

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

_____)
In the Matter of:)
)
I M Shin Enterprises, Inc.)
t/a Market of Columbia Plaza)
)
Holder of a)
Retailer's Class A License) License No. ABRA-097197
) Order No. 2015-379
)
at premises)
516 23rd Street, N.W.)
Washington, D.C. 20037)
_____)

I M Shin Enterprises, Inc., t/a Market of Columbia Plaza (Licensee)

Patrick Kennedy, Chairperson, Advisory Neighborhood Commission (ANC) 2A

Marilyn Rubin and John Seichter, on behalf of Columbia Plaza Tenants Association

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

ORDER ON FIRST AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that I M Shin Enterprises, Inc., t/a Market of Columbia Plaza (Licensee), ANC 2A, and Columbia Plaza Tenants Association entered into Settlement Agreement (Agreement), dated July 28, 2006, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' First Amendment to Settlement Agreement (Amendment), dated July 15, 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; Chairperson Patrick Kennedy, on behalf of ANC 2A; and Marilyn Rubin and John Seichter, on behalf of Columbia Plaza Tenants Association; are signatories to the Amendment.

Accordingly, it is this 5th day of August, 2015, **ORDERED** that:

1. The above-referenced First Amendment to Settlement Agreement, dated July 15, 2015, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modification:

Section 1 (Hours) – The term “liquor” shall be replaced with the term “alcoholic beverages.”

The parties have agreed to this modification.

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, ANC 2A, and Marilyn Rubin and John Seichter, on behalf of Columbia Plaza Tenants Association.

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).

FIRST AMENDMENT TO ABC SETTLEMENT AGREEMENT

THIS AMENDMENT TO SETTLEMENT AGREEMENT (the "Amendment") is made and entered into this 15th day of July 2015 by and among The Market at Columbia Plaza, (Licensee), Advisory Neighborhood Commission 2A ("ANC 2A"), and The Columbia Plaza Tenants Association. Patrick Kennedy, on behalf of ANC and Marilyn Rubin and John Seichter, on behalf of Columbia Plaza Tenants Association (CPTA).

RECITALS

WHEREAS, Applicant is the holder of a Retailer's Alcoholic Beverage License Class A, for the sale of alcoholic beverages located at 516 23rd St N.W

WHEREAS, the parties entered into a Settlement Agreement dated July 28th, 2006 (The "Agreement") which Agreement was approved by Order on Voluntary Agreement and Withdrawal and Protests entered by the Alcoholic Beverage Control Board (the "Board") on June 14th, 2006.

WHEREAS, the parties desire to enter into this Amendment to amend the hours restrictions contained in the existing Settlement Agreement.

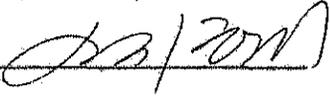
AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained in this Amendment, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Hours: Liquor sales will be conducted from 9:00 am to 11:00 pm, Monday through Saturday, and from 9:00 am to 8:00 pm on Sunday.
2. Entire Agreement. This Amendment and the Agreement set forth the entire understanding of the parties with respect to Applicant's alcoholic beverage application and issuance of the License.
3. All other terms and conditions not amended by the First Amendment to ABC Settlement Agreement shall remain in full force and effect.

APPLICANT/LICENSEE:

I M SHIN Enterprises, Inc.

By: 

Ok Soon Shin

Date Signed: 7/30/15

PROTESTANTS:

ANC2A:

By: 

Patrick Kennedy

Date Signed: 7/29/2015

Columbia Plaza Tenants Association™

By: 

Marilyn Rubin

Date Signed: July 28, 2015

Columbia Plaza Tenants Association

By: 

John Seichter

Date Signed: 
July 28, 2015