

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

In the Matter of:)
)
)
Potomac Riverboat Company, LLC)
t/a Matthew Hayes)
Commander Jacques)
Miss Christin)
) License No. ABRA-098753
Applicant for a New) Order No. 2015-316
Retailer's Class CX Marine Vessel Line License)
(Three Marine Vessels))
)
at premises)
205 The Strand)
Alexandria, VA 22314)

Potomac Riverboat Company, LLC (Applicant)

Roger Moffatt and Dr. Coralie Farlee, Advisory Neighborhood Commission (ANC) 6D

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

ORDER ON COOPERATIVE AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Potomac Riverboat Company, LLC, Applicant for a Retailer's Class CX Marine Vessel License for three marine vessels, and ANC 6D have entered into a Cooperative Agreement (Agreement), dated June 8, 2015, that governs the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Roger Moffatt and Dr. Coralie

Farlee, on behalf of ANC 6D, are signatories to the Agreement.

Accordingly, it is this 24th day of June, 2015, **ORDERED** that:

1. The above-referenced Cooperative 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 modifications:

Section 2 (Nature of the Business) – The following language shall be removed: “Any change from this model shall be considered to be a substantial change in operation and requires prior approval by the ABC Board.”

Section 11 (Notice and Opportunity to Cure) – The following sentence shall be modified to read as follows: “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-day to cure, fails to commence cure of such breach and diligently pursued such cure) failure shall constitute a cause for the Protestants to file a complaint with the ABC Board pursuant to D.C. Official Code § 25-446(e) in order to enforce the provisions of the Agreement.”

The parties have agreed to these modifications.

2. Copies of this Order shall be sent to the Applicant and ANC 6D.

District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson

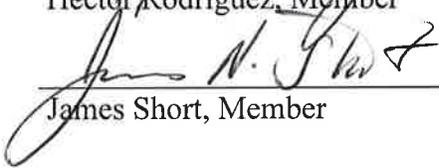

Nick Alberti, Member


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).

★ ★ ★ **Advisory Neighborhood
Commission 6D**

ALCOHOLIC BEVERAGE
REGULATION ADMIN
1104 4th Street SW, Suite W130 • Washington, DC 20024
ANC Office: 202 554-1795 • FAX: 202 554-1774
office@anc6d.org

ABRA

COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT (“Agreement”) is made on this 8th day of June 2015 by and between Potomac Riverboat Company, LLC t/a Mathew Hayes #1, Commander Jacques #2, and Miss Christin #3, and (“Applicant”), and Advisory Neighborhood Commission 6D (“Protestant”), (collectively, the “Parties”). This agreement is for a Class DX License #098753 for three marine vessels: Mathew Hayes #1, Commander Jacques #2, and Miss Christin #3 which dock at Alexandria, VA, 22314 and load at the Diamond Teague Park in SE DC.

WITNESETH

WHEREAS, Potomac Riverboat Company, LLC has applied for a License Class DX #098753 with Entertainment Endorsement for each of three (3) marine vessels operating under the Potomac Riverboat Company LLC (“Establishment”) with offices located at 205 The Strand, Alexandria, VA 22314 (“Premises”). The three marine vessels are: Mathew Hayes #1, total occupancy load of 149; Commander Jacques #2, total occupancy load of 122; and Miss Christin #3, total occupancy load of 173. These three marine vessels will be included in this license.

WHEREAS, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Control Board (“ABC Board”) approve the Applicant’s license application conditioned upon the Applicant’s withdrawal of the request for Entertainment Endorsement and compliance with the terms of this written Agreement; and

WHEREAS, the Parties are desirous of entering into a Cooperative Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to minimize the effect on the peace, order and quiet of the neighborhood, and to eliminate the need for a Protest Hearing regarding the license application.

NOW, THEREFORE, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, 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 three marine vessels which offer approximately a total of 100 ferry trips annually from Alexandria, Virginia to the Diamond Teague Park, 100 Potomac Avenue, SE, depending on the number of events occurring at Nationals Park. The usual duration of each trip is approximately ½ hour

each way. Alcohol service is available throughout each trip; provided, that no passenger is permitted to disembark with alcoholic beverages. On those rare occasions (charter trips) when recorded music is presented, such will be confined to the interior decks. Gambling is not allowed but game nights with no monetary prizes are allowed. Any change from this model shall be considered to be a substantial change in operation and requires prior approval by the ABC Board.

3. ***Hours of Operation.***

The Applicant's hours of operation and sales, service, and consumption of alcoholic beverages shall be as follows:

Sunday through Saturday, 8:00 a.m. to 2:00 a.m.

4. ***Floors Utilized and Occupancy.*** The Applicant manages and operates three marine vessels: Mathew Hayes, Commander Jacques, both of which are single deck vessels, and Miss Christin which has two floors/decks. In the three marine vessels the total occupancy will not exceed 444 (all seated) persons.
5. ***Sidewalk Café.*** There is no sidewalk café; no food or alcohol service is available in the pre-boarding or waiting area.
6. ***Noise and Privacy.*** Applicant will strictly comply with D.C. Official Code § 25-725 and to that end shall take all necessary actions to ensure that music, noise and vibration from the vessels is not audible within any of the properties or areas that the cruises pass by. Sound on vessels shall be reduced when exiting and entering the Anacostia River channel.
7. ***Public Space and Trash.*** Applicant shall not deposit or discard of any litter, bottles, and other debris at Diamond Teague Park (and shall dispose of all such materials at Alexandria, Virginia).
8. ***Security Cooperation in Stemming Illegal Drugs and Public Drinking.*** Protestants are concerned that the nature of the business of the Applicant will not pose security and crime issues. 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, whether inside or in the immediate outside area; monitoring for and prohibiting sales or use of illegal drugs within or about the Premises, maintaining contact and cooperating with the Harbor Patrol and /or Metropolitan Police Department and other enforcement officials when known or suspected drug activities occur.

