

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

| | | |
|------------------------------|---|--------------------------|
| In the Matter of: |) | |
| 1420 Pennsy, LLC |) | |
| t/a Trusty's Bar |) | |
| Holder of a |) | License No.: ABRA-071352 |
| Retailer's Class CT License |) | Order No.: 2018-260 |
| at premises |) | |
| 1420 Pennsylvania Avenue, SE |) | |
| Washington, D.C. 20003 |) | |
| |) | |

1420 Pennsy, LLC, t/a Trusty's Bar (Licensee)

Daniel Ridge, Chairperson, Advisory Neighborhood Commission (ANC) 6B

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 AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that 1420 Pennsy, LLC, t/a Trusty's Bar (Licensee), and ANC 6C have entered into a Settlement Agreement (Agreement), dated November 7, 2013, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Addendum), signed on April 10, 2018, 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 Licensee and Chairperson Daniel Ridge, on behalf of ANC 6B, are signatories to the Amendment.

Accordingly, it is this 22nd day of February, 2018, **ORDERED** that:

1. The above-referenced Amendment to Settlement 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 3 (Hours of Operation, Sale and Consumption) – The language “Hours of Operation, Sales and Consumption” shall be replaced with the language “Hours of Operation, Sales, Service and Consumption.”

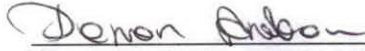
Section 3 (Hours of Operation, Sale and Consumption) – The Summer Garden hours “1:00 A” shall be replaced with “1:00 AM.”

Section 11 (Notice and Opportunity to Cure) – The language “for seeking a Show Cause Order from the ABRA Board pursuant to D.C. Official Code § 25-201(c)(6)” shall be replaced with “for filing a complaint with the ABC Board pursuant to D.C. Official Code § 25-447.”

The parties have agreed to these modifications.

2. All terms and conditions of the original Settlement Agreement not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee and ANC 6B.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson




Nick Alberti, Member



Mike Silverstein, Member



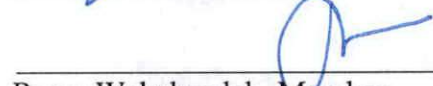
James Short, Member



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).



AMENDMENT TO SETTLEMENT AGREEMENT

This Amendment to Settlement Agreement ("Amendment") is made this 9th day of November 2016 by and between 1420 Pennsy, LLC t/a Trusty's Bar ("Applicant") and Advisory Neighborhood Commission 6B ("ANC 6B").

WITNESSETH

WHEREAS, ANC 6B and the Applicant previously entered into a Settlement Agreement (SA) dated November 7, 2013, which SA was approved by the Alcoholic Beverage Regulatory Agency Board ("ABRA Board") by Order dated October 1, 2014;

WHEREAS, Applicant is the current holder of a Retailer's Class CT License and bound by the terms of the SA with ANC 6B;

WHEREAS, the ANC 6B and Applicant seek to amend the SA in the manner hereinafter provided;

NOW, THEREFORE, the parties agree as follows:

1. Section 3 of the SA is amended as follows:

Hours of Operation, Alcohol Beverage Sales, Service and Consumption & Live Entertainment. The Applicant's hours of operation and sales of alcohol shall be as follows:

Hours of Operation, Sales and Consumption:

Inside:

Sunday thru Thursday 10:00 AM to 2:00 AM
Friday and Saturday 10:00 AM to 3:00 AM

Sidewalk Café:

Sunday thru Thursday 10:00 AM to 2:00 AM
Friday and Saturday 10:00 AM to 3:00 AM

Summer Garden (second floor with open roof):

Sunday thru Thursday 10:00 AM to 2:00 AM
Friday and Saturday 10:00 AM to 3:00 AM

Hours of Live Entertainment:

Inside:

Sunday thru Thursday 10:00 AM to 2:00 AM
Friday and Saturday 10:00 AM to 3:00 AM

Summer Garden (second floor with open roof):

Sunday thru Thursday 10:00 AM to 12:00 Midnight
Friday and Saturday 10:00 AM to 1:00 A

