

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

In the Matter of:

Kanu, Inc.
t/a 1 West Dupont Circle Wine & Liquors

Application for Renewal of the
Single Sales Exception to a
Retailer's Class A License

at premises
2012 P Street, N.W.
Washington, D.C. 20036

License No. ABRA-074429
Order No. 2012-031

Kanu, Inc., t/a 1 West Dupont Circle Wine & Liquors (Applicant)

Will Stephens, Chairperson, Advisory Neighborhood Commission (ANC) 2B

BEFORE: Nick Alberti, Interim Chairperson
Donald Brooks, Member
Calvin Nophlin, Member
Mike Silverstein, Member

**ORDER ON APPLICATION FOR RENEWAL
OF THE SINGLE SALE EXCEPTION AND
AMENDMENT TO VOLUNTARY AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Kanu, Inc., t/a 1 West Dupont Circle Wine & Liquors, located at 2012 P Street, N.W. Washington, D.C., Applicant for a Renewal of the Exception to Single Sales Restriction, and ANC 2B entered into a Voluntary Agreement (Agreement), dated June 5, 2009, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Voluntary Agreement (Amendment), dated December 14, 2011, setting forth the terms and conditions that govern the operation of the Applicant's establishment and incorporating an agreement to waive the single sales restriction.

The Applicant has a pending secondary tier violation. However, ANC 2B supports this request, as demonstrated in the Amendment among the Parties to waive the single sales restriction, for this establishment, subject to the terms and conditions therein.

Kanu, Inc.
t/a 1 West Dupont Circle Wine & Liquors
License No. ABRA-074429
Page 2

For these reasons, the Board finds no significant adverse impacts and grants the Application.

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Will Stephens, on behalf of ANC 2B, are signatories to the Amendment.

Pursuant to the Amendment to Voluntary Agreement, dated December 14, 2011, all terms and conditions of the Voluntary Agreement, dated June 5, 2009, not amended by the Amendment shall remain in full force and effect.

Accordingly, it is this 18th day of January 2012, **ORDERED** that:

1. The Application filed by Kanu, Inc., t/a 1 West Dupont Circle Wine & Liquors, for Renewal of the Exception to the Single Sales Restriction at the location of 2012 P Street, N.W., Washington, D.C., is **GRANTED**;
2. The Board's approval of this Application is perpetual and not limited to one year;
3. The above-referenced Amendment to Voluntary Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modification:

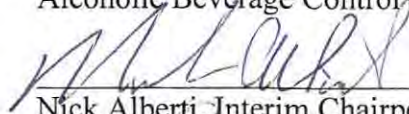
Section 2 (Single-Sales Exemption) – The following sentence in Section 2 shall be removed: “However, ANC 2B reserves the right to revoke this exemption should the Licensee be cited for violations by the Alcoholic Beverage Regulation Administration, the ABC Board or the Metropolitan Police Department.”

The parties have agreed to this modification.

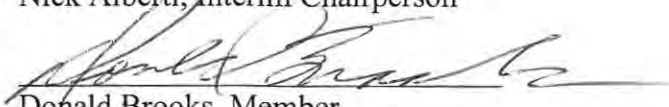
4. Copies of this Order shall be sent to the Applicant and ANC 2B.

Kanu, Inc.
t/a 1 West Dupont Circle Wine & Liquors
License No. ABRA-074429
Page 3

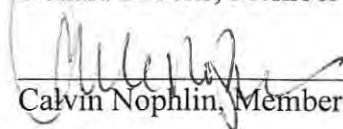
District of Columbia
Alcoholic Beverage Control Board



Nick Alberti, Interim Chairperson

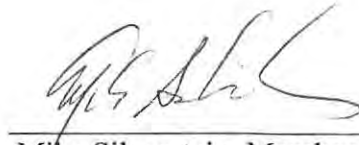


Donald Brooks, Member



Calvin Nophlin, Member

I recuse myself from this matter.



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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, D.C. 20009.

VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT, made on this 14th day of December, 2011 by and between Kanu Inc. dba 1 West Dupont Circle Wines and Liquors located at 2012 P Street, NW, ("Licensee"), and Advisory Neighborhood Commission 2B ("ANC 2B")

RECITALS

WHEREAS, Licensee is the holder of a Class A license (License Number 74429) issued by the Alcoholic Beverage Control ("ABC") Board for premises located at 2012 P Street N.W., Washington, D.C.; and

WHEREAS, Licensee has applied to the Board for approval to extend hours of operation Monday through Sunday until maximum hours allowed under District law; and

WHEREAS, Licensee has previously been granted an exemption from the single-sales ban enacted in Ward 2 by ANC2B;

WHEREAS, ANC 2B has previously entered into a Voluntary Agreement with the Licensee on February 4, 2009 and June 5, 2009;


NOW, THEREFORE, in considerations of the Recitals set forth above, and the mutual covenants in agreements hereinafter set forth, the parties agree as follows:

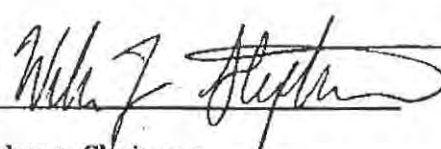
1. **Hours of Operation and Sales.** ANC2B agrees to amend section 2 of the June 5, 2009 ("Hours of Operation and Sales") to allow the Licensee to operate during the hours legally set forth by the ABC Board and the Government of the District of Columbia.
2. **Single-Sales Exemption.** ANC2B hereby grants the Licensee an exemption to the single-sales ban enacted by the Council of the District of Columbia. The Licensee shall not have to reapply for this exemption annually. However, ANC2B reserves the right to revoke this exemption should the Licensee be cited for violations by the Alcoholic Beverage Regulation Administration, the ABC Board or the Metropolitan Police Department.
3. **Agreements Otherwise Unamended.** Except as otherwise provided herein, the terms and conditions of the previously executed Voluntary Agreement are expressly reaffirmed and remain in full force and effect. The Licensee reaffirms its continuing efforts to pursue a partnership with neighboring businesses to help alleviate the trash and rodent issues in the alley behind the 2000 block of P Street, curb public drunkenness and public urination.

APPLICANT:

ADVISORY
NEIGHBORHOOD COMMISSION
2B:

Kanu, Inc.
Db a 1 West Dupont Circle Wines and Liquors


Prav Saraff, Manager


Will Stephens, Chairman



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B**

December 19, 2011

Acting Chairman Nick Alberti
Alcoholic Beverage Control Board
Reeves Center
2000 14th Street NW
Washington, DC 20009

Re: Request for 2 items for One West Dupont Circle, 2012 P St NW: (1) Proposal to amend VA hours to reflect new legislation allowing liquor stores to stay open until 12am, and (2) Application for exception to single-sales restrictions. (2B02)

Dear Mr. Alberti:

At its regular meeting on December 14, 2011, the Dupont Circle Advisory Neighborhood Commission ("ANC 2B" or "Commission") considered requests by One West Dupont Circle. The applicant asked for support for their request for an exception to the singles sales restriction and also additional hours of operation up to the new statutory limit of 12:00 a.m. With nine of the nine Commissioners present, a quorum at a duly-noticed public meeting, the Commission approved the following motion by a vote of 8-0.

ANC 2B supports One West Dupont Circle's request to stay open until 12:00 a.m. ANC 2B also supports the application for exception to single-sales restrictions.

Commissioner Mike Silverstein did not participate due to his position on the ABC Board. Kevin O'Connor (kevin.oconnor@dupontcircleanc.net), Mike Feldstein (mike.feldstein@dupontcircleanc.net), and I (will.stephens@dupontcircleanc.net) are the Commission's representatives in this matter.

We have already signed an amended Voluntary Agreement (VA) with One West Dupont, incorporating the singles sales exception and the additional hours, which was submitted to ABRA for Board approval last week. We hope the Board will approve the VA as submitted.

ON BEHALF OF THE COMMISSION.

Sincerely,

Will Stephens, Chair

Cc: thea.davis@dc.gov
martha.jenkins@dc.gov
cynthia.simms@dc.gov
fred.moosally@dc.gov

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

In the Matter of:)	
)	
Kanu, Inc.,)	License Number: 74429
t/a 1 West Dupont Circle)	ORDER NUMBER: 2009-194
Wines and Liquors)	
)	
Holder of a Retailer's)	
Class A License)	
at premises)	
2012 P Street, N.W.)	
Washington, D.C. 20036)	

Kanu, Inc., t/a 1 West Dupont Circle Wines and Liquors, Licensee

Mike Silverstein, Chair, Advisory Neighborhood Commission 2B (ANC 2B)

BEFORE: Peter B. Feather, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Charles Brodsky, Member
Donald Brooks, Member
Herman Jones, Member

ORDER ON AMENDMENT TO VOLUNTARY AGREEMENT

The official records of the Alcoholic Control Board (Board) reflect that Kanu, Inc. t/a 1 West Dupont Circle Wines and Liquors, Holder of a Retailer's Class A License located at 2012 P Street, N.W., Washington D.C., and Mike Silverstien, Chair, ANC 2B (the Parties), have entered into an Amendment to Voluntary Agreement (Agreement) dated June 5, 2009, setting forth the terms and conditions that govern the operation of the Applicant's establishment. This Agreement amends the original Voluntary Agreement (August 23, 2006) among the Parties regarding the hours of sale and operation.

