

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

In the Matter of:)

RS Liquors, Inc.)
t/a Cap Liquors)

Holder of a)
Retailer's Class A License)

at premises)
1301 South Capitol Street, SW)
Washington, D.C. 20024)

License No.: ABRA-024522
Order No.: 2018-158

RS Liquors, Inc., t/a Cap Liquors (Licensee)

Meredith Fascett and Dr. Coralie Farlee, on behalf of Advisory Neighborhood
Commission (ANC) 6D

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Donald Isaac, Sr., Member
Bobby Cato, Member
Rema Wahabzadah, Member

ORDER ON FIRST AMENDMENT TO COOPERATIVE AGREEMENT

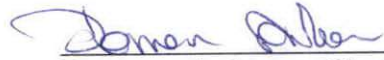
The official records of the Alcoholic Beverage Control Board (Board) reflect that RS Liquors, Inc., t/a Cap Liquors (Licensee), and ANC 6D entered into a Cooperative Agreement (Agreement), dated May 8, 2017, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' First Amendment to Cooperative Agreement (First Amendment), dated April 9, 2018, in accordance with D.C. Official Code § 25-446 (2001).

The First Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Meredith Fascett and Dr. Coralie Farlee, on behalf of ANC 6D, are signatories to the First Amendment.

Accordingly, it is this 11th day of April, 2018, **ORDERED** that:

1. The above-referenced First 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, not amended by the First 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



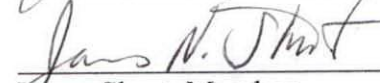
Donovan Anderson, Chairperson



Nick Alberti, Member



Mike Silverstein, Member



James Short, Member



Donald Isaac, Sr., Member



Bobby Cato, Member

Rema Wahabzadah, 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**

11014th Street SW, Suite W130, Washington, DC 20024
ANC Office: 202 554-1795 office@anc6d.org

AMENDMENT #1 TO COOPERATIVE AGREEMENT

THIS AMENDMENT TO COOPERATIVE AGREEMENT is made on this 9th day of April, 2018, by and between RS Liquors, Inc. t/a Cap Liquors, 1301 South Capitol Street, SW Class A License #024522 (licensee) and Advisory Neighborhood Commission 6D (ANC6D) the ANC ("The ANC"), collectively, the Parties. This amendment modifies the Cooperative Agreement dated May 8, 2017, between Cap Liquors and ANC6D finalized by ABC Board Order 2017-336, dated June 7, 2017.

RECITALS

WHEREAS, Licensee and ANC6D entered into new Cooperative Agreement dated May 8, 2017, for an establishment located at 1301 South Capitol Street, SW, Washington, D.C. 20024, and

WHEREAS, the Cooperative Agreement dated May 8, 2017, and the subsequent ABC Board Order provided for a one-year exception from the Ward 6 single sales ban (Title 25-346) which was to be reviewed in March 2018 at the time of the license renewal. This is the provision in the May 8, 2017 Cooperative Agreement as modified by the ABC Board:

"Licensee may have a one-year exception to the Ward 6 "single sales ban", Title 25-346, "Ward 6 restrictions for off-premises retailer's license" which permits the licensee to (1) divide a manufacturer's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package if the capacity of the individual container is 70 ounce or less; and (b) sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less as well as spirits (liquor) sold in half-pints or smaller volumes. This one-year exception from the prohibition of single sales shall be reviewed at the time of license renewal in March 2018." This was modified by Board Order of June 7, 2017 to indicate that "the Licensee may apply for, and the ANC will not object to, an exemption from the Ward 6 'single sales ban.'"

WHEREAS, the Parties request that the Alcoholic Beverage Control Board approve this Amendment #1 to Cooperative Agreement conditioned upon the Licensee's compliance with the terms of this written Amendment and the previously executed Cooperative Agreement and referenced 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.



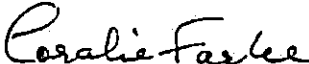
2. The Cooperative Agreement is modified to replace Paragraph 2, "Nature of the Business" as follows:

The Licensee manages and operates a Class A liquor store business establishment ("Establishment") located at 1301 South Capitol Street, SW, Washington, DC ("Premises") which includes the sales of spirits, beer, wine, and malt liquor or ale. Licensee may apply for a perpetual exception from the Ward 6 "single sales" provision in Title 25-346, "Ward 6 restrictions for off-premises retailer's license" which permits the licensee to (a) divide a manufatruere's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package if the capacity of the individual container is 70 ounces or less; and (b) sell, give, offer, expose for sale or deliver an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less as well as spirits (liquor) sold in half-pints or smaller volumes. The Licensee shall not sell or provide single cups of ice.

