

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

_____)
In the Matter of:)
)
C J Enterprises, Inc.)
t/a Ziegfield's/Secrets)
)
Holder of a)
Retailer's Class CN License) License No. ABRA-078663
) Order No. 2013-018
)
at premises)
1824 Half Street, S.W.)
Washington, D.C. 20024)
_____)

C J Enterprises, Inc., t/a Ziegfield's/Secrets (Licensee)

Andy Litsky, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 6D

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

ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that C J Enterprises, Inc., t/a Ziegfield's/Secrets, (Licensee), and ANC 6D entered into a Voluntary Agreement (Agreement), dated April 9, 2008, 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 December 19, 2012, in accordance with D.C. Official Code § 25-446 (2001).

All terms and conditions of the original Agreement, not amended by the Amendment, shall remain in full force and effect.

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Andy Litsky, on behalf of ANC 6D, are signatories to the Amendment.

C J Enterprises, Inc.
t/a Ziegfield's/Secrets
License No. ABRA-078663
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Accordingly, it is this 27th day of February, 2013, **ORDERED** that:

1. The above-referenced Amendment to Settlement Agreement, dated December 19, 2012, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. Copies of this Order shall be sent to the Licensee and ANC 6D.

C J Enterprises, Inc.
t/a Ziegfield's/Secrets
License No. ABRA-078663
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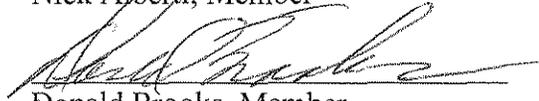
District of Columbia
Alcoholic Beverage Control Board



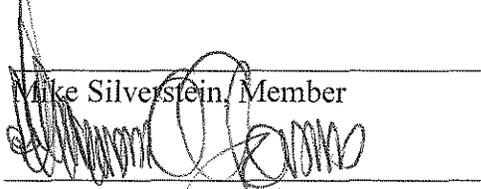
Ruthanne Miller, Chairperson



Nick Alberti, Member



Donald Brooks, Member



Mike Silverstein, Member



Herman Jones, Member

Pursuant to D.C. Official Code § 25-433, any Party adversely affected by this Order may file a Motion for Reconsideration 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.

ANC 6D

Near Southeast/Southwest
Advisory Neighborhood Commission 6D

1101 Fourth Street, SW
Suite W 130
Washington, DC 20024
202.554.1795
Email: office@anc6d.org
Website: www.anc6d.org

OFFICERS

Chairman
Andy Litsky
Vice Chairman
David Garber
Secretary
Bob Craycraft
Treasurer
Cara Shockley

COMMISSIONERS

SMD 1 *Bob Craycraft*
SMD 2 *Cara Shockley*
SMD 3 *Ron McBee*
SMD 4 *Andy Litsky*
SMD 5 *Roger Moffatt*
SMD 6 *Rhonda Hamilton*
SMD 7 *David Garber*

December 19, 2012

Ms. Ruthanne Miller, Chairperson
C/o Martha Jenkins
Alcoholic Beverage Regulatory Administration
2000 14th Street, N.W., Suite 400S
Washington, D. C. 20009

Re: C.J. Enterprises, Ltd. t/a. Ziegfield's/Secrets - License No. 1368
Amended VA to include Monday hours of operation

Dear Ms. Miller:

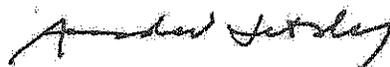
At its regularly scheduled and properly noticed business meeting on November 12, 2012, at which a quorum was present (a quorum being four of our seven Commissioners), ANC-6D voted 5 to 0 to 1 to support amending the existing Voluntary Agreement for Ziegfield's/Secrets to remain open on Mondays with the same hours of operation and alcohol sales as exist in the present VA and in the ABC license as for Tuesday through Sunday operations.

ANC-6D hopes that this letter will be sufficient to ensure that this change is made in time for the operator to serve the public this New Year's Eve, as it occurs on a Monday. The unamended VA, for some reason, does not include Monday hours of operation.

