

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

In the Matter of:)

Roy Boys 2, LLC)
t/a Roy Boys)

Holder of a)
Retailer's Class CR License)

at premises)
1025 1st Street, SE, Unit 1009)
Washington, D.C. 20003)

License No.: ABRA-114131
Order No.: 2019-918

Roy Boys 2, LLC, t/a Roy Boys (Licensee)

Commissioner Gail Fast and Dr. Coralie Farlee, on behalf of Advisory Neighborhood
Commission (ANC) 6D

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

ORDER ON THIRD AMENDMENT TO COOPERATIVE AGREEMENT


The official records of the Alcoholic Beverage Control Board (Board) reflect that a previous holder of a Retailer's Class CR license for the premises located at 1025 1st Street, SE, Washington, D.C., entered into a Voluntary Agreement with ANC 6D on January 11, 201; a Supplement to Voluntary Agreement on June 14, 2010; and a Second Supplement to Voluntary Agreement on May 31, 2013; that governs the operations of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Third Amendment to Cooperative Agreement (Third Amendment), dated November 18, 2019, in accordance with D.C. Official Code § 25-446 (2001).

The Third Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Commissioner Gail Fast and Dr. Coralie Farlee, on behalf of ANC 6D, are signatories to the Third Amendment.

Accordingly, it is this 11th day of December, 2019, **ORDERED** that:

1. The above-referenced Third Amendment to Cooperative Agreement 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 original Agreement and Amendments, not amended by the Third Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee and ANC 6D.

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).

★ ★ ★ **Advisory Neighborhood**
██████████ **Commission 6D**

PO Box 71156 • Washington, DC 20024-9998
ANC Office: 202 554-1795 ■ office@anc6d.org

AMENDMENT #3 TO COOPERATIVE AGREEMENT

THIS AMENDMENT #3 TO COOPERATIVE AGREEMENT ("Agreement") is made on this 18th day of November 2019 by and between Roy Boys 2 LLC t/a Roy Boys ABRA #114131, formerly Justin's Café, LLC t/a Justin's Café, ABRA 083690, 1025 1st Street, SE, ("Licensee"), and Advisory Neighborhood Commission 6D ("Protestant"), (collectively, the "Parties"). This amendment updates (1) the Agreement dated January 11, 2010 finalized by Board Order 2010-340 dated May 12, 2010; (2) Supplement 1 dated June 14, 2010, finalized by Board Order 2011-095 dated January 26, 2011; and (3) Supplement 2 dated May 31, 2013 and finalized by Board Order 2013-314 dated June 26, 2013.

W I T N E S S E T H

WHEREAS, Licensee has ABRA License #114131 Class CR for a business establishment serving spirits, wine, and beer in indoor space with Entertainment endorsement inside, and a sidewalk café ("Establishment"), located at 1025 1st Street, SE, Washington, DC 20003 ("Premises"); and

WHEREAS, the Original Agreement dated June 14, 2010 to the original Cooperative Agreement dated January 11, 2010 indicates the **hours of operation and sales as follows:**

Sunday 11:30 a.m. to 10:00 p.m.,
Monday through Thursday 11:30 a.m. to 1:00 a.m.,
Friday and Saturday 11:30 a.m. to 2:00 a.m.

And the Restaurant hours of:

Sunday: 11:30 a.m. to 10:00 p.m.,
Monday through Thursday, 11:30 a.m. to 11:00 a.m.,
Friday and Saturday, 11:30 a.m. to 12 midnight

And the hours for selling and serving alcohol indoors shall be:

Sunday 11:30 a.m. to 10:00 p.m.,
Monday through Thursday 11:30 a.m. to 1:00 a.m.,
Friday and Saturday 11:30 a.m. to 2:00 a.m.

WHEREAS, the First Supplement dated June 14, 2010 to the original Cooperative Agreement, paragraph #3, section 3, indicates that the **hours for selling and serving alcohol both indoors and at the sidewalk café shall be as follows:**

Sunday 11:30 a.m. to 10:00 p.m.,
Monday through Thursday 11:30 a.m. to 1:00 a.m.,
Friday and Saturday 11:30 a.m. to 2:00 a.m.