3. **Compliance with ABRA Regulations.** Licensee promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations and all other provisions applicable to liquor licenses.
4. **Agreement Otherwise Unamended.** Except as otherwise provided herein, the terms and conditions of the previously executed Cooperative Agreement, Amendment #1 to the Cooperative Agreement, Board Order, and License are expressly reaffirmed and remain in full force and effect.

FOR ANC6D

FOR LICENSEE

Chair, ANC6D:		RS Liquors, Inc. t/a Cap Liquors	
	<u>4/9/18</u>		<u>4/9/18</u>
Meredith Fascett, ANC6D07	DATE	Sing Wat Lam, Owner	DATE
	<u>9 Apr 18</u>		
Coralie Farlee, Chair, ABC Committee	DATE		

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

In the Matter of:)

RS Liquors, Inc.)
t/a Cap Liquors)

Holder of a)
Retailer's Class A License)

at premises)
1301 South Capitol Street, SW)
Washington, D.C. 20024)

License No.: ABRA-024522

Order No.: 2017-336

RS Liquors, Inc., t/a Cap Liquors (Licensee)

Andy Litsky and Dr. Coralie Farlee, Advisory Neighborhood Commission (ANC) 6D

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Jake Perry, Member
Donald Isaac, Sr., Member

ORDER ON COOPERATIVE AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that RS Liquors, Inc., t/a Cap Liquors (Licensee), and ANC 6D entered into a Cooperative Agreement (Agreement), dated May 8, 2017, in accordance with D.C. Official Code § 25-446 (2001).

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Andy Litsky and Dr. Coralie Farlee, on behalf of ANC 6D, are signatories to the Agreement.

Accordingly, it is this 7th day of June, 2017, **ORDERED** that:

1. The above-referenced Cooperative Agreement submitted by the parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modifications:


Section 2 (Nature of the Business) – This Section shall be modified to read as follows: “The Licensee manages and operates a Class A liquor store business establishment (“Establishment”) located at 1301 South Capitol Street, SW, Washington, D.C. (“Premises”) which includes the sales of spirits, beer, wine, and malt liquor or ale. In accordance with D.C. Official Code § 25-346, the Licensee may apply for, and the ANC will not object to, an exemption from the Ward 6 “single sales ban.” The exception from the prohibition of single sales shall be reviewed at the time of license renewal in March 2018. The Licensee shall not sell or provide single cups of ice.”

Section 9 (Security Cooperation in Stemming Illegal Drugs and Public Drinking) – The language “In accordance with D.C. Official Code § 25-402(d)(3)(G), the establishment shall” shall be replaced with the language “The establishment shall maintain security cameras and.”

The parties have agreed to these modifications.

2. This Cooperative Agreement replaces and supersedes previous Cooperative Agreements and Amendments between the parties; 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



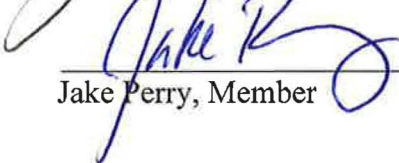
Nick Alberti, Member



Mike Silverstein, Member



James Short, Member

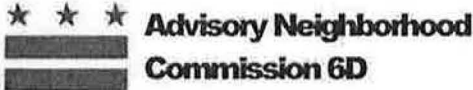


Jake Perry, Member

Donald Isaac, Sr., 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).



11014th Street SW, Suite W130, Washington, DC 20024
ANC Office: 202 554-1795 office@anc6d.org

ALCOHOLIC BEVERAGE
REGULATION ACT
2011

COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT replaces Voluntary Agreement (VA) dated January 11, 2010 (Board Order 2010-036 dated 2/24/10); and Amendment 1 to VA of 9/8/14 (Board Order 2014-357 dated 9/24/14) and all previous Agreements and Amendments between the licensee and ANC6D; and

THIS COOPERATIVE AGREEMENT (“Agreement”) is made on this 8th day of May 2017 by and between RS Liquors, Inc., t/a Cap Liquors (“Licensee”), at 1301 South Capitol Street, SW, Washington, DC 20024 ABRA License # 24522 and Advisory Neighborhood Commission 6D (“the ANC”), (collectively, the “Parties”).

PREAMBLE

Through this agreement both parties aim to create an environment in which the Licensee may operate as a viable contributing establishment in the ANC6D community.

