

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

In the Matter of:)	
)	
Potomac Riverboat Company, LLC)	
t/a Matthew Hayes - Marine Vessel #1)	
Commander Jacques - Marine Vessel #2)	
Miss Christin - Marine Vessel #3)	License Nos.: ABRA-098753
Potomac Taxi I - Marine Vessel #4)	ABRA-098753-2
Potomac Taxi II - Marine Vessel #5)	ABRA-098753-3
)	ABRA-098753-4
Applicant for Substantial Changes)	ABRA-098753-5
(Include Potomac Taxi I and Potomac Taxi II))	Order No.: 2017-472
Retailer's Class DX Marine Vessel Line License)	
(Five Marine Vessels))	
)	
Dock at)	
205 The Strand)	
Alexandria, VA 22314)	
and at)	
Warf in SW Washington, D.C. 20024)	

Potomac Riverboat Company, LLC (Applicant)

Andy Litsky and Dr. Coralie Farlee, on behalf of Advisory Neighborhood Commission (ANC)
6D

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Jake Perry, Member
Donald Isaac, Sr., Member

ORDER ON COOPERATIVE AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Potomac Riverboat Company, LLC (Applicant), and ANC 6D entered into a Cooperative

Agreement (Agreement), dated September 11, 2017, in accordance with D.C. Official Code § 25-446 (2001).

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Andy Litsky and Dr. Coralie Farlee, on behalf of ANC 6D, are signatories to the Agreement.

Accordingly, it is this 20th day of September, 2017, **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;
2. This Cooperative Agreement replaces and supersedes previous Cooperative Agreements between the parties; and
3. Copies of this Order shall be sent to the Applicant and ANC 6D.


District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



Nick Alberti, Member



Mike Silverstein, Member



James Short, Member



Jake Perry, Member



Donald Isaac, Sr., 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 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).

Page 1 of 6 Potomac Riverboat Company, LLC t/a Mathew Hayes (#1), Commander Jacques (#2), Miss Christin (#3), Potomac Taxi I (#4), Potomac Taxi II (#5), Potomac Taxi III (#6), and Potomac Taxi IV (#7) (Retailer's Class DX License No. ABRA-098753) and ANC6D, September 2017

ALCOHOLIC BEVERAGE
REGULATION

2017 SEP 12 A 11:43

★ ★ ★ Advisory Neighborhood Commission 6D

1104th Street SW, Suite W130 • Washington, DC 20024

ANC Office: 202 554-1795 office@anc6d.org

COOPERATIVE AGREEMENT

This COOPERATIVE AGREEMENT replaces the Cooperative Agreement between Potomac Riverboat Company, LLC (with three boats), and ANC6D dated June 24, 2015, and approved and executed by ABC Board Order 2015-316 dated June 24, 2015.

THIS COOPERATIVE AGREEMENT ("Agreement") is made on this 11th day of September 2017 by and between Potomac Riverboat Company, LLC t/a Mathew Hayes (#1), Commander Jacques (#2), Miss Christin (#3), Potomac Taxi I (#4), Potomac Taxi II (#5), Potomac Taxi III (#6), and Potomac Taxi IV (#7) ("Licensee") and Advisory Neighborhood Commission 6D ("ANC"), (collectively, the "Parties"). This agreement is for Class DX License #098753 to include the seven marine vessels listed above. Vessels #1, #2, and #3-dock at Alexandria, VA, 22314 and load at the Diamond Teague Park in SE DC. Vessels #4, #5, #6, and #7 dock at the Wharf in SW Washington DC, 20024 and provide water taxi services with stops including: Alexandria, VA; The Wharf in SW DC; National Harbor in Maryland; and Georgetown waterfront in NW DC. Additional water taxi stops may be added in the future.

WITNESSETH

WHEREAS, Potomac Riverboat Company, LLC holds License Class DX #098753 with no endorsements for each of three (3) marine vessels operating under the Potomac Riverboat Company, LLC with offices located at 211 N. Union Street, #250, Alexandria, VA 22314. 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. Licensee may add the following four (4) additional marine vessels to this license: Potomac Taxi I (#4), Potomac Taxi II (#5), Potomac Taxi III (#6), and Potomac Taxi IV (#7). Each of the four additional Potomac Taxi vessels will have a total occupancy load not to exceed 200 per vessel. These seven marine vessels will be included in its Retailer's Class DX ABC license (#098753).

WHEREAS, the Parties have agreed to enter into this Agreement and

request that the Alcoholic Beverage Control Board ("ABC Board") approve the addition of the four vessels to Licensee's Retailer's Class DX ABC license (#098753) conditioned upon the Licensee's 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 Licensee's business 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 Licensee will manage and operate three marine vessels (#1, #2, #3) 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.

The Licensee will also manage and operate four additional vessels (#4, #5, #6, #7) which offer approximately 3,000 trips in total annually. The Licensee's additional four vessels will provide water taxi services with stops including: Alexandria, VA; The Wharf in SW DC; National Harbor in Maryland; and Georgetown waterfront in NW DC. Additional stops may be added in the future. The usual duration of each trip is between 25 and 40 minutes.

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.

3. ***Hours of Operation.***
The Licensee'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 Licensee currently 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. Licensee may also manage and operate the following four marine vessels to added to its DX license: Potomac Taxi I (#4), Potomac Taxi II (#5), Potomac Taxi III (#6), and Potomac Taxi IV (#7). Each of the four Potomac Taxi vessels has two floors/decks.

