

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

In the Matter of:)	
)	
Magruder of DC, Inc.)	
t/a Magruder's)	
)	
Petition to)	
Terminate a Voluntary Agreement)	License No. ABRA-000067
for a Retailer's Class A License)	Order No. 2012-227
)	
at premises)	
5618-5626 Connecticut Avenue, N.W.)	
Washington, D.C. 20015)	

Magruder of DC, Inc., t/a Magruder's (Petitioner)

Kathy Rohn Le-Dain

Upper Connecticut Avenue Betterment Association

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member
Jeannette Mobley, Member

**ORDER TERMINATING VOLUNTARY AGREEMENTS BETWEEN
THE PETITIONER AND UPPER CONNECTICUT AVENUE BETTERMENT
ASSOCIATION AND THE PETITIONER AND KATHY ROHN LE-DRAIN**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Magruder of DC, Inc., t/a Magruder's (Petitioner), entered into a Voluntary Agreement with Upper Connecticut Avenue Betterment Association in 1991, which the Petitioner now seeks to terminate under D.C. Official Code § 25-446(d)(1)(2)(A) & (B). According to the Corporations Division of the Department of Consumer and Regulatory Affairs's records, Upper Connecticut Avenue Betterment Association is not registered. There are no known members of the Association; therefore, the Petitioner was unable to locate them.

Magruder of DC, Inc.
t/a Magruder's
License No: ABRA-000067
Page 2

The Petitioner entered into a separate Voluntary Agreement with Kathy Rohn Le-Dain on May 26, 1999, which the Petitioner also seeks to terminate.

On December 16, 2011, Gary Bortnick, Magruder of DC, Inc.'s Vice President, contacted Ms. Le-Dain at her residence, located at 3836 McKinley Street, N.W., Washington, D.C., to discuss and request terminating the Voluntary Agreement. However, Ms. Le-Dain was not receptive to discuss the Voluntary Agreement at that time and stated that she would contact Mr. Bortnick, which Ms. Le-Dain never did. On January 4, 2012, Mr. Bortnick attempted to speak with Ms. Le-Dain and left his business card at her house, but Mr. Bortnick did not receive any response from Ms. Le-Dain.

The ABRA also attempted to contact Ms. Le-Dain.

On March 7, 2012, the Board requested that the Petition be placarded. The Notice of Public Hearing included: Posting Date: April 6, 2012, Petition Date: May 21, 2012, and Hearing Date: June 4, 2012. No protests or objections were filed during the placard period.

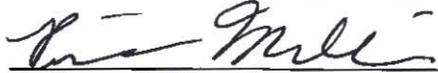
The Board finds that the Petitioner was unable to locate the members of Upper Connecticut Avenue Betterment Association, because it does not exist, and has made a diligent effort to locate Ms. Le-Dain. *See* D.C. Code § 25-446(d)(4)(A)(i)-(ii) (2004). The Board also finds that terminating the Voluntary Agreements, dated 1991 and May 26, 1999, will not have an adverse impact on the community where the Petitioner is located. *See* D.C. Code § 25-446(d)(4)(C).

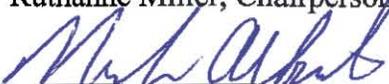
Therefore, the Board approves the Petition filed by the Petitioner.

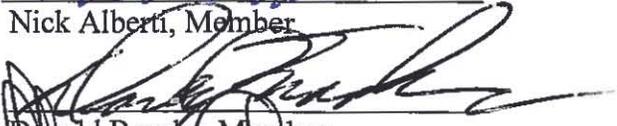
ORDER

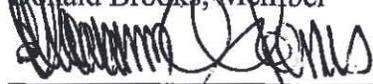
The Board does hereby, this 23rd day of May, 2012, **TERMINATE** the Voluntary Agreement, dated 1991, between Magruder of DC, Inc. and Upper Connecticut Avenue Betterment Association, and the Voluntary Agreement, dated May 26, 1999, between Magruder of DC, Inc. and Kathy Rohn Le-Dain. A copy of this Order shall be sent to the Petitioner and Kathy Rohn Le-Dain.

