

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

In the Matter of:)	
)	
Radius Pizza, LLC)	
t/a Radius)	
)	
Petition to)	
Terminate a Voluntary Agreement)	License No. ABRA-090797
for a Retailer's Class CR License)	Order No. 2013-385
)	
at premises)	
3155 Mount Pleasant Street, N.W.)	
Washington, D.C. 20010)	

Radius Pizza, LLC, t/a Radius (Petitioner)

Mount Pleasant Neighborhood Alliance (MPNA)

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member

**ORDER TERMINATING SETTLEMENT AGREEMENT BETWEEN
RADIUS PIZZA, LLC AND MOUNT PLEASANT NEIGHBORHOOD ALLIANCE**

The official records of the Alcoholic Beverage Control Board (Board) reflect that a previous holder of a license for the premises and MPNA entered into a Voluntary Agreement (Agreement) on October 28, 2004, and it was approved by the Board on September 14, 2005. There is also an Addendum to Voluntary Agreement (Addendum) dated June 19, 2007.

Radius Pizza, LLC, t/a Radius, (Petitioner), as the current holder of the Retailer's Class CR license, is required to comply with the terms of the Agreement, dated October 28, 2004, and the Addendum, dated June 19, 2007, that governs the operation of the Petitioner's establishment. The Petitioner now seeks to terminate its Voluntary Agreement and Addendum to Voluntary Agreement under D.C. Official Code § 25-446(d). *See* ABRA Licensing File No. ABRA-090797.

The Petitioner submitted a notarized Affidavit, dated April 24, 2013, stating that the Petitioner contacted Sam Broeksmit, a member of MPNA's leadership, to negotiate

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the terms of their Agreement. The Affidavit states that Mr. Broeksmit refused on several occasions to accommodate the Petitioner's request for a meeting, and he did not explain his strong objections to terminate their Agreement. In addition, the Affidavit states that Mr. Broeksmit admitted that "the MPNA is not very active right now."

On February 19, 2013, after the Petitioner's multiple attempts to obtain a response from Mr. Broeksmit regarding the negation of the terms of their Agreement, Mr. Broeksmit agreed to change two paragraphs of the Agreement.

The Petitioner also submitted two Resolutions from Mount Pleasant Advisory Neighborhood Commission (ANC) 1D, one dated February 19, 2013, and the other one dated June 18, 2013, supporting the Petitioner's request to terminate its Voluntary Agreement dated October 28, 2004 and Addendum to Voluntary Agreement dated June 19, 2007.

On May 8, 2013, the Board requested that the Petition be placarded. The Notice of Public Hearing included: Posting Date: May 24, 2013, Petition Date: July 8, 2013, and Hearing Date: July 22, 2013. No protests or objections were filed during the placard period.

With no objections filed against the Petition to Terminate, the Board finds, pursuant to D.C. Official Code § 25-446(d)(4)(C), that the termination of the Petitioner's Voluntary Agreement, dated October 28, 2004 and the Addendum to Voluntary Agreement dated June 19, 2007, will not have an adverse impact on the community where the Petitioner is located.

ORDER

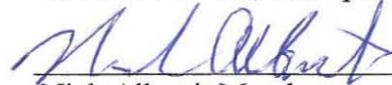
The Board does hereby, this 11th day of September, 2013, **TERMINATE** the Voluntary Agreement, dated October 28, 2004 and the Addendum to Voluntary Agreement dated June 19, 2007. A copy of this Order shall be sent to the Petitioner and MPNA.

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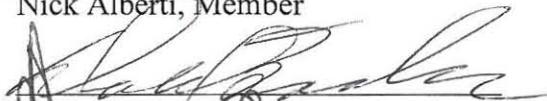
District of Columbia
Alcoholic Beverage Control Board



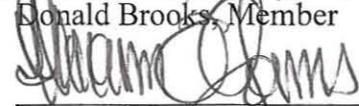
Ruthanne Miller, Chairperson



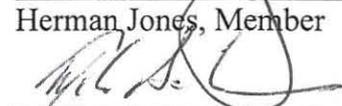
Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, 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.