In total, the seven marine vessels' total occupancy will not exceed 1,250 (all seated) patrons.

5. ***Sidewalk Café.*** There is no sidewalk café; no food or alcohol service shall be available in the pre-boarding or waiting areas.

6. ***Noise and Privacy.*** Licensee 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, and the SW Potomac River channels (or areas).

7. ***Public Space and Trash.*** Licensee shall not deposit or discard any litter, bottles, and other debris from any vessel at Diamond Teague Park and shall dispose of all such materials at Alexandria, Virginia. Licensee may deposit or discard any litter, bottles, trash and other debris from vessels #4, #5, #6, and #7, at The Wharf in its designated interior trash room located on Blair Alley, SW.

8. ***Security Cooperation in Stemming Illegal Drugs and Public Drinking.***
The ANC is concerned that the nature of the business of the Licensee will not pose security and crime issues. Licensee 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 any of the licensed vessels, maintaining contact and cooperating with the Harbor Patrol and /or Metropolitan Police Department and other enforcement officials when known or suspected drug activities occur.

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

Licensee 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. Licensee shall to the full extent permissible by law discourage loitering in the vicinity of the marine vessels and docks. While the ANC does not at this time envision any requirement for security officers at the time of the cruises, as indicated above, the Licensee shall ensure that there is no post-cruise activity continuing on the docks and any persons who are congregating in that manner shall be asked to move along. At the present time, the ANC does 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.

Licensee shall post signs at the exits of each of the marine vessels to inform patrons that no alcoholic beverages can be removed from any of the licensed vessels. Licensee 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:*** Licensee promises 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 the ANC shall have standing to ask the ABC Board to enforce any violations of

the agreement.

10. ***Participation in the Community.*** Licensee 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 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 which reasonably requires more than 30 days to cure) failure shall constitute a cause for the ANC to file a complaint with the ABC Board pursuant to D.C. Official Code § 25-446(2) in order to enforce the provisions of the Agreement. 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 Licensee: Potomac Riverboat Company, LLC t/a Mathew Hayes (#1), Commander Jacques (#2), Miss Christin (#3), Potomac Taxi I (#4), Potomac Taxi II (#5), Potomac Taxi III (#6), and Potomac Taxi IV (#7)
211 N. Union Street, #250, Alexandria, VA 22314
Attn: John Lake, Operations Manager
Phone: (703)684-0580
e-mail: jlake@potomacriverboatco.com

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

Page 6 of 6 Potomac Riverboat Company, LLC t/a Mathew Hayes (#1), Commander Jacques (#2), Miss Christin (#3), Potomac Taxi I (#4), Potomac Taxi II (#5), Potomac Taxi III (#6), and Potomac Taxi IV (#7) (Retailer's Class DX License No. ABRA-098753) and ANC6D, September 2017

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.

ANC:	LICENSEE:
<p>Chair, ANC6D</p> <p><i>Andy Litsky</i> 9/11/17 _____ Andy Litsky, Commissioner Date ANC6D05</p>	<p>Potomac Riverboat Company, LLC, t/a Mathew Hayes, Commander Jacques, Miss Christin, Potomac Taxi I, Potomac Taxi II, Potomac Taxi III, and Potomac Taxi IV</p>
<p>Chair, ABC Committee, ANC6D</p> <p><i>Coralie Farlee</i> 9/11/17 _____ Coralie Farlee Date</p>	<p>Potomac Riverboat Company, LLC By: Entertainment Cruises, Inc., Sole Member</p> <p>By: <i>Lauren K. Baran</i> 8/29/17 _____ Lauren K. Baran, Date Chief Financial Officer</p>



ANC 6D

Near Southeast/Southwest

Advisory Neighborhood Commission 6D

ALCOHOLIC BEVERAGE
DISTRICT OF COLUMBIA

SEP 12 11:4

September 11, 2017

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

Donovan Anderson, Chair
c/o Martha Jenkins, General Counsel
Alcohol Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

OFFICERS

Chairperson
Andy Litsky

Vice Chairperson
Cara Lea Shockley

Secretary
Gail Fast

Treasurer
Meredith Fascett

Re: ANC6D recommendation for updated/new Cooperative Agreement covering four additional vessels now totaling seven marine vessels with DX License for Potomac Riverboat Company, LLC t/a Mathew Hayes et al, ABRA # 098753; vessels 1-3 dock at Alexandria, VA and vessels 4-7 will dock at "The Wharf" in SW DC

Dear Mr. Anderson:

At its regularly scheduled, properly noticed meeting on September 11, 2017, with a quorum present, the Advisory Neighborhood Commission 6D voted 6 to 0 to 0 support the addition of several boats to the license and recommend support for the attached updated Cooperative Agreement for Potomac Riverboat Company.

COMMISSIONERS

- SMD 1 Gail Fast
- SMD 2 Cara Lea Shockley
- SMD 3 Ronald R. Collins
- SMD 4 Andy Litsky
- SMD 5 Roger Moffatt
- SMD 6 Rhonda Hamilton
- SMD 7 Meredith Fascett

This licensee has been operating in SW and other areas for several years; we expect that it will continue to provide continuing and regular water transportation services between Virginia and the Southwest and Georgetown areas of DC.

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

Sincerely,

Andy Litsky, Chair
ANC6D

Coralie Farlee, Chair
ABC Committee, ANC6D

Attachment: CA