

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

**In the Matter of:** )

Mad Fox Brewing Company Taproom, LLC )  
t/a Mad Fox Brewing Company Taproom )

Holder of a )  
Retailer's Class CR License )

License No. ABRA-092955  
Order No. 2016-009

2218 Wisconsin Avenue, N.W. )  
Washington, D.C. 20007 )

Mad Fox Brewing Company Taproom, LLC, t/a Mad Fox Brewing Company Taproom  
(Applicant)

Jackie Blumenthal, Chairperson, Advisory Neighborhood Commission (ANC) 3B

**BEFORE:** Donovan Anderson, Chairperson  
Nick Alberti, Member  
Mike Silverstein, Member  
Ruthanne Miller, Member  
James Short, Member

**ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT**

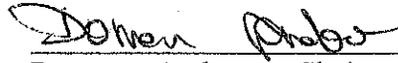
The official records of the Alcoholic Beverage Control Board (Board) reflect that Mad Fox Brewing Company Taproom, LLC, t/a Mad Fox Brewing Company Taproom (Licensee), and ANC 3B entered into Settlement Agreement (Agreement), dated May 22, 2008, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated November 12, 2015, 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 Jackie Blumenthal, on behalf of ANC 3B, are signatories to the Amendment.

Accordingly, it is this 6th day of January, 2016, **ORDERED** that:

1. The above-referenced Amendment to Settlement Agreement, dated November 12, 2015, 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 3B.

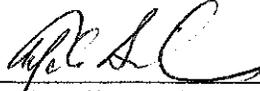
District of Columbia  
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



Nick Alberti, Member



Mike Silverstein, Member



Ruthanne Miller, Member



James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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 14<sup>th</sup> 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).

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**ADVISORY NEIGHBORHOOD COMMISSION 3B**  
**GLOVER PARK AND CATHEDRAL HEIGHTS**



**Amendment to Settlement Agreement Setting Conditions on the Operation  
of a Class CR Liquor License Located at 2218 Wisconsin Avenue N.W.**

On November 12, at a duly scheduled meeting of ANC3B at which a quorum was present, a Resolution (attached) was passed unanimously to amend the settlement agreement pertaining to the operation of a liquor license at 2218 Wisconsin Avenue N.W. in the District of Columbia.

This Amendment updates and adds to the May 22, 2008 agreement (as modified by Alcoholic Beverage Control Board Orders dated March 11, 2009 and May 13, 2009), recognized by the Alcoholic Beverage Regulation Administration as placing conditions on the Class CR liquor license in operation at 2218 Wisconsin Avenue, N.W., currently held by Mad Fox Brewing Company t/a Mad Fox Tap Room, ABRA Lic. #092955. The 2008 agreement, as modified by the Board, will be amended as follows:

- (1) All references in the standing agreement to "Five Glovers LLC trading as Town Hall" will be changed to "Mad Fox Brewing Company trading as Mad Fox Tap Room." All references to "Applicant" will be changed to "Mad Fox."
- (2) Replace Recital 2 in full as follows (bold type indicates amended language):

Recital 2. Entertainment

**Except as noted in Recital 2A below, Mad Fox shall not have a disc jockey, but may offer music in the form of recorded, digital, i.e., MP3's or CD's, and/or live-stream (digital) music during all hours of operation. Mad Fox shall not offer live music or other live entertainment venues in its Premises, except as noted in Recital 2A below. Mad Fox shall not provide a dance floor for dancing by its patrons or other facilities for dancing, except as noted in Recital 2A below.**

- (3) Add Recital 2A in full (bold type indicates amended language):

Recital 2A. Special Entertainment Events

**Mad Fox can hold six (6) special events per year during which live entertainment or music provided by a disc jockey is allowed. The special events will occur annually as follows: New Year's Eve, Mad Fox Anniversary, Oktoberfest, and three (3) dates to be determined by Mad Fox. Dancing by patrons is permitted on these six special occasions.**

- (4) Replace Recital 3 in full as follows (bold type indicates amended language):

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P.O. BOX 32312      WASHINGTON, D.C. 20007      WWW.AN3B.ORG      EMAIL: INFO@ANC3B.ORG

3B01  
N. GLOVER PARK  
ANN MLADINOV

3B02  
E. GLOVER PARK  
JACKIE BLUMENTHAL

3B03  
W. GLOVER PARK  
ABIGAIL ZENNER

3B04  
CATHEDRAL HEIGHTS  
MARY C. YOUNG

3B05  
S. GLOVER PARK  
BRIAN TURMAIL

Recital 3. Noise

Mad Fox acknowledges familiarity with the noise-control provisions of District of Columbia law and regulations, including the Noise Control Protection Amendment Act of 2007, and any subsequent noise laws, regulations, amendments, or revisions. Mad Fox agrees to abide by all Alcoholic Beverage Control regulations regarding noise control. Mad Fox may keep its front windows open during operating hours except as noted below, providing that the noise level from the open windows does not disturb the peace and quiet of residential neighbors or the operations of the DeVol Funeral Home. Music and vibration from the establishment shall not be audible or felt in any neighboring residential premises or in the DeVol Funeral Home during its operating hours.