WHEREAS, the Second Supplement dated May 31, 2013, provides for an Entertainment endorsement indoors consisting of one-man acoustic guitar or vocalist as follows:

Thursdays, 5:00 – 8:00 pm

["Live Entertainment" indicates that such entertainment shall occur only on "one day a week, inside the restaurant on Thursdays between 5:00 p.m.-8p.m. and Such entertainment may consist of one-man guitar or a vocalist act. The music shall serve primarily as background music and not a show."]


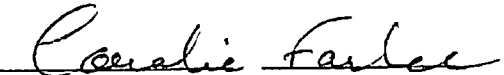
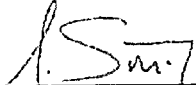
WHEREAS, the Parties request that the Alcoholic Beverage Control Board approve this Amendment to Cooperative Agreement conditioned upon the Licensee's compliance with the terms of this written Amendment and the previously executed Cooperative Agreement and Board Order and ABRA License; and

NOW, THEREFORE, in consideration of the recitals set forth above, it is mutually understood and agreed by and between the undersigned Parties to amend the previously executed Agreement as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. "Hours of Operation and Sales", shall be amended to read:
Hours of selling, serving, and consuming alcohol indoors shall not exceed:
 Sunday – Thursday: 8:00 a.m. to 2:00 a.m.,
 Friday and Saturday: 8:00 a.m. to 3:00 a.m.
3. "Hours of Sidewalk Café" and "Hours of Entertainment" shall remain as in the First and Second Amendment respectively.
4. **Agreement Otherwise Unamended.** Except as otherwise provided herein, the terms and conditions of the previously executed Cooperative Agreement, Board Order, and License and amendments are expressly reaffirmed and remain in full force and effect.

The ANC:

LICENSEE:

Chair, ANC6D  _____ 11/18/19 Gail Fast, SMD01 Date Chair, ABC Committee, ANC6D  _____ Coralie Farlee Date	Roy Boys 2 LLC, t/a Roy Boys By:  _____ 11/18/2019 Lee Smith Date Member
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Southwest / Navy Yard / Buzzard Point
Advisory Neighborhood Commission 6D

1101 Fourth Street, SW
Suite W 130
Washington, DC 20024
202.554.1795
Email: office@anc6d.org
Website: www.anc6d.org

November 18, 2019

Donovan Anderson, Chair
c/o Martha Jenkins, General Counsel
Alcohol Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 2000

OFFICERS

Chairperson
Gail Fast

Vice Chairperson
Andy Litsky

Secretary
Rhonda Hamilton

Treasurer
Ronald Collins

Re: ANC support for Stipulated license for Roy Boys, ABRA #114131

Dear Mr. Anderson:

At its properly noticed Regular Meeting on November 18, 2019, with a quorum present and voting, the Advisory Neighborhood Commission 6D voted 5 to 0 to support the licensee's request for a stipulated license relating to the attached Amendment 3 to the Cooperative Agreement (originally developed for Justin's Café) for Roy Boys, ABRA 114131.

COMMISSIONERS

SMD 1 Gail Fast
SMD 2 Anna Forgie
SMD 3 Ronald R. Collins
SMD 4 Andy Litsky
SMD 5 Vacant
SMD 6 Rhonda Hamilton
SMD 7 Edward Daniels

Please contact Commissioner Fast (6D01@anc.dc.gov) or Dr. Coralie Farlee, Chair, ABC Committee, ANC 6D at 202-554-4407, cfarlee@mindspring.com if you have any questions or concerns. Dr. Farlee is authorized to represent ANC6D in alcohol-related matters.

Sincerely,

Gail Fast, Chair
ANC6D

Coralie Farlee, Chair
ABC Committee, ANC6D

Attachment: Amd 3 to Coop Agreement