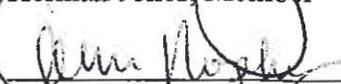
District of Columbia
Alcoholic Beverage Control Board

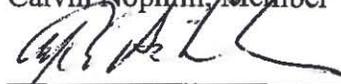

Ruthanne Miller, Chairperson

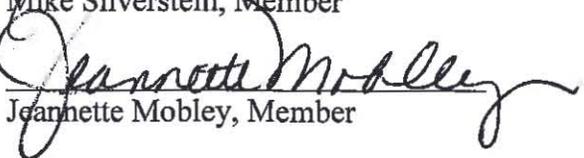

Nick Alberti, Member


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 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.

Magruder Holdings, Inc.

Importers, Grocers and Wine DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATION ADMINISTRATION
Since 1875

Post Office Box 1432 Rockville, Maryland 20850 FEB 21 2012 12:45

Phone 301-230-3000

REC'D BY _____

February 14, 2012

Alcoholic Beverage Control Board
Ms Ruthanne Miller, Chair ABCB
2000 14th Street, NW
Suite 400 South, 4th Floor
Washington, DC 20009

Ref: Request for removal of Voluntary Agreements

Dear Ms. Miller,

This letter represents a formal request to have two Voluntary Agreements removed from our liquor license. Magruders, located at 5618 - 5626 Connecticut Avenue, License Number ABRA-000067, has apparently had two Voluntary Agreements attached to its liquor license from 1991, and 1999 respectively. Per article 25-446 Voluntary Agreements may be terminated by the Board if after four years from the date of the Board's decision initially approving the Voluntary Agreement, the applicant submits in writing a request to have the voluntary agreement terminated.

Magruders, one of Washington's oldest liquor license holders, has been a business in Good Standing for the past fifty years selling beer, wine and liquor from its current location. In 1990 Magruders signed a Voluntary Agreement with the Upper Connecticut Avenue Betterment Association. This Association does not exist, nor was it ever registered within the District of Columbia. The Association withdrew its protest in September of 1990, however the Voluntary Agreement was made a condition of the issuance of Magruders license in 1990. There are no known members of this Association and per 25-466 (4) (A) (i) and under a sworn affidavit the applicant, Magruders, requests that after twenty one years the Voluntary Agreement between the Upper Connecticut Avenue Betterment Association and Magruders be removed.

The second Voluntary Agreement, between Magruders and Ms. Kathy Rohn Le-Dain, signed in May of 1999, is also requested to be removed from Magruders License. The Voluntary Agreement which was signed almost twelve years ago, whose protest was likewise withdrawn in 1999, pertained to the maintaining of the surrounding parking lot and landscaping. Gary Bortnick, Vice President of Magruders personally contacted Ms. Le-Dain at her residence on December 16, 2011 to discuss and request the withdrawing of the Voluntary Agreement. Ms Le-Dain was not receptive to discussing the Voluntary Agreement at that time, and stated that she would contact Mr. Bortnick after the holidays.

January 16, 2012

After not receiving any contact from Ms. Le-Dain, Mr. Bortnick again attempted to speak with Ms Le-Dain on January 4, 2012 and left his business card at her house at 3836 McKinley Street, NW, Washington DC. Per 25-446 (5) (B) the non applicant party refused to meet with the applicant and under a sworn affidavit the applicant is requesting that a twelve year old Voluntary Agreement pertaining to the planting of trees, graffiti removal, and screening should be removed from its license. Magruder's has not received one complaint from any members of the surrounding neighborhood regarding our liquor license over the past twenty years. As a business with a long time history in Washington DC we gratefully request that the Voluntary Agreements be removed from our liquor license with the renewal of our March 2012 application.

