

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

In the Matter of:)	
)	
Naomi's Ladder II, LLC)	
t/a Smokin' Pig)	
)	
Application for Substantial Change)	
(Transfer to a New Location, Change of Occupancy, and Summer Garden))	Case No.: 19-PRO-00104
to Retailer's Class CT License)	License No.: ABRA-104866
)	Order No.: 2019-879
)	
at premises)	
1208 H Street, NE)	
Washington, D.C. 20002)	

Naomi's Ladder II, LLC, t/a Smokin' Pig, Applicant

Nick Alberti, Co-Chair, Advisory Neighborhood Commission (ANC) 6A ABL
Committee

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

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

The Application filed by Naomi's Ladder II, LLC, t/a Smokin' Pig (Applicant), for a Substantial Change to its Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on October 15, 2019, in accordance with D.C. Official Code § 25-601.

The official records of the Alcoholic Beverage Control Board (Board) reflect that the Applicant and ANC 6A entered into a Settlement Agreement (Agreement), dated January 12, 2017 that governs the operation of the Applicant's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated November 7, 2019, 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 Applicant and Nick Alberti, on behalf of ANC 6A, are signatories to the Amendment.

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

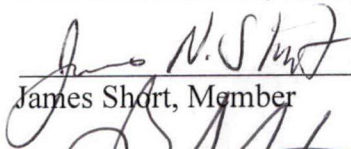
Accordingly, it is this 20th day of November, 2019, **ORDERED** that:

1. The Application filed by Naomi's Ladder II, LLC, t/a Smokin' Pig, for a Substantial Change is **GRANTED**;
2. The Protest of ANC 6A in this matter is hereby **WITHDRAWN**;
3. The above-referenced 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;
4. All terms and conditions of the original Settlement Agreement not amended by the Amendment, shall remain in full force and effect; and
5. Copies of this Order shall be sent to the Applicant and ANC 6A.

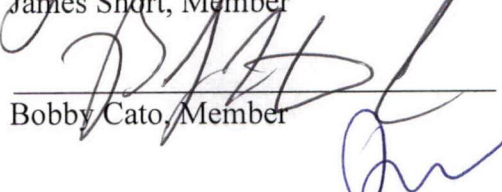
District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



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 7th day of Nov, 2019

by and between

Naomi's Ladder II (ABRA # 104866)

1208 H Street, NE
Washington DC 20002

and

Advisory Neighborhood Commission 6A

The Settlement Agreement ("SA") between the parties listed above (approved by the ABC Board on February 1, 2017, *see* Order No. 2017-057) is amended as follows:

Paragraph 3(c)vi is deleted in its entirety and replaced with the following language:

3(c)vi The total capacity of the summer garden will not exceed 14 patrons

Paragraph 3(c)vii is deleted in its entirety.

Paragraph 3(g) of the SA is deleted in its entirety and replaced with the following language:

The kitchen of the establishment shall remain open and operational (i.e., actively serving food for customers) until at least one hour prior to closing, if not later.

The following language is added to the SA as paragraph 3(h):

Applicant shall not host events where a cover charge is required for entry.

In Witness Whereof

Licensee:

By: Cynthia A Gibson

Date: 11-1-19

Signature: Cynthia A Gibson



Made this 7th day of Nov, 2019

by and between

Naomi's Ladder II (ABRA # 104866)
1208 H Street, NE
Washington DC 20002

and

Advisory Neighborhood Commission 6A

Advisory Neighborhood Commission 6A Representative:

By: Nick Alberti, Co-Chair, ANC 6A ABL Committee

Date: 11-7-2019

Signature: _____