

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

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<b>In the Matter of:</b>	)
	)
Walgreen Company	)
t/a Walgreens #10071	)
	)
Applicant for a New	)
Retailer's Class B License	)
	)
at premises	)
1217 22 <sup>nd</sup> Street, N.W.	)
Washington, D.C. 20037	)
	)
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Case No.	10-PRO-00121
License No.	ABRA-085071
Order No.	2011-020

Walgreen Company, t/a Walgreens #10071 ("Applicant")

Gary Griffith, on behalf of A Group of Five or More Individuals (approximately 75 Individuals)

**BEFORE:** Charles Brodsky, Chairperson  
Mital M. Gandhi, Member  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Calvin Nophlin, Member  
Mike Silverstein, Member

**ORDER ON COOPERATIVE AGREEMENT AND  
WITHDRAWAL OF PROTEST**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Walgreen Company, t/a Walgreens #10071 ("Applicant"), filed an Application for a new Retailer's Class B License located at 1217 22<sup>nd</sup> Street, N.W., Washington D.C., and Gary Griffith, on behalf of A Group of Five or More Individuals, have entered into a Cooperative Agreement, dated December 30, 2010, setting forth the terms and conditions that govern the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Gary Griffith, on behalf of A 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 of this Application.

Accordingly, it is this 26<sup>th</sup> day of January 2011, **ORDERED** that:

1. Walgreen Company, t/a Walgreens #10071, Applicant for a new Retailer's Class B License located at 1217 22<sup>nd</sup> Street, N.W., Washington, D.C., is **GRANTED**;
2. The above-referenced Cooperative Agreement submitted by the Applicant and A Group of Five or More Individuals to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modification:

Section 1(b) (Hours of Operation): The following provision should be removed: "Applicant agrees that it shall not apply for any additional hours for the sale of beer and wine until three years from the date of the issued license."

The parties have agreed to this modification.

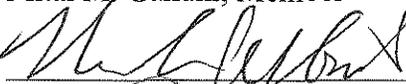
3. Copies of this Order shall be sent to the Applicant and Gary Griffith, on behalf of A Group of Five or More Individuals.

**Walgreen Company**  
**t/a Walgreens #10071**  
**Case No. 10-PRO-00121**  
**License No. ABRA-085071**  
**Page 3**

District of Columbia  
Alcoholic Beverage Control Board

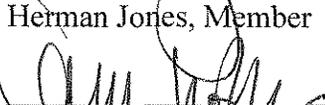
  
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Charles Brodsky, Chairperson

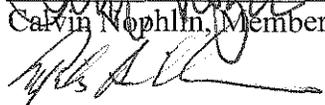
  
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Mital M/Gandhi, Member

  
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Nick Alberti, Member

  
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Donald Brooks, Member

  
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Herman Jones, Member

  
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Calvin Nophlin, Member

  
\_\_\_\_\_  
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, 1250 U Street, N.W., Third Floor, Washington, DC 20009.

## **Cooperative Agreement Concerning a License for the Sale of Beer and Wine**

This Agreement is made and entered into this 30th day of December 2010 by and between the Walgreen Company (the applicant) and Eleanor Becker, Rebecca Coder, Asher Corson, Anita Diliberto Gary Griffith, Robert Rudasill, John Williams, and Michele Wiltse (together, the protestants).

Applicant has filed with the Alcoholic Beverage Regulation Administration of the District of Columbia, an application, No. ABRA-085071 for a Retailer's Class B license at its Walgreens store at 1217 22<sup>nd</sup> Street NW, Washington, DC (the premises).

The protestants have filed a timely protest to this application and have been seated as a party in Case No. 10-PRO-00121 before the Alcoholic Beverage Control Board.

The parties desire to enter into a Cooperative Agreement concerning the sale of beer and wine and the operations of Class B license at the premises.

The parties agree as follows:

### **1. Hours of Operation.**

- a) As of the date of this agreement, the store hours are 24 hours a day, seven days a week. Hours for the sale of beer and wine shall be 9:00 am to 10:00 pm, seven days a week.
- b) Applicant agrees that it shall not apply for any additional hours for the sale of beer and wine until three years from the date of the issued license.

### **2. Products**

- a) Applicant shall not sell single containers of beer, or kegs of beer. All beer items shall be sold in manufacturer's original packaging.
- b) Applicant shall not sell containers of wine containing less than 750 milliliters.
- c) Applicant shall not sell the following: malt liquor, fortified wines, wine coolers.
- d) In the event that one or more of the Protestants find objectionable certain beer and wine products that the applicant begins to sell, applicant will make itself available to meet with the protestant(s) for the purpose of discussing their concerns.

### **3. Operations: Sales**

- a) Applicant shall not sell alcoholic beverages to any person who is visibly intoxicated.
- b) Applicant shall prevent the consumption of alcoholic beverages on the premises, and take reasonably effective measures to prevent said consumption.