Sincerely,



Steven L. Faharoff

VP/CFO

Magruder Holdings Inc

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

In the Matter of :)

Magruder of D.C. Inc.)
t/a Magruder's)

Application for a Retailer's License)
A - renewal)
at premises)
5626 Connecticut Avenue, N.W.)
Washington, D.C.)

Case No. 141-99048P

Kathy Rohn Le Dain, Protestant

Gary Bortinick, President, on behalf of Applicant

**BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Allen Beach, Member
Ellen Opper-Weiner, Esquire, Member
Max Salas, Member
Joseph Wright, Member**

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on April 13, 1999, in accordance with D.C. Code Section 25-115(c)(5)(1999 Supp.), providing for the protestants to be heard. Kathy Rohn Le Dain filed a timely protest letter dated April 12, 1999.

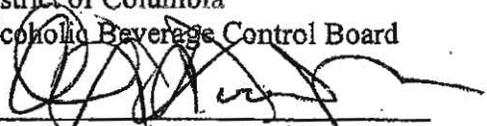
The official records of the Board reflect that the parties have now reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement dated May 26, 1999, the protestant has agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

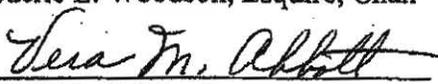
Accordingly, it is this 29th day of September 1999, **ORDERED** that:

Magruder of D.C. Inc.
t/a Magruder's
Page two

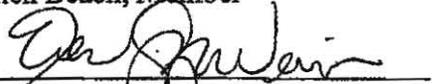
1. The protest of Kathy Rohn Le Dain, be, and the same hereby, is **WITHDRAWN**;
2. The application of Magruder of D.C. Inc. t/a Magruder's for a retailer's class A license (renewal) at premises 5618-26 Connecticut Avenue, N.W., Washington, D.C., be, and the same hereby, is **GRANTED**;
3. The above-referenced agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this **ORDER**; and,
4. Copies of this Order shall be sent to the Protestant and the Applicant.

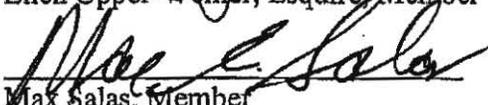
District of Columbia
Alcoholic Beverage Control Board


Roderic L. Woodson, Esquire, Chair


Vera Abbott, Member


Allen Beach, Member


Ellen Opper-Weiner, Esquire, Member


Max Salas, Member

Joseph Wright

Magruder Holdings, Inc.

Importers, Grocers and Wine Merchants

Since 1875

Post Office Box 1432 Rockville, Maryland 20850

Phone 301-230-3000

VOLUNTARY AGREEMENT

May 26, 1999

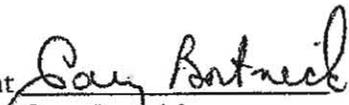
Magruders, 5618-26 Connecticut Avenue, NW, Washington, DC and Ms. Kathy Rohn Le-Dain, 3836 McKinley Street, NW, Washington, DC, have entered into a voluntary agreement pertaining to the renewal of Magruders Retail A Liquor License.

The parties involved agreed verbally on May 26, 1999 that the following three concerns would be addressed:

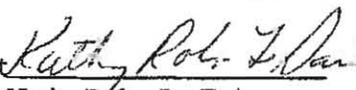
1. Magruders will promptly remove or paint over (within sixty days of any occurrence) any graffiti from the walls surrounding the parking lot as well as all areas of the commercial space occupied by Magruders, including trash receptacles;
2. Magruders will install sound mufflers or other silencing equipment in front of the refrigeration and air conditioning units on the roofs of the buildings occupied by Magruders; and
3. Magruders will plant one (1) eight to ten foot Leyland Cypress or White Pine tree at the entrance of the parking lot to match the existing trees which were planted in 1997.

By signing this voluntary agreement, Protestant agrees to withdraw her protest of Applicant's renewal for a Retail A License. Applicant agrees to resolve the three issues as soon as possible, (ASAP) no later than June 25, 1999.