Applicant shall check IDs of patrons who appear to be under the age of 35.

Applicant shall maintain a log on each marine vessel to record any security incidents and include in the log: the nature of the incident, who was involved, and how it was resolved (e.g., cruise terminated, MPD/Harbor Patrol contacted). These logs shall be made available to representatives of the MPD or ABRA on request. Applicant shall to the full extent permissible by law discourage loitering in the vicinity of the marine vessels and dock. While the Protestants do not at this time envision any requirement for security officers at the time of the cruises, as indicated above, the Applicant shall ensure that there is no post-cruise activity continuing on the dock and any persons who are congregating in that manner shall be asked to move along. At the present time, the Protestants do not envision the need for electronic devices to search for weapons, pat-downs of patrons when coming on board, or cameras or devices to record and store information about activities on the exterior of the marine vessels.

Applicant shall post signs at the exits of each of the marine vessels to inform patrons that no alcoholic beverages can be removed from the premises. Applicant shall ensure that no containers, cups, bottles/cans, etc. regardless of content, shall be permitted to exit any of the marine vessels with a patron, and shall ensure that no alcoholic beverages are carried out of any of the marine vessels so that they can be consumed on public space or in a vehicle.

9. ***License Ownership and Compliance with ABRA Regulations.*** Applicant promises to the ANC 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, and agrees that Protestants shall have standing to ask the ABC Board to enforce any violations of the agreement.
10. ***Participation in the Community.*** Applicant agrees to seek to maintain open communication with the community for which the ANC acts.
11. ***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 requesting 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:

If to Applicant: Potomac Riverboat Company, LLC t/a Mathew Hayes #1,
Commander Jacques #2, Miss Christin #3
205 The Strand, Alexandria, VA 22314
Attn: Willem Polak
Phone: (703)684-0580
e-mail: wpolak@potomacriverboatco.com

If to Protestants: Advisory Neighborhood Commission 6D
P. O. Box 71156
Washington, DC 20024-9998
Attn: Chair, ANC
(202) 202 554-1795; Fax (202) 202 554-1774

Failure to give notice shall not constitute waiver or acquiescence to the violation, but notice shall be a prerequisite to the filing of a complaint with the ABC Board or any other enforcement action.

12. **Protest.** Upon execution of this Agreement by the Parties and its acceptance by the ABC Board, ANC6D shall not protest the application.

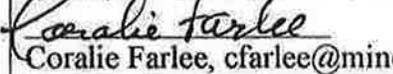
PROTESTANT:

Chair, ANC6D

 6/8/2015
Roger Moffatt, Commissioner Date

ANC6D05

Chair, ABC Committee, ANC6D

 6/8/15
Coralie Farlee, cfarlee@mindspring.com

APPLICANT:

Potomac Riverboat Company, LLC, t/a
Mathew Hayes, Commander Jacques, Miss
Christin


Willem Polak, Managing Member

Date



Near Southeast/Southwest

Advisory Neighborhood Commission 6D

ALCOHOLIC BEVERAGE
REGULATION ADMIN

JUN - 9 A 10:15

ABRA

June 8, 2015

1101 Fourth Street, SW
Suite W 130
Washington, DC 20024
202.554.1795
Email: office@anc6d.org
Website: www.anc6d.org

Ruthanne Miller, Chair
Alcohol Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

OFFICERS

- Chairperson
Roger Moffatt
- Vice Chairperson
Andy Litsky
- Secretary
Stacy Clloyd
- Treasurer
Meredith Fascett

Re: ANC6D recommendation for new Cooperative Agreement and support for Stipulated license for Potomac Riverboat Company, LLC t/a Mathew Hayes #1, Commander Jacques #2, and Miss Christin #3, License Class CX #098753

Dear Ms. Miller:

At its regularly scheduled, properly noticed meeting on June 8, 2015, with a quorum present, the Advisory Neighborhood Commission 6D voted 5 to 0 to 0 to recommend the new license and Cooperative Agreement for the three boats licensed under the Potomac Riverboat Company, LLC. At that same meeting, the ANC6D also voted 5 to 0 to 0 to support the licensee's request for a Stipulated license.

COMMISSIONERS

- SMD 1 *Marjorie Lightman*
- SMD 2 *Stacy Clloyd*
- SMD 3 *Rachel Reilly Carroll*
- SMD 4 *Andy Litsky*
- SMD 5 *Roger Moffatt*
- SMD 6 *Rhonda Hamilton*
- SMD 7 *Meredith Fascett*

The business docks at Alexandria, VA and operates ferry trips between Alexandria, VA and the Diamond Teague Park in SE, DC, primarily on days of "The Nationals" home games and selected other special events. The Applicant has agreed to modify the application to withdraw the request for an Entertainment endorsement.

The Applicant is requesting a stipulated license in order to have the three vessels operating as soon as possible for seasonal events. The ANC6D supports the applicant's request for stipulated license. A new Cooperative Agreement is attached.

Please contact Commissioner Moffatt (at the numbers above) or Dr. Coralie Farlee, Chair, ABC Committee, ANC6D at 202-554-4407, cfarlee@mindspring.com if you have any questions or concerns.

Sincerely,

Roger Moffatt, Chair
ANC6D

Coralie Farlee, Chair
ABC Committee, ANC6D

Cc: Martha Jenkins
Stephen O'Brien, Attorney

Attachment: CA