

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

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In the Matter of:)
)
Chowder House, Inc.)
t/a Mr. Smith's of Georgetown)
)
Holder of a)
Retailer's Class CT License)
)
at premises)
3205 K Street, N.W.)
Washington, D.C. 20007)
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License No. ABRA-000927
Order No. 2015-384

Chowder House, Inc., t/a Mr. Smith's of Georgetown (Licensee)

Tom Birch, Co-Chairperson, Advisory Neighborhood Commission (ANC) 2E

Robert vom Eigen, President, Citizens Association of Georgetown (CAG)

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

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Chowder House, Inc., t/a Mr. Smith's of Georgetown (Licensee), ANC 2E, and CAG have entered into a Settlement Agreement (Agreement), dated July 8, 2015, that governs the operation of the Licensee's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee; Co-Chairperson Tom Birch, on behalf of ANC 2E; and Robert vom Eigen, on behalf of CAG; are signatories to the Agreement.

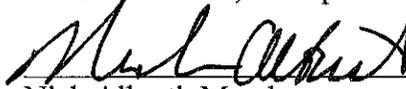
Accordingly, it is this 5th day of August, 2015, **ORDERED** that:

1. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
2. Copies of this Order shall be sent to the Licensee, ANC 2E, and CAG.

District of Columbia
Alcoholic Beverage Control Board



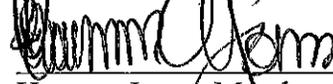
Ruthanne Miller, Chairperson



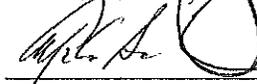
Nick Alberti, Member



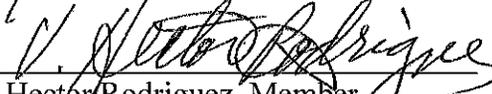
Donald Brooks, Member



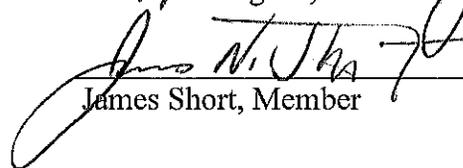
Herman Jones, Member



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).

SETTLEMENT AGREEMENT

This Settlement Agreement is made this 8th date of July, 2015, by and between Advisory Neighborhood Commission E ("ANC 2E"), the Citizens Association of Georgetown ("CAG"), and Mr. Smith's of Georgetown, 3205 K Street, NW ("Applicant").

RECITALS

- WHEREAS, Applicant is the holder of a Retailers License Class CT;
- WHEREAS, Applicant has applied for an entertainment endorsement;
- WHEREAS, ANC 2E has protested the entertainment endorsement; and
- WHEREAS, the parties desire to enter into this Agreement to address their concerns;

NOW, THEREFORE, in consideration of the premises above recited, and the agreements hereinafter set forth, the parties agree as follows:

1. Entertainment Endorsement. Entertainment on Applicant's premises shall be for a piano player and a saxophonist only. And for special events, when requested by a customer, a D.J. for up to 5 events per year.
2. Pub Crawls and Promoters. Applicant shall not participate in pub crawls. Applicant shall not make use of "Outside Promoters". An "Outside Promoters" is defined as an individual who is not on Applicant's payroll or a business entity which is not controlled by Applicant or by Applicant's principles or employees.
3. Withdrawal of Protest. By signing of this Settlement Agreement, Applicant agrees to the conditions stated herein and the Protestants agree to the issuance of the substantial change in the Applicant's CT License.

IN WITNESS THEREOF, the parties have affixed hereunto their signatures.

APPLICANT

Mr. Smith's of Georgetown
BY: Kathy B. Steele

BY: Tom Birch
Tom Birch, ABC Committee Co-Chairman
ADVISORY NEIGHBORHOOD COMMISSION 2E

BY: Robert vom Eigen
Robert vom Eigen, President
CITIZENS ASSOCIATION OF GEORGETOWN

ALCOHOL BEVERAGE
REGULATORY BOARD
705 JUL 21 A 10:16
ABRA



CITIZENS ASSOCIATION
of GEORGETOWN

July 16, 2015

Ms. Ruthann Miller, Chair
Alcoholic Beverage Control Board
2000 14th Street NW
Washington, DC 20009

me
ABRA
ALCOHOLIC BEVERAGE
REGULATORY BOARD
JUL 21 10 16

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EXECUTIVE DIRECTOR

Betsy M. Cooley

Re: License #000927; Chowder House Inc. t/a Mr. Smith's of Georgetown

Dear Ms. Miller and Members of the Board:

ANC2E and the Citizens Association of Georgetown have entered into a Settlement Agreement with Mr. Smith's of Georgetown. We submit the enclosed agreement for your approval.

Sincerely,

Karen Cruse,
Co-chair ABC Committee
Citizens Association of Georgetown