Applicant


Gary Bortnick

Protestant


Kathy Rohn Le-Dain

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: April 6, 2012
Petition Date: May 21, 2012
Hearing Date: June 4, 2012

License No.: ABRA-000067
Licensee: Magruder of DC Inc.
Trade Name: Magruder's
License Class: Retailer's Class "A"
Address: 5626 Connecticut Avenue, NW

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ANC 3G

SMD 3G06

Notice is hereby given for a request to terminate two (2) voluntary agreements, as approved and incorporated into orders by the Alcoholic Beverage Control Board, for the following:

Parties to the first Voluntary Agreement: Magruder of DC Inc. and Kathy Rohn Le-Drain (Protestant)

Parties to the second Voluntary Agreement: Magruder of DC Inc. and Upper Connecticut Avenue Betterment Association (Protestant)

Protest Petitions: Objectors are entitled to be heard before the granting of such request on June 4, 2012 at 10 am 4th Floor, 2000 14th Street, N.W. Protest petitions must be filed on or before May 21, 2012.

HOURS OF OPERATION/SALES OF ALCOHOLIC BEVERAGES

Monday through Thursday 9 am – 8 pm and Friday & Saturday 9 am – 9 pm

DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
ALCOHOLIC BEVERAGE CONTROL BOARD

RECEIVED

MAR 8 1990

PASCAL & WEISS, P.C.

In the Matter of:)

Magruder, Inc.)
t/a Magruder's)

Holder of a Retailer's License)
Class "A")

at premises)
5626 Connecticut Avenue, N.W.)
Washington, D.C. 20015)

Application No. 141

Paul L. Pascal, Esquire, on behalf of Applicant

BEFORE: MARLENE L. JOHNSON, Esquire, Chairperson
MERCY L. DRAKE, Member
CHARLES R. NORRIS, JR., Member and
CHRISTINE R. RIDDIOUGH, Member

BOARD DETERMINATION REGARDING A PROPOSED SUBSTANTIAL CHANGE
TO LICENSEE'S PREMISES/BUSINESS OPERATION

By letter, dated May 31, 1989, Louis H. Fanaroff, President of Magruder's, Inc., requested Board approval of plans to make several changes to the licensed premises consisting of rearranging the departments within the store.

→ Petitioner states that his primary objective is to enlarge the produce department by moving it into the smaller section of the store now occupied by the liquor department, and moving the liquor section to the larger area vacated by the produce department. The liquor department would share space with the grocery, dairy, delicatessen, and bakery departments. Petitioner represents that the sales floor of the liquor department will contain essentially the same number of items and shelving space as in the current location.

Petitioner also proposes to relocate the storage area from the small basement to the basement on the larger side of the store. Petitioner alleges that storage area will be secured as only liquor, beer, and wine will be stored in that section.

Upon review of the letter and attachments submitted to the Board on May 31, 1989, the Board FINDS, pursuant to 23 D.C.M.R Sections 505 and 1000, 35 D.C. Register 4947 and 5025 (June 24, 1988) that:

1. The proposed changes in the Petitioner's premises will change the physical location of the liquor department within the establishment;
2. The proposed change will result in the commingling of food and liquor items within the establishment;
3. The proposed change will eliminate the sale of meat, poultry and non-edible items.
4. The proposed physical changes will result in a change in the nature of Petitioner's business operation; and
5. The proposed change is of potential concern to the residents of the area surrounding the establishment.

Upon consideration of these findings, it is by the Board this 28th day of February 1990.

DETERMINED: That the proposed changes to Petitioner's establishment are substantial and shall require notice of this request to the same persons and in the same manner as required and set forth in 23 D.C.M.R. Section 1505, 35 D.C. Register 5057 (June 24, 1988).

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD


MARLENE L. JOHNSON, ESQUIRE
Chairperson


MERCT L. DRAKE
Member


CHARLES R. NORRIS, JR.
Member


CHRISTINE R. RIDDOUGH
Member