- 2. Section 11 of the existing SA is renamed Section 12;
- 3. A new Section 11 is added to the existing SA which reads as follows:

Notice and Opportunity to Cure. In the event that any of the parties is in breach of the existing SA as modified by this Amendment, it shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the SA. Unless the breach is of an emergency nature or is a repetition of a prior breach, reasonable notice and opportunity shall be provided for a cure within 10 calendar days of the date of such notice. If Applicant refuses or fails to commence the cure or diligently to pursue such cure within the 10 day period (or, with respect to a breach which reasonably requires more than 10 days to cure), such refusal or failure shall constitute a cause for seeking a Show Cause Order from the ABRA Board pursuant to D.C. Official Code § 25-201(c)(6).

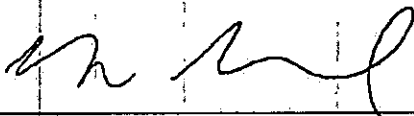
- 4. Agreement Otherwise in Full Force and Effect

Except as otherwise explicitly provided herein, the Agreement from 2014 shall remain in full force and effect and the Agreement, as modified by this Amendment, shall constitute the Agreement between the parties. The SA may only be modified by written approval of the parties, or otherwise in accordance with law.

IN WITNESS WHEREOF, the parties have executed this Amendments as of the day and year first written above.

Applicant:

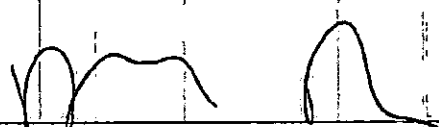
Pensy LLC, t/a Trusty's Bar
 ABRA#071352
 1420 Pennsylvania Avenue SE Washington, DC 20003
 Mark Menard, Managing Member
 m.d.menard@gmail.com
 (202) 391-1176

Signature: 

Date: 4/10/18

ANC:

Advisory Neighborhood Commission 6B
 921 Pennsylvania Avenue SE Washington DC 20003
 6b@anc.dc.gov
 Daniel Ridge, Chair

Signature: 

Date: 4/18/18

ANC 6B

Capitol Hill / Southeast

April 16, 2018

921 Pennsylvania Avenue SE
Washington, DC 20003-2141
6B@anc.dc.gov

OFFICERS

Chairperson

Daniel Ridge

Vice-Chair

Chander Jayaraman

Secretary

Kirsten Oldenburg

Treasurer

Nick Burger

Parliamentarian

James Loots

COMMISSIONERS

SMD 01 Jennifer Samolyk

SMD 02 Diane Hoskins

SMD 03 James Loots

SMD 04 Kirsten Oldenburg

SMD 05 Steve Hagedorn

SMD 06 Nick Burger

SMD 07 Aimee Grace

SMD 08 Chander Jayaraman

SMD 09 Daniel Ridge

SMD 10 Denise Krepp

Donovan Anderson, Chair
Alcoholic Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

VIA E-MAIL: abra.legal@dc.gov

RE: ABRA-071352, 1420 Pennsy LLC d/b/a Trusty's Bar, 1420 Pennsylvania Ave, SE;
Substantial change to add an Entertainment Endorsement for Live Entertainment inside
Premises & for Summer Garden

Dear Chair Anderson:

At its regularly scheduled, properly noticed, meeting on April 10, 2018, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 8-0-1 to support the above-referenced request.

For your review and approval, please find attached an Amendment to the existing Settlement Agreement (SA), which was executed by both ANC 6B and the Applicant.

Please contact Commissioner Chander Jayaraman, ANC 6B's Alcohol Beverage Control Committee Chair, at 202-546-2609 or 6b08@anc.dc.gov if you have questions or need further information. Thank you.

