

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

In the Matter of:)	
)	
Fikre Market, Inc.)	
t/a Capitol View Market)	
)	
Application for Renewal of a)	Case No.: 21-PRO-00030
Retailer's Class A License)	License No.: ABRA-076250
)	Order No.: 2022-285
at premises)	
4920 Central Avenue, NE)	
Washington, D.C. 20019)	

Fikre Market, Inc., t/a Capitol View Market, Applicant

Vince Van, Commissioner, Advisory Neighborhood Commission (ANC) 7C, 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 7C'S PROTEST**

The Application filed by Fikre Market, Inc., t/a Capitol View Market (Applicant), for Renewal of its Retailer's Class A License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 14, 2021, and a Protest Status Hearing on June 30, 2021, 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 7C have entered into a Settlement Agreement (Agreement), dated September 20, 2021, that governs the operation 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 Commissioner Vince Van, on behalf of ANC 7C, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 7C of this Application.

Accordingly, it is this 15th day of June 2022, **ORDERED** that:

1. The Application filed by Fikre Market, Inc., t/a Capitol View Market, for renewal of its Retailer's Class A License, located at 4920 Central Avenue, NE, Washington, D.C., is **GRANTED**;
2. The Protest of ANC 7C in this matter is hereby **WITHDRAWN**;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, except for the following modification:

Subsection 2(a) (Signage/Loitering/Illegal Activity) – This Subsection shall be replaced with the following language: “Applicant will not directly or indirectly sell or deliver alcohol to any intoxicated person.”

The parties have agreed to this modification.

4. Copies of this Order shall be sent to the Applicant and ANC 7C.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac430b96b9945f09e4b730092d1dccc8

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547ae373f020deac8d1b372d2946e4

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256d3fcadfb9146474b75bd7917d20c

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b560e91845e1f0e4016155e5c12f81cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 82172631f0569447491b56f9e2a41e59

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda7ff9f0040ec14adeb52541ce5

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).

Advisory Neighborhood Commission 7C

SMD 7C01 – Patricia Malloy
SMD 7C04 – Anthony Green
SMD 7C07 – Antawan Holmes

SMD 7C02 – Yolanda Fields
SMD 7C05 – Mary Gaffney

SMD 7C03 – Vince Van
SMD 7C06 – Victoria Clark

SETTLEMENT AGREEMENT

THIS AGREEMENT (“Agreement”) is made on the 20th day of September 2021 by and between Fikre Market, Inc t/a Capitol View Market (the “Applicant”), the Capitol View Civic Association (“CVCA”) and Advisory Neighborhood Commission 7C (“ANC7C”), (collectively, the “Parties”).

PREAMBLE

Through this agreement, both Parties aim to create an environment whereby Applicant may operate as a viable contributing business to the ANC7C community, while concurrently curtailing any adverse effects a business such as Applicant’s could have on the surrounding neighborhood. This agreement applies to a Class A liquor licenses that permit the retail sale of beer, wine, and liquor for off-premises consumption. Applicant agrees to work regularly with ANC7C and the Capitol View Civic Association (CVCA), and residents to ensure the business operations do not adversely affect the surrounding neighborhood. All parties believe the statements and provisions contained in this agreement are reasonable and must become wholly integrated into the day-to-day operation of the business establishment.

WITNESSETH

WHEREAS, Applicant has applied for a Retailer’s Class “A” Liquor License (ABRA-076250) for a business establishment located at 4920 Central Ave NE Washington DC 20019 (the “Premises”);

WHEREAS, the Parties desire to enter into an agreement governing certain requirements and understandings regarding the issuance of a Retailer’s Class “A” Liquor License (“License”) at the subject premises; and,

WHEREAS, the Parties wish to state their mutual intention and commitment to promote the success, peace, order, and quiet of the community. Both Parties recognize the importance of commercial districts (and limited commercial operations within residential districts) and their adjacent neighborhoods that are safe, clean, and pedestrian-friendly,

NOW, THEREFORE, The Parties agree as follows:

1. Hours of Operation:

- 1. The hours of operation on the premise shall be:
 - a. Sunday thru Saturday: 6:00 am to 12:00 am
- 2. The hours of alcoholic beverage sales shall be:
 - b. Sunday thru Saturday: 7:00 am to 12:00 am

2. Public Space Cleanliness and Maintenance:

- a. Applicant will maintain the public space (minimally the front sidewalk up to and including the gutter in front of the subject premises, and the alleyway behind the subject premises) adjacent to the establishment in a clean and litter-free conditions by:
- b. Picking up the trash, including beverage bottles and cans, and all other trash a minimum of twice -daily (immediately before business hours and once between 5:00 p.m. and 10:00 p.m.).

