

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

In the Matter of:)	
Boomerang Boat Tour, LLC)	
t/a Boomerang Boat)	
Boomerang Pirate Boat)	License Nos.: ABRA-085705
Boomerang Yacht)	ABRA-085705-2
Holder of a)	ABRA-085705-3
Retailer's Class CX Marine Vessel Line License)	Order No.: 2018-157
(Three Marine Vessels))	
at premises)	
1300 Maine Avenue, SW)	
Washington, D.C. 20024)	
)	

Boomerang Boat Tour, LLC (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 FOURTH AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Boomerang Boat Tour, LLC, located at 1300 Maine Avenue, SW, Washington, D.C., and ANC 6D entered into a Voluntary Agreement (Agreement), dated October 18, 2010, a First Amendment to Voluntary Agreement (Amendment), dated January 10, 2011, a Second Amendment to Settlement Agreement (Second Amendment), dated October 15,

2012, and a Third Amendment to Settlement Agreement (Third Amendment), February 9, 2015, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Fourth Amendment to Settlement Agreement (Fourth Amendment), dated April 9, 2018, in accordance with D.C. Official Code § 25-446 (2001).

The Fourth 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 Fourth Amendment.

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

1. The above-referenced Fourth Amendment to Settlement Agreement, dated April 9, 2018, 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, the First, Second, and Third Amendments, not amended by the Fourth 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



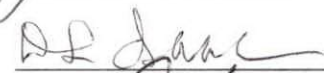
Nick Alberti, Member



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).



1101 4th Street SW, Suite W130, Washington, DC 20024
ANC Office: 202 554-1795 office@anc6d.org

FOURTH AMENDMENT TO VOLUNTARY AGREEMENT

This Fourth Amendment to Voluntary Agreement is made on this 9th day of April, 2018, by and between Boomerang Boat Tours LLC ("the Licensee"), ABRA # 085705 and Advisory Neighborhood Commission 6D ("the ANC").

WITNESSETH

WHEREAS, the parties entered into an Amended Cooperative/Voluntary Agreement dated January 11, 2011, governing certain aspects of the Licensee's operations; and,

WHEREAS, the parties desire to further amend said Amended Voluntary/Cooperative Agreement hereby to provide for transfer of the location of the vessel trading as The Boomerang Boat to 1300 Maine Avenue, SW, Washington, DC 20024, where the other two vessels on the License are already berthed and to update the trade names of the licensed vessels;

NOW, THEREFORE, in consideration of the recitals set forth above and the terms and conditions provided below, the parties agree as follows:

1. The first preamble ("WHEREAS") of the January 10, 2011, Amended Voluntary/Cooperative Agreement is amended to read in its entirety:

"WHEREAS, Applicant has applied for a Retailers Class CX Common Carrier (Marine Vessel) license for three (3) marine vessels operating under Boomerang Boat Tours LLC as (i) the Boomerang Boat (capacity of 74 passengers), berthed at 1300 Maine Avenue, SW, Washington, DC; (ii) Boomerang Pirate Boat (99 passengers), berthed at 1300 Water Street, SW, Washington, DC; and (iii) Boomerang Yacht (149 passengers), berthed at 1300 Water Street, SW, Washington, DC."

2. All references in the preambles or text of the January 10, 2011 Amended Voluntary/Cooperative Agreement to "Boomerang Boat II" are amended hereby to read "Boomerang Pirate Boat."

3. In Paragraph 3, "Noise and Privacy", lines 5-6, the phrase "... and shut off 5 minutes prior to landing ..." shall be changed to read *"Sound on the vessel shall be reduced when exiting and entering the Washington Channel, Georgetown and Anacostia River areas. Sound on the vessel shall be shut off 15 minutes prior to landing and while at dockside in the Washington Channel and Anacostia areas; and 5 minutes prior to landing and while at dockside in the Georgetown area..."*

4. All references in Section 10 ("Notice") to the Licensee's mailing address of "2909 Olive Street, NW" are amended hereby to reflect "1072 31st Street, NW."

5. Except as explicitly amended herein, all terms and conditions of the January 10, 2011 Amended Voluntary/Cooperative Agreement between the parties remain in full force and effect and unmodified.

ADVISORY NEIGHBORHOOD COMMISSION 6D	BOOMERANG BOAT TOURS LLC
<i>Meredith Fascett</i> 4/9/18 By: Meredith Fascett, Chair Date	<i>David DuBois</i> 4/9/18 By: David DuBois, Date Managing Member
Coralie Farlee, Chair, ABC Committee Date <i>Coralie Farlee</i> 9 Apr 18	