

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

<b>In the Matter of:</b>	)	
Red & Black, LLC	)	
t/a 12 Twelve DC/Kyss Kyss	)	
Application for Substantial Change	)	Case No.: 19-PRO-00081
(Sidewalk Cafe)	)	License No.: ABRA-072734
to a Retailer's Class CT License	)	Order No.: 2019-654
at premises	)	
1210-1212 H Street, NE	)	
Washington, D.C. 20002	)	
	)	

Red & Black, LLC, t/a 12 Twelve DC/Kyss Kyss, Applicant

Nick Alberti, on behalf of Advisory Neighborhood Commission (ANC) 6A

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

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

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The Application filed by Red & Black, LLC, t/a 12 Twelve DC/Kyss Kyss (Applicant), for a Substantial Change to add a Sidewalk Café was protested by ANC 6A.

The official records of the Alcoholic Beverage Control Board (Board) reflect that the Applicant and ANC 6A entered into a Settlement Agreement (Agreement), dated September 16, 2005 and an Addendum to Settlement Agreement (Addendum), dated July 16, 2008, that govern the operation of the Applicant's establishment.

This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated September 17, 2019, in accordance with D.C. Official Code § 25-446 (2001).

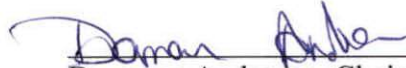
The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Nick Alberti, on behalf of ANC 6A, are signatories to the Amendment.


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

Accordingly, it is this 18th day of September, 2019, **ORDERED** that:

1. The Application filed by Red & Black, LLC, t/a 12 Twelve DC/Kyss Kyss, 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 The Protest of ANC 6A in this matter is hereby **WITHDRAWN**;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 and Addendum 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

  
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James Short, Member

  
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Bobby Cato, Member

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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 14<sup>th</sup> 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 17<sup>th</sup> day of September, 2019

by and between

**Rred & Black, LLC t/a 12 Twelve DC/ Kyss Kyss**  
1210 - 1212 H Street, NE  
Washington DC 20002  
ABRA -072734

and

**Advisory Neighborhood Commission 6A**

The Settlement Agreement ("SA") between the parties listed above (approved by the Board on November 2, 2005, see Order No. 2005-278, and amended on July 31, 2008, see Order No. 2008-0247) is further amended as follows:

The hours of operation for the sidewalk café are limited until 11:00 pm Sunday through Thursday evenings and 12:00 am on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons and staff.

**In Witness Whereof**

The parties have affixed hereto their hands and seals.

**Applicant:**

By: M. Fletcher *Michelle Fletcher* Date: 9-17-19

Signature: *M. Fletcher*

**Advisory Neighborhood Commission 6A Representative:**

By: Nick Alberti Date: 9-17-19

Signature: *Nick Alberti*

**Chair, Advisory Neighborhood Commission 6A:**

By: Amber K. Gove

Date: 9/18/2019

Signature: Amber K Gove