

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

In the Matter of:)

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

Applicant for Renewal of a)
Retailer's Class CR License)

at premises)
1245 H Street, NE)
Washington, D.C. 20002)

Case No.: 19-PRO-00053
License No.: ABRA-084598
Order No.: 2019-551

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

Jay Williams, Co-Chair, on behalf of Advisory Neighborhood Commission (ANC) 6A
ABL Committee

BEFORE: Donovan Anderson, Chairperson
Mike Silverstein, Member
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Crockett, Member

**ORDER ON SECOND AMENDMENT TO SETTLEMENT AGREEMENT
AND WITHDRAWAL OF ANC 6A'S PROTEST**

The Application filed by Smith Commons DC, LLC, t/a Smith Commons (Applicant), for renewal of its Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 10, 2019.

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 Settlement Agreement dated August 19, 2009 that governs the operations of the Applicant's establishment.

On July 10, 2014, the Applicant and ANC 6A entered into an Amendment to Settlement Agreement (Amendment). This matter comes now before the Board to consider the Parties' Second Amendment to Settlement Agreement (Second Amendment), dated July 11, 2019, in accordance with D.C. Official Code § 25-446 (2001).

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

This Second Amendment constitutes a withdrawal of the Protest filed by ANC 6A of this Application.

Accordingly, it is this 17th day of July, 2019, **ORDERED** that:

1. The Application filed by Smith Commons DC, LLC, t/a Smith Commons, for renewal of its Retailer's Class CR License, located at 1245 H Street, NE, Washington, D.C., is **GRANTED**;
2. The Protest of ANC 6A in this matter is hereby **WITHDRAWN**;
1. The above-referenced Second Amendment to Settlement Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the previous Agreement and Amendment, not amended by the Second Amendment, shall remain in full force and effect; and
4. Copies of this Order shall be sent to the Applicant and ANC 6A.

District of Columbia
Alcoholic Beverage Control Board



Donoyan Anderson, Chairperson



Mike Silverstein, Member

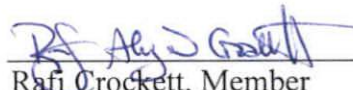


James Short, Member



Bobby Cato, Member

Rema Wahabzadah, Member



Rafi Crockett, Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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, 2000 14th Street, N.W., Suite 400S, Washington, DC 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, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) 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) (2004).



Made this 9th day of June, 2019

by and between

Smith Commons DC, LLC t/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, amended on July 24, 2013, *see* Board Order 2014-299) is further amended as follows:

Section 1(a) is amended to read "Picking up trash, including the space around the exterior dumpster(s), a minimum of twice daily (once immediately before business hours and again between 5:00 p.m. and 8:00 p.m.)."

Section 1(b) is amended to read "Maintaining regular garbage removal service, regularly remove trash from the dumpster area, and see that the trash and dumpster area remain clean. "Regular garbage removal service" means collection at least five times per week, including at least one collection on Saturday or Sunday."

The following language is added to Paragraph 1:


f. Not storing soiled linens outdoors in the alley adjacent to Linden Place NE.

In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: Jerome Bailey Date: 7/11/19

Signature: 

Advisory Neighborhood Commission 6A Representative:

By: Jay Williams, Co-Chair, ANC 6A ABL Committee Date: 7/11/19

Signature: 