



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



October 28, 2013

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

Dear Ms. Miller,

I am writing in reference to a request on the Board's agenda for Wednesday, October 30th, 2013 by Little Miss Whiskey's Golden Dollar (1104 H Street NE) (the "establishment"), to terminate its Settlement Agreement. Assuming this is a reference to a request to terminate this establishment's Settlement Agreement with ANC 6A, I write on behalf of ANC 6A in response.

As you are no doubt aware, DC Code § 25-446 sets forth the requirements for when an application for termination of a Settlement Agreement ("SA") can be considered. Specifically:

- (d) (1) Unless a shorter term is agreed upon by the parties, a voluntary agreement shall run for the term of a license, including renewal periods, unless it is terminated or amended in writing by the parties and the termination or amendment is approved by the Board.
- (2) The Board may accept an application to amend or terminate a voluntary agreement by fewer than all parties in the following circumstances:
- (A) During the license's renewal period; and
 - (B) After 4 years from the date of the Board's decision initially approving the voluntary agreement.
- (3) Notice of an application to amend or terminate a voluntary agreement shall be given both to the parties of the agreement and to the public at the time of the applicant's renewal application according to the renewal procedures required under §§ 25-421 through 25-423.
- (4) The Board may approve a request by fewer than all parties to amend or terminate a voluntary agreement for good cause shown if it makes each of the following findings based upon sworn evidence:
- (A) (i) The applicant seeking the amendment has made a diligent effort to locate all other parties to the voluntary agreement; or
 - (ii) If non-applicant parties are located, the applicant has made a good-faith attempt to negotiate a mutually acceptable amendment to the voluntary agreement;
 - (B) The need for an amendment is either caused by circumstances beyond the control of the applicant or is due to a change in the neighborhood where the applicant's establishment is located; and

(C) The amendment or termination will not have an adverse impact on the neighborhood where the establishment is located as determined under § 25-313 or § 25-314, if applicable.

(5) To fulfill the good faith attempt criteria of paragraph (4)(A)(ii) of this subsection, a sworn affidavit from the applicant shall be filed with the Board at the time that an application to amend a voluntary agreement by fewer than all parties is filed stating that either:

(A) A meeting occurred between the parties which did not result in agreement; or

(B) The non-applicant parties refused to meet with the applicant.

As an initial matter, ANC 6A has not consented to the termination of this establishment's Settlement Agreement. Further, although the SA has been in place for more than four years and this is the time period of the establishment's license renewal, the other prerequisites for the Board's consideration have not been met. Namely, a "good-faith attempt to negotiate a mutually acceptable amendment to the [Settlement Agreement]" has not taken place. DC Code § 25-446(d)(4)(A).

Neither I, nor any other Commissioner of ANC 6A, have been approached by anyone representing Little Miss Whiskey's Golden Dollar to discuss amending or terminating its SA. I am easy to locate and contact, as my contact information is prominently displayed on the ANC 6A website, and I regularly email all ANC 6A licensees regarding upcoming ABL Committee meetings. Therefore, there is no way that Little Miss Whiskey's Golden Dollar can establish that it complied with the requirements of § 25-446(d)(4)(A).

For the reasons listed above, ANC 6A requests that the Board reject the establishment's request because it did not undertake the necessary good-faith negotiation with the ANC under DC Code § 25-446(d)(4)(A). Should the Board determine that a good-faith effort *was* undertaken (which is unlikely, given that no meeting whatsoever has taken place), the ANC will be prepared to present at a hearing arguments and evidence to the Board to show that Little Miss Whiskey's Golden Dollar's request does not meet the standards set forth in DC Code § 25-446(d)(4)(B) and (C).

Please do not hesitate to contact me if you have any questions or would like additional information.

On behalf of the Commission,



Jay Williams
Commissioner, ANC 6A05
Chair, ANC 6A ABL Committee