Settlement Agreement

ANC7C

- c. Maintaining weekly trash and garbage removal service, removing trash from the trash and dumpster area, and seeing that the trash and dumpster area remain clean.
- d. Exercising due diligence to prevent and/or rid vermin infestation in and around the establishment, including following, minimally, the recommendations and guidelines of the Vector Control Division of the Department of Public Works.
- e. Assisting in maintenance of the curbs in front of the establishment to keep-them free of trash, removing snow and ice from the sidewalk, and complying with all applicable D.C. laws and regulation in these respects.

2. Signage/Loitering/Illegal Activity:

- a. Applicant will not directly or indirectly sell or deliver alcohol to any intoxicated person, or to any person of intemperate habits, or to any person who appears to be intoxicated. A person of intemperate habits shall be defined as any-person arrested or cited by the Metropolitan Police Department for any alcohol-related crime three times or more in-any one year and who has been so identified to the licensee by the Metropolitan Police Department by giving a photo and name to the licensee.
- b. Applicant shall post a notice kept in good repair and visible from point of entry a sign, which states:
 - i. The minimum age requirement for purchase of alcohol,
 - ii. The obligation of the patron to produce a valid identification document in order to purchase alcohol,
 - iii. Prohibitions against selling to minors,
 - iv. No panhandling, and
 - v. No loitering.
- b. Applicant shall make every effort to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
 - i. Posting a sign kept in good repair requesting customers to not contribute to panhandlers,
 - ii. Calling the Metropolitan Police Department if illegal activity is observed,
 - iii. Keeping a written record of dates and times (a "call log") when the MPD is called for assistance.
 - iv. Upon request of the Board, Applicant's call log shall be provided to the Board; during meetings or hearings involving future renewals or contested proceedings involving Applicant's license.
 - v. Applicant agrees to work with designated MPD personnel and the DC Office of the Attorney General (OAG) to issue barring notices to problem individuals as needed and submit copies of all barring notices to MPD and OAG within one (1) week of issuance.
 - vi. Not selling or providing drug paraphernalia, including cigarette rolling papers, pipes, needles, small bags, or any other items that may be regarded as drug paraphernalia;
- b. Total signage for alcohol and tobacco products in the front window shall be limited to 25% of the total window space available and increase signage for fresh food and local product offerings.
- c. To the extent such lighting is not present on the exterior of the establishment, Applicant will install and maintain high-intensity floodlights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.
- d. Applicant agrees to not sell, give, offer, expose for sale, or deliver "go-cups" or servings of plain ice in a cup. Per the Alcoholic Beverage regulations, a "go-cup" is defined as: "a drinking utensil provided at no charge or a nominal charge to a customer for the purpose of consuming alcoholic beverages off the premises of an establishment."
- e. Applicant will participate in Safe Spots for Students Initiative and will provide business as a place of safety in case of emergency for students and community members

3. Fresh food and local product sales:

a. Applicant commits to continue to offer healthy food, diapers, and other essential household items aside from alcohol.

4. Cooperation with ANC 7C and Capitol View Civic Association: Applicant agrees to work on resolving issues preventing Applicant from fulfilling its obligations under this Agreement with all of the following: the Capitol View Civic Association, the Single Member District (SMD), ANC Commissioner within whose boundaries the establishment is located, the Chair(s) of the ANC, and other Commissioners whose SMDs are adjacent to the location of the establishment.

IN WITNESS WHEREOF, the Parties have affixed hereto their hands and seals.


Applicant:

By: Fikremariam Estifanos Date: 10/5/2021

Signature:  C6AAB49A06D24BC...

Advisory Neighborhood Commission 7C Representative:

By: Commissioner Vince Van Date: 10/5/2021

Signature:  E9164196FC7A4D0...