

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

In the Matter of:

TG Cigars, Inc.
t/a TG Cigars

Holder of a
Retailer's Class CT License

at premises
1118 9th Street, N.W.
Washington, D.C. 20001

License No. ABRA-097774
Order No. 2016-064

TG Cigars, Inc., t/a TG Cigars (Licensee)

John Fanning, Chairperson, Advisory Neighborhood Commission (ANC) 2F

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that TG Cigars, Inc., t/a TG Cigars (Licensee) and ANC 2F entered into Settlement Agreement (Agreement), dated March 9, 2015, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated February 3, 2016, in accordance with D.C. Official Code § 25-446 (2001).

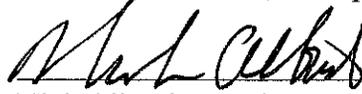
The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson John Fanning, on behalf of ANC 2F, are signatories to the Amendment.

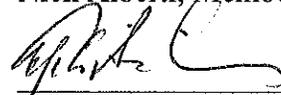
Accordingly, it is this 11th day of February, 2016, **ORDERED** that:

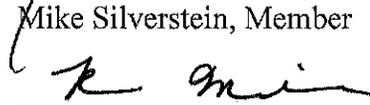
1. The above-referenced Amendment to Settlement Agreement, dated February 3, 2016, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the original Agreement, not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee and ANC 2F.

District of Columbia
Alcoholic Beverage Control Board


Donovan Anderson, Chairperson


Nick Alberti, Member


Mike Silverstein, Member


Ruthanne Miller, Member


James Short, 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).

AMENDMENT TO SETTLEMENT AGREEMENT

THIS AMENDMENT TO VOLUNTARY AGREEMENT ("Amendment") is made this 3rd day of February, 2016, by and between TG Cigars ("Licensee") and Advisory Neighborhood Commission 2F ("ANC 2F").

RECITALS

- (a) Licensee holds a Retailer Class "T" License (the "License") for a business establishment ("Establishment") located at NW, Washington, DC (the "Premises"); and,
- (b) Licensee has applied to change the license to extend the operating hours; and,
- (c) Licensee desires to cooperate with the ANC in order to mitigate concerns related to the potential impact of operation of the Establishment on the surrounding community; and,
- (d) Licensee and the Residential Group entered into a Settlement Agreement dated March 9, 2015, which agreement was approved by the Alcoholic Beverage Control Board and is in full force and effect; and,

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. Hours of Operation. It is understood that upon expiration of the below hours of operation, no patron may remain on the interior or exterior of the Premises. Applicant's hours shall not exceed:
 - a. Sunday – Thursday: 8am to 2:00am
 - b. Friday – Saturday: 8am to 3:00am
3. Binding Effect. This Agreement shall be binding upon and enforceable against the successors of the Applicant.
4. Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Instrument.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date of first above written.

ADVISORY NEIGHBORHOOD COMMISSION 2F

By: _____

John Fanning
Chairman

APPLICANT

By: _____

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