

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

In the Matter of:

Black's 14th Street, LLC
t/a Pearl Dive Oyster Palace/BlackJack

Application for Substantial Change
(Entertainment Endorsement)
to a Retailer's Class CR License

at premises
1612 14th Street, NW
Washington, D.C. 20009

Case No.: 22-PRO-00029
License No.: ABRA-085382
Order No.: 2022-577

Black's 14th Street, LLC, t/a Pearl Dive Oyster Palace/BlackJack, Applicant

Sherene Joseph, Chairperson, Advisory Neighborhood Commission (ANC) 2F, Protestant

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rafi Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

**ORDER ON SETTLEMENT AGREEMENT AND
WITHDRAWAL OF ANC 2F'S PROTEST**

The Application filed by Black's 14th Street, LLC, t/a Pearl Dive Oyster Palace/BlackJack (Applicant), for a Substantial Change to add Entertainment Endorsement to its Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on May 23, 2022, and a Protest Status Hearing on June 29, 2022, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Alcoholic Beverage Control Board (Board) reflect that the Applicant and ANC 2F entered into a Settlement Agreement (Agreement), dated July 27, 2022, that governs the operations of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Sherene Joseph, on behalf of ANC 2F, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 2F.

Accordingly, it is this 3rd day of August 2022, **ORDERED** that:

1. The Application filed by Black's 14th Street, LLC, t/a Pearl Dive Oyster Palace/BlackJack, for a Substantial Change to add Entertainment Endorsement to its Retailer's Class CR License, located at 1612 14th Street, NW, Washington, D.C., is **GRANTED**;
2. The Protest of ANC 2F in this matter is hereby **WITHDRAWN**;
3. The above-referenced Settlement Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Parties.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac43269264621c70e4b720333d1d008

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 347a372520956ac8d1b332d2248e

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256d32eadbe168d77d275bd79173202

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b560e91845e1f5e4016155e5c1291c2

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 82172921f25c947491b5d9c2a41e5

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bd47f7f90040ec14a9eb52541ce5

Edward S. Grandis, 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 II 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).

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made on this 27th day of July 2022, by and between Black's 14th Street, NW, LLC t/a Pearl Dive Oyster Palace/BlackJack ("Applicant") and Advisory Neighborhood Commission 2F ("ANC 2F").

RECITALS

(a) Applicant has applied for a substantial change of its Retailer's Class CT License ABRA #085382 (the "License") for a business establishment ("Establishment") located at 1612 14th Street, NW, Washington, D.C. (the "Premises");

(b) In lieu of contested protest proceedings regarding the application for the License, the Parties wish to enter into a Settlement Agreement pursuant to D.C. Official Code § 25-446 to address such concerns:

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. Substantial change. Applicant agrees to withdraw its current request for live entertainment in the sidewalk café.
3. Windows and live entertainment. The Applicant agrees that all of its windows shall be closed when live entertainment is featured on the first floor after 8:00 P.M.

ADVISORY NEIGHBORHOOD COMMISSION 2F

By: *Sherene Joseph*
Sherene Joseph, Chair

APPLICANT *[Signature]*
Name: MIT Black, Owner
Black's 14th Street, NW, LLC
t/a Pearl Dive Oyster Palace/BlackJack