

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

In the Matter of:

Café Dullal, Inc., t/a
Rendezvous Lounge

License No.: ABRA-014272
Order No.: 2016-604

Petition to Terminate or Amend a
Settlement Agreement

at premises
2226 18th St., N.W.
Washington, D.C. 20009

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Mafara Hobson, Member
Jake Perry, Member

ORDER DENYING MOTION FOR RECONSIDERATION

The official records of the Alcoholic Beverage Control Board (Board) reflect that Rendezvous Lounge (Petitioner) entered into a Replacement Cooperative Agreement on September 7, 2011, with Advisory Neighborhood Commission (ANC) 1C and the Kalorama Citizens Association (KCA). *ABRA Licensing File, Replacement Cooperative Agreement*, at 1. The 2011 Cooperative Agreement replaced and superseded previous Cooperative Agreements entered into by the Parties in 2000 and 2003. *Id.* The Board approved the Replacement Cooperative Agreement on October 5, 2011. *In the Matter of Café Dullal, Inc., t/a Rendezvous Lounge*, Board Order No. 2011-423 (D.C.A.B.C.B. October 5, 2011).

In 2014, the Petitioner filed to renew its CT license with the Board. *ABRA Protest File, Case No. 14-PRO-0029 [Protest File]*. ANC 1C, KCA, and the Reed-Cooke Neighborhood Association (RCNA) protested the license renewal application. *Id.* The Parties entered into a First Amendment to Settlement Agreement on July 9, 2014, which the Board approved on August 6, 2014. *In the Matter of Café Dullal, Inc., t/a Rendezvous Lounge*, Board Order No. 2014-308 (D.C.A.B.C.B. August 6, 2014).

On August 31, 2016, The Petitioner submitted a Petition to Unilaterally Amend or Terminate a Settlement Agreement (Petition to Terminate). *ABRA Licensing File, Petition to Unilaterally Amend or Terminate a Settlement Agreement* (August 31, 2016). The Board denied the Petitioner's Petition to Terminate due to her failure to show that she had made a diligent effort to locate all the signatories to the agreement and negotiate a mutually acceptable amendment to the settlement agreement as required by D.C. Official Code § 25-446(d)(2). *In the Matter of Café Dallul, t/a Rendezvous Lounge*, Board Order No. 2016-517 (D.C. A.B.C.B. September 21, 2016). The Petitioner comes now to ask this Board to reconsider its decision denying the Petition to Terminate.

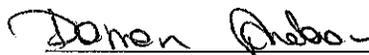
Having reviewed the Petitioner's Motion for Reconsideration the Board is not persuaded by the Petitioner's reasons for failing to comply with D.C. Official Code § 25-446(d)(2). *ABRA Licensing File, Motion for Reconsideration*. The Board understands that the Petitioner was out of the country between August 30, 2016, and October 1, 2016. *Id.*, Motion for Reconsideration. The obligation to contact the other signatories to the settlement agreement for purposes of attempting to negotiate an amendment to the agreement exists prior to the filing of the petition to unilaterally terminate or amend the settlement agreement. *See* D.C. OFFICIAL CODE § 25-446(D)(2). In other words, the Petitioner was required to contact to ANC 1C, KCA, and RCNA prior to filing the Petition to Terminate but she failed to do so. The only signatory the Petitioner contacted and who was named in the petition to terminate was the KCA. There was no record of the Petitioner contacting the other two signatories, ANC 1C or RNCA. It was not until she was notified by ABRA's Office of General Counsel regarding the denial of the Petition to Terminate that she attempted to contact the the other signatories.

For the aforementioned reasons, the Board denies the Motion for Reconsideration.

ORDER

Therefore, the Board, on this 2nd day of November 2016, **DENIES** the Motion for Reconsideration. Copies of this Order shall be sent to the Petitioner.

District of Columbia
Alcoholic Beverage Control Board



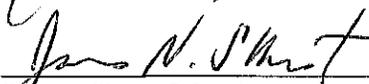
Donovan Anderson, Chairperson



Nick Alberti, Member



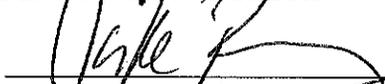
Mike Silverstein, Member



James Short, Member



Mafara Hopson, Member



Jake Perry, 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).