

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

In the Matter of:)
)
DK, Corporation)
t/a Joe Caplan Liquors)
)
Applicant for Renewal of a)
Retailer's Class A License)
)
)
at premises)
1913 7th Street, N.W.)
Washington, D.C. 20001)
)

Case No.: 21-PRO-00043
License No.: ABRA-060351
Order No.: 2021-884

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

ALSO PRESENT: DK, Corporation, t/a Joe Caplan Liquors, Applicant

Stephen J. O'Brien, Counsel, on behalf of the Applicant

James Turner, Chair, and Larry Handerhan, Commissioner, on behalf of Advisory Neighborhood Commission (ANC) 1B

Elaine Gin, Designated Representative, on behalf of a Group of Five or More Individuals, Protestant

ORDER ON SETTLEMENT AGREEMENT AND DISMISSAL OF PROTEST

DK, Corporation, t/a Joe Caplan Liquors, (Applicant) and Advisory Neighborhood Commission (ANC) 1B have filed an executed settlement agreement, in the matter of the Applicant's Application for the Renewal of its Retailer's Class A License. The signatories to the agreement are the Applicant and ANC 1B.

The written agreement of these parties has been reviewed by the Board and deemed compliant with all applicable laws and regulations. The agreement shall become a condition of licensure and the licensee shall comply with its terms in accordance with D.C. Official Code § 25-446.

The Board further notes that the approval of the settlement agreement with Advisory Neighborhood Commission (ANC) 1B requires the Board to dismiss the protest filed by the Group of Residents and Property Owners pursuant to D.C. Official Code § 25-609(b).

ORDER

Therefore, the Board, on this 8th day of December 2021, hereby **ORDERS** the following:

1. The Application filed by DK, Corporation, t/a Joe Caplan Liquors, is **APPROVED**;
2. The Settlement Agreement filed by the Applicant and ANC 1B is **APPROVED** and **INCORPORATED** as part of this Order in accordance with D.C. Official Code § 25-446;
3. The Protest filed by the Group of Residents and Property Owners is **DISMISSED** in accordance with D.C. Official Code § 25-609(b); and

The agency is instructed to send a copy of this Order to the parties.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac42b96c9d5809e4b730093d1dccc8

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547ae3792026e6ac8d1b3323d2948ec

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 296d3fca1fba146d7f4b75bd7917d2bd

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b560e91845e1f9e4016155e5c12f81cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 82172091e5509447491b56f9c2a4189f

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda7f9f0040ec14adeb52541ce5

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 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).

**Settlement Agreement by and between
Advisory Neighborhood Commission 1B and
DK Corporation, t/a Joe Caplan Liquors**

THIS AGREEMENT, made and entered into this ___ day of _____, 2021, by and between DK Corporation t/a Joe Caplan Liquors (“Applicant”) and ANC 1B (“ANC”).

RECITALS

WHEREAS, Applicant has applied for a renewal of a Retailer’s Class A License (ABRA-060351) (“License”) for a business establishment located at 1913 Seventh Street, NW (“Establishment”); and

WHEREAS, in recognition of the Alcoholic Beverage Control Board (“Board”)’s policy of encouraging parties to a liquor licensing proceeding to settle their differences by reaching Settlement Agreements, by their signatures below, the parties hereto desire to enter into a Settlement Agreement whereby (1) Applicant will agree to adopt certain measures to address ANC’s concerns and to include this Agreement as a formal condition of its application, and (2) ANC will not file a protest of the application provided that the Board approve this Agreement conditioned upon Applicant’s compliance with its terms; and

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, and other good and valuable consideration, receipt and sufficiency are hereby acknowledged, the parties agree as follows:

1. Nature of the Establishment.

- a. Applicant will operate and manage a Class A Retail Store, as defined by the Board.
- b. The Applicant shall refuse to sell alcoholic beverages to any intoxicated person, to any person of intemperate habits, or to any person who reasonably appears intoxicated.
- c. The Applicant shall not sell single cigarettes (“loosies”).
- d. Applicant agrees that it shall take reasonable measures to reduce or limit noise from patrons exiting its premises, and to the extent that it is able, to limit or reduce the loitering of persons outside the premises, by using clear and visible signage. Applicant shall contact MPD if it observes unlawful activity outside of its premises.

1. Hours. Establishment’s permitted hours of operation shall be as follows:

Day	Not Earlier Than	Not Later Than
Sunday	9:00 a.m.	12:00 a.m.
Monday	9:00 a.m.	12:00 a.m.
Tuesday	9:00 a.m.	12:00 a.m.
Wednesday	9:00 a.m.	12:00 a.m.
Thursday	9:00 a.m.	12:00 a.m.
Friday	9:00 a.m.	12:00 a.m.
Saturday	9:00 a.m.	12:00 a.m.