WITNES ETH

WHEREAS, Licensee has been operating a liquor store License Class A for a business establishment (“Establishment”) located at 1301 South Capitol Street, SW, Washington, D.C. 20024 (“Premises”); and

WHEREAS, the Licensee is encouraged to work regularly with ANC6D and its representatives, other neighborhood organizations, and residents to ensure that the business operations facilitate the enjoyment of the surrounding neighborhood; and

WHEREAS, the Parties are desirous of entering into a Cooperative Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to minimize the effect of the establishment within the ANC on (1) peace, order, and quiet, including the noise and litter provisions set forth in §§ 25-725 and 25-726; and (2) residential parking needs and vehicular and pedestrian safety, and to eliminate the need for a Protest Hearing regarding the license application; and

WHEREAS, all parties believe that the statements and provisions contained in this agreement are reasonable and shall become wholly integrated into the day-to-day operation of the Establishment. The Parties agree that any substantial change in operations is considered of great concern to the community which they may bring to the attention of the ABC Board; and

WHEREAS, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Control Board ("ABC Board") approve this updated Agreement conditioned upon the Licensee's compliance with the terms of this written Agreement; and

WHEREAS, the Licensee's license application is conditional upon the Licensee's compliance with the terms of this written Agreement;

NOW, THEREFORE, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the Parties agree as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. **Nature of the Business.** The Licensee manages and operates a Class A liquor store business establishment ("Establishment") located at 1301 South Capital Street, SW, Washington, D.C. ("Premises") which includes the sales of spirits, beer, wine, and malt liquor or ale. Licensee may have a one-year exception to the Ward 6 "single sales ban", Title 25-346, "Ward 6 restrictions for off-premises retailer's license" which permits the licensee to (1) divide a manufacturer's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package if the capacity of the individual container is 70 ounce or less; and (b) sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less as well as spirits (liquor) sold in half-pints or smaller volumes. This one-year exception from the prohibition of single sales shall be reviewed at the time of license renewal in March 2018. The Licensee shall not sell or provide single cups of ice.
3. **Hours of Operation and Sales.**
The Licensee's hours of **operation and selling alcohol** shall be as follows:
 Sunday: 9:00 a.m.- 9:00 p.m.,
 Monday through Saturday: 9:00 a.m. – 12:00 a.m.
4. **Floors Utilized and Occupancy.** The Licensee will operate its Establishment on the first floor of the building.
5. **Parking Arrangements.** It is a concern of the ANC that the Licensee's operation of the Establishment does not create or exacerbate parking problems within the ANC. Licensee shall encourage clientele to park in the establishment's private parking lot while conducting business with the establishment.
6. **Noise and Privacy.** Licensee shall strictly comply with D.C. Official Code § 25-725 and to that end licensee shall make reasonable efforts to discourage loud noise and rowdiness of patrons on or near the Premises, including informing its patrons to be respectful of the residential neighborhoods.

7. **Public Space and Trash.** Licensee shall keep the sidewalk (up to and including the curb), tree box(es), curb, and alley clean and free of litter, bottles, and other debris in compliance with D.C. Law and Municipal Regulations. Licensee shall police these areas sufficiently to assure that refuse and other materials are promptly removed. The Licensee agrees to obtain a dumpster to be placed in the vicinity of the building. Licensee shall ensure that the area around the dumpster is kept clean at all times and free of trash and debris and the dumpster is placed such that it does not encroach on the abutting property owners and so that no garbage is placed on the abutting property. Licensee will keep the establishment clean and well lit and will keep the adjacent property and within 100 feet thereof, free of litter related to the establishment; and will take such actions as are necessary to prohibit criminal activity on or near the establishment. Licensee will make reasonable efforts to prohibit public urination and defecation by its clientele within 100 feet of the establishment. Licensee shall convey to customers that it is illegal to carry or drink from open containers of beer or liquor in open public space.
8. **Rats and Vermin Control.** Licensee shall make all reasonable efforts to control rats and vermin, including arranging for a pest control service, having the area around the Premises cleaned at the end of each night to ensure that there are not garbage and odors present the following morning.
9. **Security Cooperation in Stemming Illegal Drugs and Public Drinking.** Licensee shall take all necessary steps to minimize problems of illegal drugs and public drinking, including, at all times designating a sufficient number of employees to assure adequate security and to control unruly patrons, whether inside or in the immediate outside area; monitoring for and prohibiting sales or use of illegal drugs within or about the Premises, maintaining contact and cooperating with the Metropolitan Police Department (MPD) and other enforcement officials when known or suspected drug activities occur. Licensee shall to the full extent permissible by law discourage loitering in the immediate vicinity of the Premises.

Licensee shall maintain an incident log to record incidents for which MPD calls for service have been initiated by applicant, shall enter in the log the name of the person in the Establishment who made the calls, and shall annotate the log to indicate action taken. This log shall be made available to representatives of the MPD and ABRA, upon request.

