

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

In the Matter of:	)	
	)	
HGH 1610, LLC	)	
t/a The Ghibellina	)	
	)	
Application for Substantial Change	)	Case No. 13-PRO-00116
(Sidewalk Café)	)	License No. ABRA-088785
to a Retailer's Class CT License	)	Order No. 2013-445
	)	
at premises	)	
1610 14 <sup>th</sup> Street, N.W.	)	
Washington, D.C. 20009	)	

HGH 1610, LLC, t/a The Ghibellina (Applicant)

David R. Joy, on behalf of A Group of Five or More Individuals (Approximately 7 Individuals)

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

**ORDER ON SETTLEMENT AGREEMENT AND WITHDRAWAL OF PROTEST  
OF A GROUP OF FIVE OR MORE INDIVIDUALS**

The Application filed by HGH 1610, LLC, t/a The Ghibellina, for a Substantial Change to include a new sidewalk café with 12 seats, to its Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on September 9, 2013, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Board reflect that the Applicant and the Group of Five or More Individuals entered into a previous Settlement Agreement, dated July 23, 2012, that governs the operation of the Applicant's establishment. This matter comes now before the Board to consider the Parties' second Settlement Agreement (Agreement),

**HGH 1610, LLC**  
**t/a The Ghibellina**  
**Case No. 13-PRO-00116**  
**License No. ABRA-088785**  
**Page 2**

dated September 20, 2013. This Agreement is in addition to and is intended to have no effect on the previous Settlement Agreement, dated July 23, 2012.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and David R. Joy, on behalf of the Group of Five or More Individuals, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by the Group of Five or More Individuals.

Accordingly, it is this 9<sup>th</sup> day of October, 2013, **ORDERED** that:

1. The Application filed by HGH 1610, LLC, t/a The Ghibellina, for a Substantial Change to include a new sidewalk café with 12 seats, to its Retailer's Class CT License, located at 1610 14<sup>th</sup> Street, N.W., Washington, D.C., is **GRANTED**;
2. The Protest of the Group of Five or More Individuals in this matter is hereby **DISMISSED**;
3. The above-referenced Settlement Agreement, dated September 20, 2013, submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
4. All terms and conditions of the Settlement Agreement, dated July 23, 2012, shall remain in full force and effect; and
5. Copies of this Order shall be sent to the Applicant and David R. Joy, on behalf of the Group of Five or More Individuals.

HGH 1610, LLC  
t/a The Ghibellina  
Case No. 13-PRO-00116  
License No. ABRA-088785  
Page 3

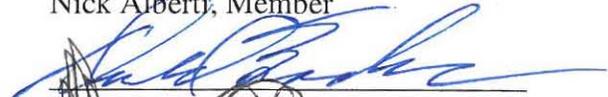
District of Columbia  
Alcoholic Beverage Control Board



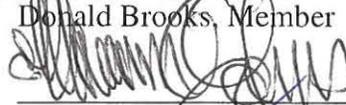
Ruthanne Miller, Chairperson



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 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

**SETTLEMENT AGREEMENT**

This Settlement Agreement is made this 20th day of September, 2013, by and between A Group of Five or More Individuals ("Protestants") and HGH 1610, LLC t/a The Ghibellina ("Applicant").

WHEREAS, Applicant is the holder of a Retailers License Class CT for premises located at 1610 14<sup>th</sup> Street, NW ("Establishment").

WHEREAS, Applicant has applied for operation of a sidewalk cafe;

WHEREAS, the parties desire to enter into an Agreement which addresses the concerns of the Protestants.

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

1. Recitals Incorporated. The recitals set forth above are incorporated by reference.
2. Operation of Outside Sidewalk Cafe. The applicant may have outside seating in accordance with a sidewalk cafe endorsement to its ABC license and a duly-issued public space permit, and may serve alcoholic beverages to seated patrons in such area, provided the total capacity for such sidewalk cafe shall not exceed 12 seats. Applicant shall direct its employees to inspect the sidewalk cafe area regularly. The sidewalk cafe shall close no later than 11:00 p.m. Sunday through Thursday, and midnight Friday and Saturday.
3. No Effect on Prior Agreement. This Agreement is in addition to and is intended to have no effect on a previous Settlement Agreement between the Applicant and a Group of Five or More Individuals submitted to the Alcoholic Beverage Control Board on July 25, 2012, and approved by the Alcoholic Beverage Control Board on August 15, 2012 (Case No. 12-PRO-00016, Order No. 2012-339).
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 in the same instrument.

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

PROTESTANTS:

DRJ 9/20/13  
David R. Joy  
Designated Representative  
1401 Q St., NW #505  
Washington, DC 20009

APPLICANT:

HGH 1610, LLC  
BY: [Signature]  
Print Name: ARI GEIDENSON  
Title: OWNER