As well, please amend the VA to record our new ANC address as 1101 Fourth Street, SW, Suite W 130, Washington, DC 20024.

Please let me know if you have any questions or require additional information by contacting me at 202-554-8070 or alitsky@aol.com.

Sincerely,



Andy Litsky
Chairman, ANC 6D

*I agree to and
approve this Amendment
Allen J. Carroll
owner + Pres.*

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

In the Matter of:)	
)	
C.J. Enterprises, Ltd.)	
t/a Ziegfield's/Secrets)	
)	
Application for a New)	License No. 1368
Retailer's Class "CN" License)	Order No. 2008-210
at premises)	
)	
1824 Half Street, S.W.)	
Washington, D.C.)	

C.J. Enterprises, Ltd.t/a Ziegfield's/Secrets, Applicant

Roger Moffatt, Chairperson, and Rhonda Hamilton, Commissioner, on behalf of
Advisory Neighborhood Commission 6D

BEFORE: Peter B. Feather, Chairperson
Judy A. Moy, Member
Mital M. Gandhi, Member

ORDER ON VOLUNTARY AGREEMENT

The official records of the Alcoholic Control Board (Board) reflect that the Applicant, C.J. Enterprises, Ltd.t/a Ziegfield's/Secrets and Roger Moffatt, Chairperson and Rhonda Hamilton, Commissioner, on behalf of Advisory Neighborhood Commission (ANC) 6D, (collectively, the Parties) have entered into a Voluntary Agreement (Agreement) dated April 9, 2008 setting forth the terms and conditions by which the Applicant would operate its establishment. The Applicant has filed an Application to transfer its Retailer's Class "CN" license from safekeeping to a new location, 1824 Half Street S.W. The Agreement has been reduced to writing and has been properly executed and filed with the Board. Both the Applicant and Commissioners Moffatt and Hamilton are signatories to the Agreement.

C.J. Enterprises, Ltd.
t/a Ziegfield's/Secrets
License No. 1368
Page Two

Accordingly, it is this 5th day of June 2008, **ORDERED** that:

1. The above-referenced Voluntary Agreement is **INCORPORATED** as part of this Order; and

2. The Application of C.J. Enterprises, Ltd. t/a Ziegfield's/Secrets, 1824 Half Street, S.W., Washington, D.C., for a new Retailer's Class "CN" license, is **APPROVED**;

3. Copies of this Order shall be sent to the Applicant and to ANC 6D.

District of Columbia
Alcoholic Beverage Control Board


Peter B. Feather, Chairperson


Judy A. Moy, Member


Mital M. Gandhi, 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.



ABRA

VOLUNTARY AGREEMENT

AGREEMENT made this 9th day of April 2008, by and between C.J. Enterprises, Ltd. T/A Ziegfield's/Secrets (the applicant) and Advisory Neighborhood Commission 6D (the ANC).

WHEREAS, Protestant is the Advisory Neighborhood Commission 6D which filed a timely protest against the issuance of the Applicant's license application pursuant to D.C. Official Code 25-601(1) and 601(4) respectively;

WHEREAS, Ziegfield's/Secrets has petitioned the District of Columbia Alcoholic Beverage Control Board (the ABC Board) to transfer the nightclub from safekeeping to a new location and issue a Liquor License; and

WHEREAS, the premises, 1824 Half Street SW, is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement detailing certain understandings regarding the Applicant's operating plans, and request that the Alcoholic Beverage Control Board (ABC Board) approve the Applicant's license application conditioned upon the Applicant's compliance with the terms of this written Agreement; and

WHEREAS, the parties are desirous of entering into a Voluntary Agreement pursuant to D.C. Official Code 25-446 for the operation and maintenance of the establishment in such a manner as to minimize the effect on (1) peace, order, and quiet of the neighborhood, and (2) pedestrian safety and vehicular traffic, and to eliminate the need for a Protest Hearing regarding the license application.