Licensee shall have recording cameras which cover the inside area where alcoholic beverages are sold as well as the immediate outside areas of the Premises. In accordance with D.C. Official Code § 25-402(d)(3)(G), the establishment shall: (a) Ensure the cameras are operational; (b) Maintain footage for a minimum of 30 days; and (c) Make the security footage available within 48 hours upon the request of ABRA or the MPD.
10. **License Ownership and Compliance with ABRA Regulations.** Licensee promises to the ANC that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licensees, and agrees that the ANC shall have standing to ask the ABC Board to

enforce any violations of the agreement.

- 11. **Participation in the Community.** Licensee is encouraged to maintain open communication with the ANC and the community for which the ANC acts.
- 12. **Notice and Opportunity to Cure.** In the event that any of the parties is in breach of this Agreement, it shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the Agreement. Unless the breach is of an emergency nature or is a repetition of a prior breach, reasonable notice and opportunity shall provide for a cure within 30 days of the date of such notice. If Licensee or the licensee fails to cure within the 30-day period (or, with respect to a breach which reasonably requires more than 30-days to cure, fails to commence cure of such breach and diligently pursues such cure) failure shall constitute a cause for filing a complaint with the ABC Board pursuant to D.C. Official Code § 25-447.


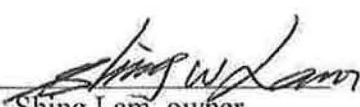
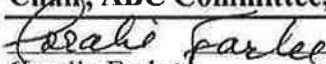
If to Licensee: RS Liquors, Inc. t/a Cap Liquors
 1301 South Capitol Street, SW
 Washington, DC 20024
 Attn: Shing Lam, Owner
 Phone: 202-488-7324
 e-mail: joycehlam@gmail.com or kenn.kwok@gmail.com

If to Protestant: Advisory Neighborhood Commission 6D
 1101 4th Street, SW, Suite W130
 Washington, DC 20024
 Attn: Chair, ANC
 Phone: (202) 202 554-1795
 e-mail: office@ANC6D.org

Failure to give notice shall not constitute waiver or acquiescence to the violation, but notice shall be a prerequisite to the filing of a complaint with the ABC Board or any other enforcement action.

The ANC:

LICENSEE:

Chair, ANC6D	R S Liquors, Inc. t/a Cap Liquors
 Andy Litsky, SMD04	By:  Shing Lam, owner
Chair, ABC Committee, ANC6D  Coralie Farlee cfarlee@mindspring.com	Date: <u>5/8/17</u> Date: <u>5/8/15</u>



Near Southeast/Southwest
Advisory Neighborhood Commission 6D

ALCOHOLIC BEVERAGE
REGULATION BOARD
2017 MAY -9 A 10:28
May 8, 2017

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

Donovan Anderson, Chair
c/o Martha Jenkins, General Counsel
Alcohol Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

OFFICERS

Chairperson
Andy Litsky

Vice Chairperson
Cara Lea Shockley

Secretary
Gail Fast

Treasurer
Meredith Fascett

Re: ANC6D recommendation for revised Cooperative Agreement for RS Liquors, Inc., t/a Cap Liquors, 1301 South Capitol Street, SW, ABRA #24522

Dear Mr. Anderson:

At its regularly scheduled, properly noticed meeting on May 8, 2017, with a quorum present, with reference to Cap Liquors' Class A License, the Advisory Neighborhood Commission 6D voted: 5 to 0 to 0 to recommend approval of a revised new Cooperative Agreement (CA).

COMMISSIONERS

- SMD 1 Gail Fast
- SMD 2 Cara Lea Shockley
- SMD 3 Ronald R. Collins
- SMD 4 Andy Litsky
- SMD 5 Roger Moffatt
- SMD 6 Rhonda Hamilton
- SMD 7 Meredith Fascett

This licensee has been operating the Establishment for many years at this difficult and challenging location. It is also directly opposite The Nationals baseball stadium. This CA omits several provisions in the previous agreement which can no longer be enforced. Also, because there was a violation in April 2016 of "sale to minor," the ANC recommends limiting the single sales authorization to the renewal period in 2018 when this license class is scheduled for its 3-year renewal. At that time, the ANC6D will reconsider whether it recommends re-instating the perpetual authorization for single sales of the Ward 6 single sales ban.

Please contact Commissioner Litsky (at the number above) or Coralie Farlee, Chair, ABC Committee, ANC6D at 202-554-4407, cfarlee@mindspring.com if you have any questions or concerns.

Sincerely,

Andy Litsky, Chair
ANC6D

Coralie Farlee, Chair
ABC Committee, ANC6D

Attachment: CA