2. Trash and Odors.

- a. Applicant shall police the areas immediately adjacent to the Establishment at least once per day to the end that such areas are kept in reasonably clean and litter-free condition.
- b. All trash and recyclable materials shall be stored indoors in the Establishment's designated storage area and moved outdoors only for the purpose of collection (which shall occur at least weekly).

4. Rat and Vermin Control.

- a. Applicant shall undertake reasonable measures to eliminate potential attractions for rodents and other pests, including exterior sources of food, standing water, and shelter location.
- b. Applicant shall contract with a licensed exterminator to inspect the Establishment a minimum of one (1) time per quarter and shall maintain recommended pest control measures.

5. Compliance with Regulations. Applicant shall comply with regulations of the Board (ABRA), Department of Consumer and Regulatory Affairs (DCRA), Department of Health (DOH), Department of Public Works (DPW), and other applicable DC agency regulations regarding conduct of its business and the ownership of the license.

5. Binding Effect. This Agreement shall be binding upon and enforceable against the successors and assigns of Applicant during the term of the license to which this Agreement applies. Applicant agrees to specifically notify any prospective transferee of the existence of this Agreement and to provide them with a copy.

6. Agreement Available Upon Demand. A copy of this Agreement shall be kept at the Establishment and made available to law enforcement officers and Alcoholic Beverage Regulatory Administration inspectors upon request.

7. Notices.

- a. Notices shall be provided by email, U.S. Mail, or hand-delivery as follows:

If to ANC:
Advisory Neighborhood Commission 1B
2000 14th St., NW, Suite 100B
Washington, DC 20009
1b@anc.dc.gov

If to Applicant:
DK Corporation, t/a Joe Caplan Liquors
1913 Seventh Street, N.W.
Washington, DC 20001
Attn: Keyur Talati

- b. Failure to give notice shall not constitute waiver or acquiescence to the violation.

WHEREFORE, by the signing of the representatives of Applicant and ANC, Applicant hereby agrees to the aforementioned covenants and ANC agrees to refrain from filing a protest against Applicant's ABC License application, provided that this Agreement is incorporated into the Board's order approving Applicant's Class A ABC license.

[SIGNATURE BLOCKS ON FOLLOWING PAGE]

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

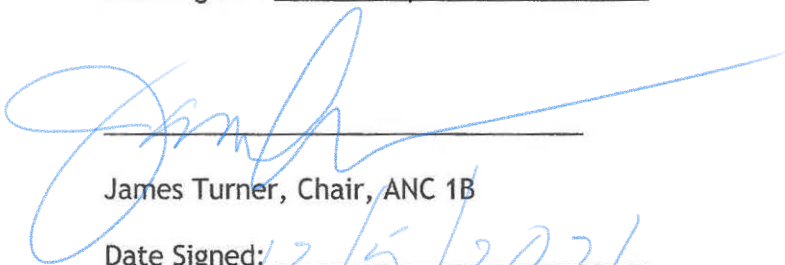
ANC:

Advisory Neighborhood Commission 1B



Larry Handerhan, Commissioner SMD 1B01

Date Signed: 12/2/21



James Turner, Chair, ANC 1B

Date Signed: 12/5/2021

APPLICANT:

DK Corporation

By: 

Keyur Talati, President

Date Signed: 12/1/21

Re: DK Corporation Draft Settlement Agreement with ANC 1B

Elaine Gin <elainegin@yahoo.com>

Thu 12/2/2021 3:59 PM

To: Handerhan, Larry (SMD 1B01) <1B01@ancd.gov>

1 attachments (1 MB)

DK Corporation - SA (client and ANC executed).pdf

CAUTION: This email originated from outside of the DC Government. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@dc.gov for additional analysis by OCTO Security Operations Center (SOC).

Dear ANC Commissioner Handerhan,

Thank you for your tremendous work on this Settlement Agreement with Joe Caplan Liquors.

As the leader of a Group of Five protest, I agree with the terms of this Settlement Agreement, and I understand that we lose standing in this proceeding.

Many thanks,

Elaine Gin
428 Elm Street NW
Washington, DC 20001

On Thursday, December 2, 2021, 03:48:10 PM EST, Handerhan, Larry (SMD 1B01) <1b01@ancd.gov> wrote:

Dear Elaine - as discussed, please see the attached Settlement Agreement that has been signed by Joe Caplan and myself. Before ANC 1B votes on this tonight, we wanted to confirm in writing that you, as leader of the active Group of Five protest, are OK with proceeding in this way, recognizing that you will lose standing once this is signed.

Can you please reply to this email to confirm one way or the other? Please call with questions - thank you!

Larry Handerhan
Commissioner for ANC 1B01
1B01@ancd.gov
C: 202-599-4930