



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



December 14, 2012

Ms. Ruthanne Miller, Chairperson
Alcohol Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

Dear Ms. Miller:

At its regularly scheduled and publicly announced¹ monthly meeting of December 13, 2012, Advisory Neighborhood Commission 6A (ANC) voted (6-0-0) to reluctantly agree to the Alcohol Beverage Control Board's (Board) changes to the voluntary agreements between the ANC and the following establishments: Avery's Bar and Lounge and Maketto . The emails on the next page outline the Board's changes to these voluntary agreements. Five Commissioners are required for a quorum. Commissioner Alberti was not in attendance.

Once again, we respectfully ask the Board to share with the ANC why it chose to strike these sections and to provide the ANC with suggested language that would address the Board's concerns in this regard.

The Board is inconsistent in its decisions, and should provide guidance as to what is now permitted to be in Voluntary Agreements. The Board's standards have been particularly volatile in the past three years and this unpredictability can hurt our relationship with our licensees.

Should you have any questions regarding this matter, please contact Commissioner Adam Healy, chair of the ANC's Alcohol Beverage Licensing Committee, at healyanc6a01@gmail.com or 202.556.0215. Commissioners Healy and Holmes are authorized to represent the ANC in this matter.

On behalf of the Commission,

David Holmes, Chair

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com and the ANC-6A@yahoogroups.com (not controlled by the ANC) email groups, on its website ANC6A.org, and through print advertisements in the *Hill Rag*.

Communications sent by ABRA on behalf of the ABC Board

Good Afternoon,

Thank you for submitting the Voluntary Agreement, dated November 8, 2012, between Avery's Bar and Lounge and ANC 6A("Agreement").

On November 28, 2012, the Board reviewed the Agreement, which was **approved with modifications** to remove or modify the following provisions, which exceed the scope of DC Official Code 25-446 and 23 DCMR 1609:

- **Section 1 (a):** Remove, "... a minimum of twice daily (once immediately before business hours and again between 5:00 pm and 8:00 pm)."
- **Section 1 (f):** Remove this section.
- **Section 2 (i):** Include, "Upon request of the Board."
- **Section 7 (b):** Remove, "...others shall immediately petition the ABC Board for a "show cause" hearing pursuant to 23 DCMR 1513.5."

If the parties agree to the modifications, this can be accomplished via the Board Order without the parties submitting a revised Agreement. **Please respond to this e-mail with your approval of the modifications. If you have any questions, please contact Martha Jenkins, General Counsel at Martha.Jenkins@dc.gov .**

Thank you.

Sarah Fashbaugh
Adjudication Assistant
Alcoholic Beverage Regulation Administration

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Good Afternoon,

Thank you for submitting the Voluntary Agreement, dated October 11, 2012, between Maketto and ANC 6A("Agreement").

On November 28, 2012, the Board reviewed the Agreement, which was **approved with modifications** to remove or modify the following provisions, which exceed the scope of DC Official Code 25-446 and 23 DCMR 1609:

- **Section 2 (i):** Include, "Upon request of the Board."
- **Section 7 (b):** Remove, "...others shall immediately petition the ABC Board for a "show cause" hearing pursuant to 23 DCMR 1513.5." The Parties may file a complaint with ABRA.

If the parties agree to the modifications, this can be accomplished via the Board Order without the parties submitting a revised Agreement. **Please respond to this e-mail with your approval of the modifications. If you have any questions, please contact Martha Jenkins, General Counsel at Martha.Jenkins@dc.gov .**

Thank you.

Sarah Fashbaugh
Adjudication Assistant
Alcoholic Beverage Regulation Administration