



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



July 15, 2011

Nick Alberti, Interim Chair
Alcoholic Beverage Control Board
2000 14th Street NW, 400S
Washington, DC 20009

Dear Sir:

Please be advised that at the July 14, 2011 meeting of ANC 6A, with a quorum present at its regularly scheduled and properly noticed meeting, the Commission voted (5-1 with Commissioner Alberti not present) to send this response to a motion for reconsideration in the matter of the ABC Board protest order for the CT license renewal of Twelve (License #76366; case number 10-PRO-00138; order number 2011-289), located at 1123-1125 H Street, NE. The Board should understand that Commissioner Alberti was not:

- 1/. present during the discussion of this case as is his consistent practice;
- 2/. present during the vote as is his consistent practice;
- 3/. nor was he copied on any email exchanges or correspondence related to this case.

We agree the Board's order 2011-289 needs to be clarified so that the establishment, ANC, community, and ABRA staff have a clear understanding of what is and is not permitted. It is our hope this clarification will make enforcement of this order easier for all interested parties.

The Board's order is clear that the establishment and its third-party promoters are prohibited from distributing flyers or having them available within the establishment, and the Board should not modify this condition. However, if the Board decides to reconsider this provision, it would be reasonable to explicitly prohibit the establishment or any of its third-party promoters from distributing flyers promoting the establishment or any of its events or specials within a five mile radius of the establishment. Further, the establishment and promoters should be explicitly prohibited from distributing or making available flyers within the establishment.

We agree the Board's second condition related to MPD reimbursable details needs to be clarified. ANC6A strongly rejects the establishment's request to have this provision in force for only six months. All conditions placed on this establishment need to be permanent for the entire license period. Further, we are concerned that the conditions the Board placed on this establishment may have already been violated. In a July 13, 2011 email to Commissioners Healy and Ronneberg, MPD First Police District Lt. Micciche, indicated that Twelve has not employed a reimbursable detail in 2011. A July 13, 2011 email to Healy and Ronneberg from ABRA General Counsel Martha Jenkins indicated that ABRA Investigator Lawson observed entertainment taking place at the establishment. We strongly encourage the Board to gather all the facts, including the investigative history of this establishment since the Board's order dated June 22, 2011. If this establishment has already violated the terms and conditions of this order, the Board should

carefully consider whether or not this establishment will comply with the Board's order in the future.

The establishment should be required to hire a MPD reimbursable detail from 10:00 p.m. until closing on every Thursday, Friday, and Saturday that they are open for business. Additionally, the Board should require a MPD reimbursable detail any other day or hours of operation in which the establishment can reasonably assume there will be 50 or more patrons on the premises.

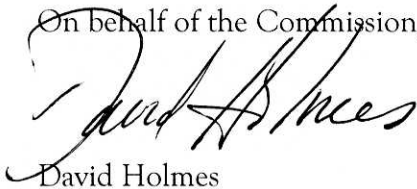
The MPD reimbursable detail conditions will help ensure that the establishment's patrons and the surrounding community are safe.

It appears the establishment has recently conducted preparatory construction of its rooftop. We respectfully ask the Board to restrict the hours of operation of the establishment's rooftop space. We are concerned, given the establishment's record of failing to work with the ANC and to follow provisions in its voluntary agreements, that noise from the rooftop will adversely impact the peace, order, and quiet of the neighborhood. ANC 6A finds it reasonable to require the establishment to close its rooftop at 11:00 p.m. on Sunday through Thursday evenings and 12:00 a.m. on Friday and Saturday evenings.

Should you have any questions, please contact Commissioner Adam Healy, chair of the ANC's Alcoholic Beverage Licensing Committee, at healyanc6a01@gmail.com or 202.556.0215. Please be advised that Commissioners Adam Healy, David Holmes, and Drew Ronneberg, as well as former Commissioner Mary Beatty, are authorized to represent the ANC regarding this matter.

We thank you for your careful consideration, and for giving ANC6A's position "great weight".

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "David Holmes", written in a cursive style.

David Holmes
Chair