Sincerely,



Daniel Ridge
Chair, ANC 6B

cc: via e-mail

Applicant / Counsel:
ABC Committee Chair:
SMD Commissioner:

Mark Menard
Chander Jayaraman
Nick Burger

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

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|--------------------------------|---|
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| In the Matter of: |) |
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| 1420 Pennsy, LLC |) |
| t/a Trusty's Bar |) |
| |) |
| Holder of a |) |
| Retailer's Class CT License |) |
| |) |
| at premises |) |
| 1420 Pennsylvania Avenue, S.E. |) |
| Washington, D.C. 20003 |) |
| <hr/> |) |

License No. ABRA-071352
Order No. 2014-362

1420 Pennsy, LLC, t/a Trusty's Bar (Licensee)

Brian Flahaven, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 6B

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that 1420 Pennsy, LLC, t/a Trusty's Bar, (Licensee), and ANC 6B have entered into a Settlement Agreement (Agreement), dated November 7, 2013, that governs the operation of the Licensee's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Brian Flahaven, on behalf of ANC 6B, are signatories to the Agreement.

Accordingly, it is this 1st day of October, 2014, **ORDERED** that:

1. The above-referenced Settlement 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 modification:

Section 3 (Hours of Operation and Sales) – The last paragraph shall be modified to read as follows: “Provided that: (a) with the exception of January 1 of every year, on days designated by the ABC Board as “Extended Hours for ABC Establishments”, Applicant may operate [including sale and consumption] for one hour later than the hours listed above; and (b) in the event that the Council of the District of Columbia or the ABC Board grants licensees in general extended operating hours [such as for the Inauguration], Applicant may avail itself of such extended hours.”

The parties have agreed to this modification.

2. This Settlement Agreement replaces and supersedes previous Settlement Agreements between the parties; and
3. Copies of this Order shall be sent to the Licensee and ANC 6B.

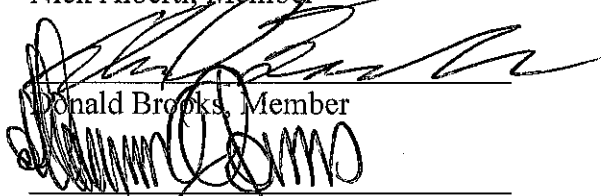
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson

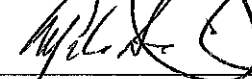


Nick Alberti, Member

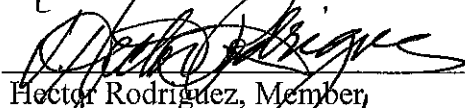


Donald Brooks, Member

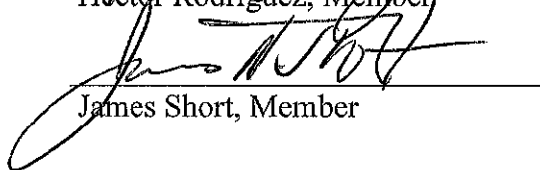
Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, Member

Pursuant to D.C. Official Code § 25-433, 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to D.C. Official Code § 25-433, 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).

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made on this 7th day of November, 2013 by and between Pennsy LLC t/a Trusty's Full Serve ("Applicant"), and Advisory Neighborhood Commission 6B, (Collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant's application for a license for premises, 1420 Pennsylvania Avenue SE, Washington, DC, 20003, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC, and,

WHEREAS, the Parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "C" Tavern Liquor License at the subject premises; and,

WHEREAS, the Parties are desirous of entering into a Settlement Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to promote the peace, order and quiet of the neighborhood. Both parties recognize the importance of business neighborhoods that are safe, clean, and "pedestrian friendly".

NOW, THEREFORE, the parties agree as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. **Nature of the Business.** . The Applicant shall manage and operate at the address a place that is regularly used for the sale and service of prepared food and alcoholic beverages. The license shall have limited indoor seating of 62 patrons and outside (sidewalk or other)voluntary seating not to exceed 70 patrons.
3. **Hours of Operation and Sales.** The Applicant's hours of operation shall be as follows:
 - Inside Services
 - Sunday through Thursday 10 AM to 2 AM
 - Friday and Saturday 10 AM to 3 AM
 - Sidewalk Services
 - Sunday through Thursday 10 AM to 2 AM
 - Friday and Saturday 10 AM to 3 AM

Entertainment Endorsement

Sunday through Thursday N/A to N/A AM

Friday and Saturday N/A AM to N/A AM

Provided that: (a) on days designated by the ABC Board as "Extended Hours for ABC Establishments" Applicant may operate (including sale and consumption) for one hour later than the hours listed above; (b) in the event that the Council of the District of Columbia or the ABC Board grants licensees in general extended operating hours (such as for the Inauguration), Applicant may avail itself of such extended hours; and (c) on January 1 of each year, Applicant may operate (including sale and consumption) until 3:00 a.m.