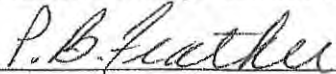
The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Silverstein are signatories to the Agreement.

Kanu, Inc.
t/a 1 West Dupont Circle Wines and Liquors
License No: 74429
Page 2

Accordingly, it is this 29th day of July 2009, **ORDERED** that:

1. This above-referenced Amendment to the Voluntary Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
2. Copies of this Order shall be sent to the Applicant and to ANC 2B.

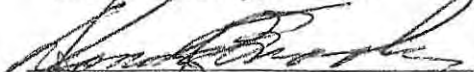
District of Columbia
Alcoholic Beverage Control Board


Peter B. Feather, Chairperson

Mital M. Gandhi, Member


Nick Alberti, Member

Charles Brodsky, Member


Donald Brooks, Member

Herman Jones, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

AMENDMENT TO VOLUNTARY AGREEMENT

THIS AMENDMENT TO VOLUNTARY AGREEMENT is made on this 5th day of June, 2009 by and between Kanu, Inc t/a 1 West Dupont Circle Wines and Liquors, License # 74429 (Licensee), and Advisory Neighborhood Commission 2B (ANC 2B), (collectively, the Parties).

RECITALS

WHEREAS, Applicant and ANC 2B entered into a Voluntary Agreement dated August 23, 2006, concerning the Licensee's Retailer's Class A alcoholic beverage license for an establishment located at 2012 P Street NW, Washington, D.C. and

WHEREAS, in the Original Voluntary Agreement, ANC 2B requested and Licensee agreed to specific controls regarding the Hours of Operation and Sales of Alcoholic Beverages on a trial basis; and

WHEREAS, the Parties have agreed to enter into this Amendment to Voluntary Agreement to permit the Licensee to extend its Hours of Operation and Sales of Alcoholic Beverages to conform to other such establishments in the neighborhood

WHEREAS, the Parties request that the Alcoholic Beverage Control Board approve this Amendment to Voluntary Agreement conditioned upon the Licensee's compliance with the terms of this written Amendment and the previously executed Voluntary Agreement, and

NOW, THEREFORE, in consideration of the recitals set forth above, it is mutually understood and agreed by and between the undersigned Parties to amend the previously executed Voluntary Agreement as follows:

1. ***Recitals Incorporated.*** The recitals set forth above are incorporated herein by reference.

2. ***Hours of Operation and Sales.***

The Licensee's Hours of Operation shall be as follows:

Monday thru Saturday: 10:00 A.M. – 10:00 P.M.

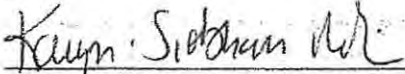
3. ***Compliance with ABRA Regulations.*** Licensee promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations and all other provisions applicable to liquor licensees.

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DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATIONS ADMINISTRATION

- 4.. **Agreement Otherwise Unamended.** Except as otherwise provided herein, the terms and conditions of the previously executed Voluntary Agreement are expressly reaffirmed and remain in full force and effect. The licensee reaffirms its continuing efforts to pursue a partnership with neighboring businesses to join in acquiring a trash compactor to help alleviate the trash and rodent issues in the alley behind the 2000 block of P Street NW.

IN WITNESS THEREOF, the parties have affixed hereunto their signatures;

ANC

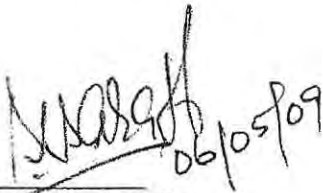


Karyn-Siobhan Robinson, Former Protestant and original signatory

 6/5/09

Mike Silverstein, ANC 2B Chair

Licensee

 06/05/09

Sajan Saraff, President, Kanu Inc

REC'D
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OFFICE OF COLUMBIA
ALCOHOLIC BEVERAGE
REGISTRATION