NOW, THEREFORE, in accordance with 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. **Nature of the Business.** The applicant will manage and operate a nightclub which will feature nude dancing; disk jockeys; live music such as reggae, salsa, rhythm and blues, soul, latin, go-go; and dancing by patrons.
3. **Hours of Operation and Sales.** The applicant's hours of operation and sale of liquor shall be as follows:
 - Sunday, 3 p.m. to 2 a.m. Monday;
 - Monday closed;
 - Tuesday through Thursday, 9 p.m. to 2 a.m.; and
 - Friday and Saturday, 9 p.m. to 3 a.m.
4. **Floors Utilized and Occupancy.** The applicant will operate its establishment on two (2) floor(s) of the building. The establishment will have no more than 250 seats and the maximum occupancy of the establishment shall not exceed 599 patrons.
5. **Parking.** A concern of the protestants is that the applicant's operation of the establishment does not create or exacerbate parking problems within the ANC boundaries. As discussed in section 11 below, applicant will maintain open communication with the immediate neighborhood resident councils to discuss and alleviate any parking concerns.
6. **Noise and Privacy.** Applicant will strictly comply with D.C. Official Code 25-725 and to that end shall ensure that music, noise, and vibration from the establishment are not audible in the nearby residential properties. Applicant agrees to keep its doors and windows closed when live music is being played at

the establishment. If necessary, applicant will take reasonable steps to reduce noise emanating from the establishment from the opening of the entry or exit doors.

7. **Public Space and Trash.** Applicant will take reasonable measures to ensure that the immediate environs of the premises are kept free of litter and debris. "Immediate environs" is defined in paragraph 720.2 of the ABC Regulations as including: "all property on which the premises are located; all property used by the licensee to conduct its business, whether part of the premises or not, including parking lots and the portion of alleys, sidewalks, or other public property immediately adjacent to the premises or adjacent to the property used by the licensee to conduct its business. Applicant will seek to ensure that all litter, including flyers and illegal posters attached to lampposts, trees, and edifices, is removed. Applicant is required to have appropriate and sufficient staff for the purpose of enforcing this litter and cleanliness requirement.
8. **Rats and Vermin Control.** The applicant shall provide rat and vermin control for environs of the property. Applicant shall have the establishment and the area around the premises properly cleaned at the end of each night to ensure that there are not garbage and odors present the following morning.
9. **Security Cooperation and efforts to Stem Illegal Drugs and Public Drinking.** Protestants are concerned that the number of potential occupants of the premises will pose security and crime issues. Applicant agrees that it shall take all necessary steps to minimize such problems, including designating a sufficient number of employees to assure adequate security and to control unruly patrons, whether inside or in the immediate outside area; monitoring for and prohibiting sales or use of illegal drugs within or about the premises, and maintaining contact and cooperating with MPD and other enforcement officials when known or suspected drug activities occur. Applicant shall to the full extent permissible by law discourage loitering in the vicinity of the premises. This will include providing an appropriate number of security officers at all times when the establishment is open to the public who shall be responsible for ensuring that any individuals who are simply loitering are asked to move along. The Applicant will train appropriate staff on procedures for evacuating patrons and removing chairs, barricades and other obstacles in the event that a fire, medical or other emergency requires that the area be accessible to EMS or Police. Signage encouraging safe drinking and driving will be visibly posted in areas of service and exits of the establishment. Applicant will maintain a "cool down" area for patrons prior to allowing patrons who, based on the judgment of the applicant and his staff, are not in condition to exit the establishment to the neighborhood or to drive. Applicant will offer patrons the opportunity to take a breathalyzer test prior to exiting the premises. Furthermore, the applicant will publicly post signs advising its customers and patrons of the need to maintain quiet when exiting the club and residential area and not to loiter outside the club. Such signage will contain maps directing patrons to exit the area via Half Street to Potomac Avenue to South Capitol Street.
10. **License Ownership and Compliance with ABRA Regulations.** Applicant promises to protestants that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licensees, and agrees that protestants shall have standing to ask the ABC Board to enforce any violations of the agreement. Applicant also specifically agrees to be the sole owner of the ABC license. The applicant will ensure that all alcoholic beverage sales staff has appropriate training in the sale and handling of alcoholic beverages. The applicant will also ensure that the ABC Board-approved manager has received training of the type offered by TIPS. The applicant also agrees to refuse service to any person who is intoxicated or is in danger of becoming intoxicated.
11. **Participation in the Community.** Applicant agrees to seek to maintain open communication with the protestants, the community for which the ANC acts, and especially the immediate neighborhood. To this end, applicant shall from time to time be represented at ANC6D public meetings which currently occur on the second Monday of each month (except August when there is no meeting, and October