Mad Fox agrees to contain the sound from the six special entertainment events inside its building and to keep its front windows closed during entertainment events. Mad Fox agrees to provide a contact person and phone number for neighbors to call if the music is disruptive, and agrees to respond immediately by lowering the volume and/or adjusting the bass levels.

Further, Mad Fox agrees to advise patrons upon leaving the establishment to respect the peace and quiet of the abutting residential neighborhood by keeping their voices down and behaving in an orderly fashion.

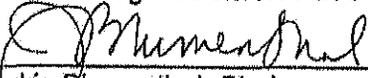
- (5) Replace Recital 8 in full as follows (bold type indicates new language):

Recital 8. Deliveries

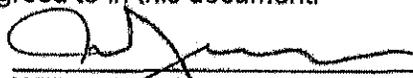
**Applicant shall have all deliveries made after 8 a.m. and before 8 p.m. and shall advise delivery companies not to leave their motors running while completing deliveries. The District of Columbia prohibits engine idling beyond 3 minutes unless the temperature is below 32 degrees, in which case idling for 5 minutes is permitted. (DCMR Rule 20-900) Mad Fox is encouraged to post no-idling signs which are available from the District government.**

- (6) Delete Recital 12. Notices
- (7) All other provisions of the agreement pertaining to operating a Class CR license at the specific location of 2218 Wisconsin Avenue N.W. will remain the same.

The parties below agree to these changes to the conditions on the operation of the Class CR liquor license at the location 2218 Wisconsin Avenue N.W. in the District of Columbia. We jointly request that the Alcoholic Beverage Control Board issue an order to amend the standing settlement agreement for ABRA Lic. #092955 as agreed to in this document.

  
\_\_\_\_\_  
Jackie Blumenthal, Chairman  
ANGSB

11-14-15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
William Madden, Owner  
Mad Fox Brewing Company LLC

11-19-15  
\_\_\_\_\_  
Date

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**ADVISORY NEIGHBORHOOD COMMISSION 3B**  
**GLOVER PARK AND CATHEDRAL HEIGHTS**



**Resolution to Amend the Settlement Agreement Affecting the Operation  
of a Class CR Liquor License at 2218 Wisconsin Avenue N.W.**

Whereas, Mad Fox Brewing Company trading as Mad Fox Tap Room ("Mad Fox") is licensed by the Alcoholic Beverage Regulation Administration ("ABRA") to serve beer, wine, and spirits in a restaurant setting at 2218 Wisconsin Avenue N.W. under ABRA Lic. #092955;

Whereas, in 2008, ANC3B and the then-licensee at that location, Town Hall, entered into an agreement to settle a protest against its license, which set site-specific conditions on the operation of a liquor license at that location;

Whereas, that 2008 Settlement Agreement was approved by the Alcoholic Beverage Control Board ("the Board"), which ordered the agreed-upon conditions to apply to any subsequent ABRA licensee at that location;

Whereas, the current licensee at 2218 Wisconsin Avenue N.W., Mad Fox, has requested a change in the Settlement Agreement conditions to allow six special events each year featuring live entertainment or music provided by a disc jockey (DJ), as follows: New Year's Eve, Mad Fox Anniversary, Oktoberfest, and 3 dates to be determined by Mad Fox;

Whereas, ANC3B announced this request at its October meeting and publicized it at its website and in the Glover Park Gazette, as well as on local Internet listserves, opening a 30-day comment period;

Whereas, comments were received favoring the request, but with caveats about noise control and, particularly, about late-night deliveries to Mad Fox and trucks idling in the alley that Mad Fox shares with Hall Place residents;

Therefore, **BE IT RESOLVED** that ANC3B will agree to amend the standing agreement with the following provisions:

1. ANC3B agrees to allow live or DJ entertainment for six special events each year as noted above, and further agrees to allow dancing by patrons during these events;
2. Mad Fox agrees to contain the sound of the entertainment inside its premises, including keeping its front windows closed during entertainment events;
3. Mad Fox agrees to provide a contact person and phone number to residents for reporting noise disturbances and further agrees to immediately lower the volume and/or adjust the bass levels;

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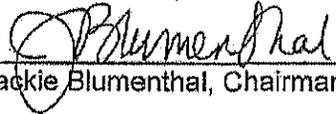
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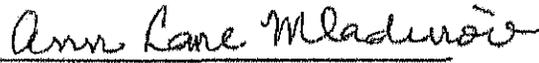
S. GLOVER PARK  
BRIAN TURMAIL

4. Mad Fox agrees to accept deliveries only between 8 a.m. and 8 p.m. and further agrees to notify delivery companies that engine idling in the District is limited by law to 3 minutes (or 5 minutes if the temperature is less than 32 degrees).

BE IT FURTHER RESOLVED that the Chairman, who is also the Commissioner of ANC3B-02, or her designee is authorized to represent the Commission on this matter.

This Resolution was APPROVED by a vote of 5-0 at a duly noticed public meeting of ANC3B on Thursday, November 12, 2015, at which a quorum was present. (A quorum is 3 of the 5 members.)

  
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Jackie Blumenthal, Chairman

  
\_\_\_\_\_  
Ann Mladinov, Secretary