

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

In the Matter of:)	
)	
Smith Commons DC, LLC)	
t/a Smith Commons)	
)	
Holder of a)	License No. ABRA-084598
Retailer's Class CR License)	Order No. 2014-299
)	
at premises)	
1245 H Street, N.E.)	
Washington, D.C. 20002)	

Smith Commons DC, LLC, t/a Smith Commons (Licensee)

Jay Williams, Commissioner, Advisory Neighborhood Commission (ANC) 6A

BEFORE: Ruthanne Miller, Chairperson
Donald Brooks, Member
Mike Silverstein, Member
Herman Jones, Member
Hector Rodriguez, Member
James Short, Member

ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that a previous holder of a license for the premises and ANC 6A entered into a Voluntary Agreement dated August 19, 2009. The Voluntary Agreement was approved by the Board on November 18, 2009.

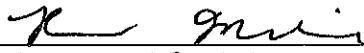
Smith Commons DC, LLC, t/a Smith Commons (Licensee), as the current holder of the Retailer's Class CR license, is required to comply with the terms of the Agreement, dated August 19, 2009, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated July 10, 2014, in accordance with D.C. Official Code § 25-446 (2001).

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Commissioner Jay Williams, on behalf of ANC 6A, are signatories to the Amendment.

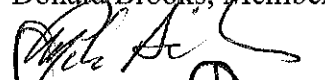
Accordingly, it is this 23rd day of July, 2014, **ORDERED** that:


1. The above-referenced Amendment to Settlement Agreement, dated July 10, 2014, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the previous Agreement, not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee and ANC 6A.

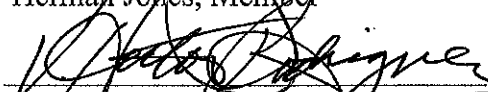
District of Columbia
Alcoholic Beverage Control Board

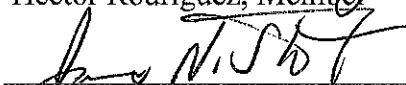

Ruthanne Miller, Chairperson


Donald Brooks, Member


Mike Silverstein, Member


Herman Jones, Member


Hector Rodriguez, Member


James Short, 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.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to D.C. Official Code § 25-433, stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b).



Made this 10th day of July, 2014

by and between

Smith Commons DC, LLC (a Smith Commons (ABRA # 084598))
1245 H Street, NE
Washington DC 20002

and

Advisory Neighborhood Commission 6A

The Settlement Agreement between the parties listed above (then between "DREWS" and ANC 6A, fully executed on September 1, 2009) is amended with the following agreement, which will become an addendum to the current SA.

The Parties Agree As Follows:

Section 3(d) of the above-referenced Settlement Agreement is hereby deleted and is no longer part of the parties' Settlement Agreement.

In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: _____

Jerome Bailey

Date: _____

7/10/14

Signature: _____

J

Advisory Neighborhood Commission 6A Representative:

By: _____

Jay Williams

Date: _____

7/10/14

Signature: _____

Jay Williams



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



July 10, 2014

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

Re: ABRA #084598 (Smith Commons DC, LLC t/a Smith Commons)

Dear Ms. Miller,

Advisory Neighborhood Commission 6A has agreed to an amendment of its Settlement Agreement with Smith Commons (1245 H Street NE). The jointly signed SA Amendment is attached.

At its July 10, 2014 meeting, the ANC voted 7-0 to amend its Settlement Agreement with Smith Commons and not to protest the establishment's request for a summer garden endorsement.

In the same vote, the ANC also agreed to support a stipulated endorsement for Smith Commons to operate its summer garden during the placarding period.

Five Commissioners are required for a quorum. This monthly meeting was publicly announced and properly noticed. ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC-6A and NewHillEast Yahoo Groups, on the Commission's website, and through print advertisements in the *Hill Rag*.

If you have any questions regarding this SA amendment or the ANC's support of a stipulated endorsement, please do not hesitate to contact me.

On behalf of the Commission,

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