

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

<u>In the Matter of:</u>)	
)	
Bloomington Hospitality, LLC)	
t/a Boundary Stone)	
)	License No. 83980
)	Order No. 2010-404
Applicant for a New)	
Retailer's Class CT License)	
)	
at premises)	
116 Rhode Island Ave., N.W.)	
Washington, D.C. 20001)	
)	

Bloomington Hospitality, LLC, t/a Boundary Stone, Applicant

Leyla Strotkamp, on behalf of a Group of Five or More Individuals, Protestants

BEFORE: Nick Alberti, Acting Chairperson
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWAL OF PROTEST

The official records of the Alcoholic Control Board (Board) reflect that Bloomington Hospitality, LLC, t/a Boundary Stone (Applicant), filed an Application for a New Retailer's Class CT License located at 116 Rhode Island Ave., N.W., Washington, D.C. The Applicant and Leyla Strotkamp, on behalf of a Group of Five or More Individuals, have entered into a Voluntary Agreement, dated July 16, 2010, setting forth the terms and conditions that govern the operation of the Applicant's establishment. This Agreement also constitutes a withdrawal of the Protest of this Application.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Leyla Strotkamp, on behalf of a Group of Five or More Individuals, are signatories to the Agreement.

Bloomington Hospitality, LLC
t/a Boundary Stone
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Accordingly, it is this 28th day of July 2010, **ORDERED** that:

1. The Application filed by Bloomington Hospitality, LLC, t/a Boundary Stone (Applicant), for a new Retailer's Class CT license located at 116 Rhode Island Ave., N.W., Washington, D.C., is **GRANTED**;
2. The Protest in this matter is hereby **DISMISSED**;
3. The above-referenced Voluntary Agreement submitted by the Applicant and the Group of Five or More Individuals to govern the operations of the Applicant's establishment are **APPROVED** and **INCORPORATED** as part of this Order, except for the following modification:


The first sentence in "Section 4 (Consultation with Protestants) shall be modified as follows: "Applicant is encouraged to meet with Protestants to discuss any concerns arising from the operation of the Applicant's business."

The parties agree to this modification.

4. Copies of this Order shall be sent to the Applicant and Leyla Strotkamp.

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District of Columbia
Alcoholic Beverage Control Board



Nick Alberti, Acting Chairperson




Donald Brooks, Member

Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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, 1250 U Street, N.W., 3rd Floor, Washington, D.C. 20009.

VOLUNTARY AGREEMENT

THIS AGREEMENT is made and entered into as of this 16th day of July, 2010 by and between Bloomingdale Hospitality, LLC, v/a Boundary Stone (hereinafter the "Applicant") and Yolanda R. Spears, Kathy Toney Greene, Ryan Eades, Yared Taye, Ryan Morris, Leyla Stotkamp, Alvin Greene, Kevin Everette and Tim O'Brien (hereinafter together "Protestants").

WHEREAS, Applicant has filed an application with the District of Columbia Alcoholic Beverage Control Board (hereinafter "the Board") for issuance of a Retailer's Class CT license for premises 116 Rhode Island Avenue, N.W., Washington, D.C.; and,

WHEREAS, Protestants have filed protests of said application with the Board; and,

WHEREAS, in recognition of the Board's policy of encouraging parties to a protested proceeding to settle their differences by negotiating agreements, and the parties hereto being desirous of entering into an agreement whereby, subject to approval of the Board, Applicant will agree to adopt certain measures to address the Protestants' concerns and Protestants, in return, will withdraw their protests of the license application.

NOW, THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the parties agree as follows:

1. **Trash Disposal and Storage:** Bottles and other recyclables will not be deposited outdoors before 8am on any day or after 10pm Sundays – Thursdays and 11pm Fridays and Saturdays, so as to minimize noise disruption to adjacent residences. Trash will be picked up a minimum of twice weekly during these hours only. Trash will be stored in closed containers adequate in size to prevent overflowing.
2. **Rodent and Vermin Control:** Applicant shall engage a professional pest control company with baiting and other necessary services provided on a monthly basis so as to prevent infestation.
3. **Noise Control and Consideration of Neighborhood:** Applicant will encourage employees and patrons to be considerate of neighboring residents at all times. Applicant will operate its Summer Garden with concern for avoiding excessive noise disruption to the adjacent residences. Applicant will be receptive to concerns expressed by residential neighbors and will give good faith consideration to adoption of remedial measures suggested by said neighbors, to the end that disturbance to the peace, quiet and order of the neighborhood resulting from operation of Applicant's business be minimized.
4. **Consultation with Protestants:** Applicant agrees to meet with Protestants, as reasonably requested, but not less than one (1) time per year, to discuss any concerns arising from the operation of Applicant's business. The Applicant agrees to work in good faith with the Protestants to resolve any such concerns and to consider in good faith any amendments to this Agreement which may be desirable to the parties.

5. Enforcement: Prior to filing a complaint with the Board regarding alleged violation of this Agreement, or filing of a complaint with any other District of Columbia agency regarding operation of Applicant's business, Protestants shall advise Applicant in writing (by email or otherwise) and afford Applicant a reasonable period to take to investigate and undertake corrective measures. Applicant will acknowledge receipt of any such complaint in writing within three (3) business days of receipt. For purposes of this Section 5, a reasonable period of time shall be defined as ten (10) business days, unless the emergency nature of any particular issue requires a lesser remediation period.

6. Withdrawal of Protest: Protestants agree to draw their protests and consent to issuance of the ABC license, provided that this Voluntary Agreement is incorporated into the Board's order approving the subject license application.

IN WITNESS WHEREOF, the parties place their signatures to this Agreement on the day and year first above written.

APPLICANT:

BLOOMINGDALE HOSPITALITY, LLC

By: 
Managing Member

PROTESTANTS:

By: 
Leyla Strotkamp, Designated Representative

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STUART J. LONG
MICHAEL D. FONSECA

*Also Admitted in Virginia

July 16, 2010

Alcoholic Beverage Control Board
1250 U Street, NW
Washington, DC 20009

Attn: AAG Thea Davis

Re: Case No. 10-PR0-00054, Bloomingdale Hospitality, LLC,
t/a Boundary Stone, applicant for a Retailer's License
Class CT at premises 116 Rhode Island Avenue, NW

Dear Members of the Board:

I am very pleased to submit herewith for the consideration of the Board a Voluntary Agreement reached by the applicant and the protesting neighbors.

This matter is scheduled for protest hearing on August 11, 2010. The parties request early issuance of an order approving the instant application subject to the terms of the Voluntary Agreement, in order that summer vacation plans for all may be confirmed.

Respectfully yours,



Stephen J. O'Brien

copy (w/encl.): Leyla Strotkamp

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(202) 625-7706
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DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATION ADMINISTRATION