when the meeting is on the third Monday) at 7 p.m. at St. Augustine's Episcopal Church, 6th and M Streets, S.W., Washington, D. C. 20024. Applicant, upon notice from the ANC shall send a representative of the establishment to a meeting (s) to confer and deal in good faith with issues raised under this Agreement. In addition, applicant is encouraged to participate in the local business community, the meetings of PSA 104, and residential councils to discuss parking issues, responsible alcohol service, law enforcement activities, clean streets and sidewalks, loitering, and to support neighborhood charitable and social events. The applicant will advertise employment opportunities to members of the community whenever they may become available.

If any arrest occurs either within the establishment, or of patrons coming immediately from the establishment, the Applicant will inform the ANC within a 24 hour period of any such arrest(s) that they are made aware of.

The Applicant will notify the ANC of any significant change in the manner of operations at least 30 days in advance.

The Applicant agrees to implement the following policies in order to establish a relationship with the community to promote peace, order and quiet.

- a. All managers and staff will receive training to ensure that local residents have immediate access to a manager on duty to report problems or lodge complaints.
- b. The Applicant will keep a log of all complaints and provide copies to the ANC.
- c. At the request of five or more local residents, the ANC, or the Commissioner for the SMD, the Applicant agrees to hold up to four public meetings per year within 15 days of such a request to hear and respond to community concerns.

The Applicant will, at the request of any individual or group located in ANC6D, maintain a notification list to inform the community of planned events

12. Notice and Opportunity to Cure. In the event that any of the parties is in breach of this agreement, it shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the agreement. Unless the breach is of an emergency nature or is a repetition of a prior breach, reasonable notice and opportunity shall provide for a cure within 30 days of the date of such notice. If applicant or the licensee fails to cure within the 30-day period (or, with respect to a breach which reasonably requires more than 30 days to cure, fails to commence cure of such breach and diligently pursues such cure) failure shall constitute a cause for seeking a Show Cause Order from the ABC Board pursuant to D. C. Official Code paragraph 25-447. Unless otherwise noted above, any notices required to be made under this agreement shall be in writing and mailed via certified mail, return receipt requested, postage prepaid, or hand-delivered, to the other parties to this Agreement at the following addresses. Notice shall be deemed given as of the time of receipt or refusal of receipt:

If to Applicant: Ziegfields/Secrets
1824 Half Street, S. W.
Washington, D. C. 20024
Attn: Alan Carrol
202-301-292-1388

If to Protestants: Advisory Neighborhood Commission 6D
P. O. Box 71156
Washington, D. C. 20024

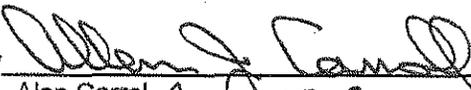
Attn: Chair
202-554-1795

This Agreement will be attached as a condition to the Applicant's license for service of alcoholic beverages at the premises, and will be filed with the Alcohol and Beverage Regulatory Administration.

The parties further agree that the failure of the Applicant to adhere to any of the foregoing commitments shall constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 DCMR 1513.5 after the Applicant has been notified by the ANC of any breach or commitment and is given 15 days to attempt reach a mutually satisfactory resolution.

IN WITNESS WHEREOF, the parties have affixed hereto their signatures on the year and day first above written.

The APPLICANT: CJ Enterprises, Ltd.
T/A Ziegfields/Secrets
1824 Half Street, S. W.

By 
~~Alan Carroll~~ ALLEN J. CARROLL
Owner

The ANC:
Advisory Neighborhood Commission 6D

By 
Roger Moffatt
Chair, ANC 6D

By 
Rhonda Hamilton
Commissioner, SMD 6D-06