### **4. Operations: Signage, Advertising and Product Layout**

- a) Applicant agrees not to post advertisements for beer and wine on any windows or doors of the store, or on the exterior of the premises.
- b) Applicant agrees not to distribute flyers or post advertisements for beer and wine in the nearby neighborhood.
- c) Applicant shall limit shelf space for beer and wine to 2 per cent of floor space..
- d) applicant shall maintain contiguous aisle space for beer and wine with no other placement throughout the store.

### **5. Employee and Management Responsibilities**

- a) Sales clerks shall be involved in all store purchases. No automatic or self-checkout machines shall be employed in the store.
- b) Applicant shall program checkout scanners to prompt sales clerks to refuse a sale when a purchase of an alcoholic beverage is attempted outside the hours for the sale of beer and wine contained in this agreement.
- c) Applicant agrees that the store management will participate in a course in alcoholic beverage sales management approved by the Alcoholic Beverage Control Board (ABC) and shall not sell beer and wine at any time when a licensed, ABC-trained manager is not on duty.
- d) Applicant will enact a “no loitering” policy and take all reasonably effective measures and actions to prevent loitering on the premises..
- e) Applicant will ask loiterers to move on whenever they are observed in front of or at the sides adjacent to the premises, and will call on the Metropolitan Police Department to enforce its “no loitering” policy whenever necessary.
- f) Applicant will take measures to prevent aggressive panhandling at the premises, and will call on the Metropolitan Police Department for enforcement when aggressive panhandling is observed by store managers or employees.

## **6. Litter and Cleanliness**

- a) Applicant shall take all reasonably effective measures to ensure that the store premises, including sidewalks, are kept free of litter and trash.
- b) Any trash receptacles or litter containers placed in public space by the store shall be of the same quality and design as those in the nearby community, and shall conform to public space regulations.

## **7. Neighborhood Cooperation**

- a) Applicant will cooperate with the reasonable requests of the protestants, the elected Advisory Neighborhood Commission, and the Metropolitan Police Department in efforts to alleviate alcohol abuse problems, illegal drug activity, loitering, and aggressive panhandling, by participating in community meetings as circumstances may warrant.
- b) Applicant shall cooperate with the reasonable requests of the protestants and the elected Advisory Neighborhood Commission to improve the overall environment in and immediately around the premises to make a more pleasant and safe area for residents, customers, and businesses.

## **8. Availability of Cooperative Agreement**

Applicant agrees to keep a copy of this agreement available at the store, and to familiarize all employees with its provisions.

## **9. Duration of Agreement**

The terms of this agreement will be binding on the parties for a period of three years from the date of signature. At the end of the three year term, the parties shall make themselves available to discuss the renewal of the agreement and to re-negotiate the terms of the agreement, if desirable.

## **10. Show Cause Provision.**

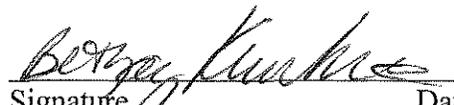
The parties agree that failure by the applicant to adhere to the foregoing Cooperative Agreement will constitute grounds for the protestants to petition the ABC Board to issue a Notice of Show Cause as provided in Title 25, Section 447.

**11. Notification of Sale Provision.**

The parties agree that in the event of the sale of this retail store the applicant will notify the protestants prior to the effective date of the sale and will notify the new owner of the terms of this Cooperative Agreement.

IN WITNESS WHEREOF, the parties have affixed hereto their signatures:

Applicant: Walgreen Co.

 12/30/10  
Signature Date  
Bethany Kuechenmeister, Store Manager

Protestants: Eleanor Becker, Rebecca Coder, Asher Corson, Anita Diliberto, Gary Griffith, Robert Rudasill, John Williams, and Michele Wiltse.

 12/30/10  
Signature Date  
By Gary Griffith, designated representative

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# West End Residents Group

2501 M Street NW #609  
Washington, DC 20037  
202 659-4561  
gary.griffith@verizon.net

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December 30, 2010

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration  
1250 U Street NW 3<sup>rd</sup> Floor  
Washington, DC 20009

Re: Walgreen Co. New Application, License No. ABRA-085071:

I am the designated representative for the Protestant in this case.

Today we reached a Cooperative Agreement with Walgreens. Both parties have signed said agreement, an original copy of which is enclosed with this letter.

We therefore do not feel it necessary for the Alcoholic Beverage Control Board to hold a protest hearing in this case; and if a motion is in order for us to ask the Board to accept this agreement in lieu of holding a protest hearing, we would ask the Board to do so at this time.

Could you advise us whether it is necessary for us to be present on January 5, 2011, when the hearing was scheduled?

Sincerely,

  
Gary Griffith  
Designated Representative

RECEIVED  
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SECRETARY OF COLUMBIA  
ALCOHOLIC BEVERAGE  
REGULATION ADMINISTRATION