thomas Boisvert, on behalf of ANC 1A, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 1A.

Accordingly, it is this 4th day of April, 2012, **ORDERED** that:

1. The Application filed by Made In Mad Momos, LLC, t/a Mad Momos, for a new Retailer's Class CR License, located at 3605 14th Street, N.W., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 1A in this matter is hereby **WITHDRAWN**;
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, except for the following modification:

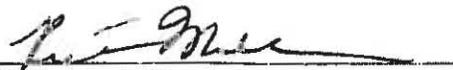
Section 11 (Modification) – The following sentence shall be modified to read as follows: "This Agreement can be modified by mutual agreement of the parties with the approval of the ABC Board for acceptance and enforcement, or consistent with D.C. Official Code §25-446."

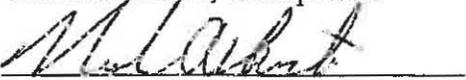
The parties have agreed to this modification.

4. Copies of this Order shall be sent to the Applicant and ANC 1A.

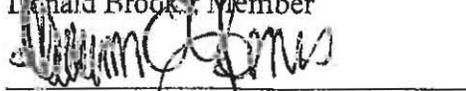
Made in Mad Momos, LLC
t/a Mad Momos
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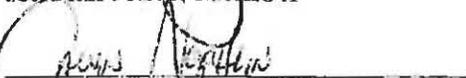
District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson

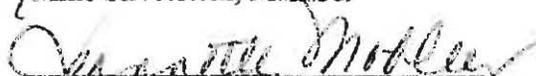

Nick Alberti, Member


Donald Brooks, Member

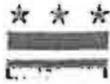

Herman Jones, Member


Calvin Nophlin, Member


Mike Silverstein, Member


Jeannette Mobley, 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 Bolsvert
SMD 1A10 – Lenwood O. Johnson

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

SMD 1A03 – Sheldon Scott
SMD 1A06 – William Brown
SMD 1A09 – Bobby Holmes
SMD 1A11 – Dotti Love Wade

Voluntary Agreement

THIS AGREEMENT made and entered into this 9th day of March 2012, by and between Made In Mad Momos, LLC t/a Mad Momos (hereinafter the "Applicant") and Advisory Neighborhood Commission 1A ("ANC 1A").

WHEREAS, Applicant has filed application License No. ABRA-088409 with the District of Columbia Alcohol Beverage Control Board (hereinafter "ABC Board") for a Retailer's Class CR License for a restaurant operation located at 3605 14th Street, NW (the "Restaurant");

WHEREAS, in recognition of the ABC Board's policy of encouraging parties to address neighborhood concerns by negotiating agreements, the parties hereto being desirous of entering into an agreement whereby Applicant will agree to adopt certain measures to address ANC 1A's concerns and ANC 1A will agree to support the issuance of the ABC License;

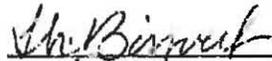
NOW, THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the parties agree as follows:

- 1. Loitering:** All due diligence shall be made by the Applicant to ensure that there is no loitering in front of or in the vicinity of the Restaurant, especially loud cursing, public drunkenness, fighting or other acts of aggression.
- 2. Smoking:** Applicant will encourage all patrons, by posted signs or other printed notation to smoke only in designated areas.
- 3. Hours of Alcohol Sale:** Applicant has the right to, but is not obligated to, sell alcoholic beverages on the Sidewalk Café and second floor Patio Area (facing 14th Street) but will not make sales after 11 pm on weeknights (Sunday through Thursday) and 12 am on Friday and Saturday nights. Applicant also has the right to sell alcoholic beverage on the Rooftop Garden but will not make sales after 12:30 am on weeknights (Sunday through Thursday) and 1:30 am on Friday and Saturday nights. If at any time, the ABC Board or Council for the District Columbia extends hours of legal operation for the sale of alcohol on a temporary basis (e.g., New Year's Eve, Day Light Savings, etc.) the Applicant shall have the right to serve alcohol to the full extent of such law.
- 4. Trash Removal:** Applicant will maintain regular trash removal service at a minimum of three (3) times per week. The Applicant shall place all trash in sealed trash containers that are rodent proof and limit the release of odors.

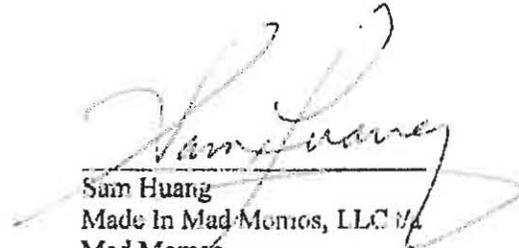
- 5. Noise and Noise Suppression:** Applicant acknowledges familiarity with and will comply with all noise-control provisions of the District of Columbia law and regulations, including preventing emissions of sound, capable of being heard outside the premises, by any musical instrument or amplification device or other device or source of sound or noise, in accordance with DC Code 25-725. Sound emanating from any part of the establishment shall not be audible in residential structures in the vicinity. The Restaurant's operation shall at all times be in compliance with the D.C. Noise Control Act. Applicant will encourage employees and patrons, by posted signs, to be considerate of residents in the neighborhood after departing the building, 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. Applicant will not have amplified sound on the Rooftop Garden, Sidewalk Café or second floor Patio Area.
- 6. Removal of Grease and Oils:** Applicant will provide for the proper removal of grease and oils and will not deposit these substances in standard trash containers.
- 7. Litter and Debris Removal:** Applicant will maintain all areas adjacent to the Restaurant, up to and including the curb, in a clean and orderly manner, free of trash and litter, in full compliance with applicable D.C. regulations in this respect, as often as needed.
- 8. Parking:** Applicant will encourage transit use, and will direct patrons to use nearby public parking facilities rather than parking on residential streets.
- 9. Notice and Opportunity to Cure:** In the event that any of the parties are 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, upon receiving notice the noticed party will have thirty calendar days to cure. Failure to cure within thirty calendar days (or, with respect to a breach which reasonably requires more than thirty days to cure, fails to commence cure of such breach and diligently pursue such cure) shall constitute a cause for seeking a Show Cause Order from the ABC Board pursuant to DC Official 25-447. 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 respective parties at their business addresses. Notice shall be deemed given as of the time of receipt or refusal of receipt.
- 10. Binding Effect:** This Agreement shall be binding upon and enforceable against the successors and assigns of the Applicant during the term of the license to which this Agreement applies.
- 11. Modification:** This Agreement can be modified only by mutual agreement of the parties with the approval of the ABC Board for acceptance and enforcement.

[Signature Page to Follow]

WHEREFORE, by the signing of duly-authorized representatives for the Applicant and ANC 1A, Applicant hereby agrees to the aforementioned covenants and ANC 1A withdraws its protest and objections to the issuance of the Class CR License to Application, and Applicant and ANC 1A request that this Agreement be incorporated into the ABC Board's order issuing a Class CR License.



Thomas Boisvert
Chairman, ANC 1A



Sam Huang
Made in Mad Momos, LLC t/a
Mad Momos