4. **Floors Utilized and Occupancy.** The Applicant will operate its establishment according to the occupancy indicated on the Certificate of Occupancy issued by the Department of Consumer and Regulatory Affairs.
5. **Sidewalk Café.** Applicant will operate its sidewalk café in accordance with the Public Space Management Branch Certification. Applicant will direct that its employees inspect the sidewalk café on a regular basis to ensure its cleanliness.
6. **Noise, Odor, and Privacy.** No objectionable odors will be created by the Applicant. Applicant will strictly comply with D.C. Official Code § 25-725, which may include the need to make architectural improvements to the property. Applicant agrees to keep its doors closed when music is being played inside the establishment but may open its window panels during such times, provided that the music is not audible beyond the street curbside. If necessary, Applicant will take reasonable steps necessary to reduce noise emanating from the opening of entry or exit doors. Applicant will take all reasonable steps to strictly comply with D.C. Regulations concerning noise emanating from the establishment's mechanical equipment.
7. **Public Space and Trash.**
 - a. Applicant shall keep its entire property and 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. Code and Municipal Regulations. Applicant shall police these areas sufficiently to assure that refuse and other materials are promptly removed.
 - b. Applicant shall ensure that the area around the dumpster is kept clean at all times and the dumpster is placed such that it does not encroach on the abutting property owners and that no garbage is placed on the abutting property. Applicant shall ensure that no trash is placed outside the establishment other than in a fully-closed dumpster. Applicant shall ensure that the lids on all dumpsters are fully closed at all times. Applicant shall not place trash in its dumpster in any manner that would prevent the full closure of the dumpster. Applicant shall ensure that all

dumpsters used are properly maintained and replaced when damaged.

c. Applicant shall ensure that all grease is placed in a secure well-maintained container inside the property where possible. Any grease leak shall be cleaned up promptly and all containers shall be properly maintained and replaced when damaged or leaking.

d. Applicant will ensure timely trash disposal that is the least disruptive to the neighbors. To that end, no glass shall be recycled or otherwise disposed after 10 p.m. or before 7 a.m. Any glass material needing to be recycled or otherwise disposed between 10 p.m. and 7 a.m. shall be stored inside the Applicant's establishment until 7 a.m.

e. Commercial trash pick up in residential areas takes place between 7 a.m.-7 p.m. Applicant shall not allow for its trash to be picked up outside of those hours.

8. ***Rats and Vermin Control.*** The Applicant shall provide rat and vermin control for its property. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure that there are no garbage and odors present the following morning.

9. ***Security Cooperation in Stemming Criminal Activity and Public Drinking.*** Applicant agrees that it shall take all reasonable steps to minimize such problems, including, without limitation, providing 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 criminal activity within or about the Premises, maintaining contact and cooperating with MPD and other enforcement officials when known or suspected drug activities occur. Applicant shall to the full extent permissible by law discourage loitering in the vicinity of the Premises.

10. ***Compliance with ABRA Regulations.*** Applicant promises 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.

11. ***Cancellation of previous Agreements.*** Except as otherwise explicitly provided herein, this Agreement shall have full force effect and shall constitute the agreement between the parties. This agreement may only be modified by written agreement of all the parties or their successors, or otherwise in accordance with law. All other previous Voluntary or Settlement agreements are rendered null and void.

Applicant:

Pennsy LLC, t/a Trusty's Full Serve
ABRA#071352
1420 Pennsylvania Avenue SE
Washington, DC 20003
Mark Menard, Managing Member
202.391.1176, phone

Signature: 

Date: 11/7/13

Advisory Neighborhood Commission 6B
Washington, DC 20003
Brian Flahaven, Chairperson
(202) 543-3344
Fax (202) 543-3507

Signature: 

Date: 11/18/13