

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

In the Matter of:)
)
Ghost Lounge, LLC)
t/a Cloak & Dagger)
)
Applicant for Renewal of a)
Retailer’s Class CT License)
)
at premises)
1359 U Street, NW)
Washington, D.C. 20009)
)

Case No.: 22-PRO-00099
License No.: ABRA-098733
Order No.: 2023-043

Ghost Lounge, LLC, t/a Cloak & Dagger, Applicant

Matt Minora, Counsel, on behalf of the Applicant

Sabel Harris, Chairperson, Advisory Neighborhood Commission (ANC) 1B, Protestant

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

**ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT
AND WITHDRAWAL OF ANC 1B’S PROTEST**

The Application filed by Ghost Lounge, LLC, t/a Cloak & Dagger (Applicant), for renewal of its Retailer’s Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on December 5, 2022.

The official records of the Alcoholic Beverage Control Board (Board) reflect that the Applicant entered into a Settlement Agreement (Agreement), dated February 7, 2020, that governs the operations of the Applicant’s establishment. This matter comes now before the Board to consider the Parties’ Amendment to Settlement Agreement

(Amendment), dated January 19, 2023, 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 Applicant and Chairperson Sabel Harris, on behalf of ANC 1B, are signatories to the Amendment.

This Amendment constitutes a withdrawal of the Protest filed by ANC 1B of this Application.

Accordingly, it is this 25th day of January 2023, **ORDERED** that:

1. The Application filed by Ghost Lounge, LLC, t/a Cloak & Dagger, for renewal of its Retailer's Class CT License, located at 1359 U Street, NW, Washington, D.C., is **GRANTED**;
2. The Protest of ANC 1B in this matter is hereby **WITHDRAWN**;
3. The above-referenced Amendment to Settlement Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
4. All terms and conditions of the original Agreement not amended by the Amendment, shall remain in full force and effect; and
5. Copies of this Order shall be sent to the Parties.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SealslessDocs.com
Donovan Anderson
Key: 3c43269ef0d5f0e4c730003d1dccc8

Donovan Anderson, Chairperson

eSigned via SealslessDocs.com
James Short
Key: 547ce973920960c6c129322d2949e2

James Short, Member

eSigned via SealslessDocs.com
Bobby Cato
Key: 2b5612fca1b6146b1f4b7b5d7917d20d

Bobby Cato, Member

eSigned via SealslessDocs.com
Rafi Aliya Crockett, Member
Key: 1b5f0001843e3178e4014155e6e12081cc

Rafi Crockett, Member

eSigned via SealslessDocs.com
Jeni Hansen, Member
Key: 8217203175520447431b56042441807

Jeni Hansen, Member

eSigned via SealslessDocs.com
Edward Grandis, Member
Key: 50278da7f0f0040ec14ade152541be5

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).

**FIRST AMENDMENT TO SETTLEMENT AGREEMENT BETWEEN GHOST LOUNGE LLC AND ADVISORY
NEIGHBORHOOD COMMISSION 1B**

THIS AMENDMENT #1 to the SETTLEMENT AGREEMENT is made on this 19th day of January 2023 by and between Ghost Lounge, ("Licensee" or "Applicant") and Advisory Neighborhood Commission 1B ("ANC 1B" or "Protestant") (collectively, the "Parties"). This amendment updates the Settlement Agreement dated February 7, 2020 which was modified and approved by Alcoholic Beverage Control Board ("ABC Board") Order No. 2020-107, dated February 26, 2020.

R E C I T A L S

WHEREAS, Licensee holds a Retailer's Class C Tavern ABC License, ABRA-098733 ("License"), with Cover Charge, Dancing, Entertainment, and Holiday Extension Endorsements for operations at 1359 U Street, NW ("Establishment" or "Premises");

WHEREAS, the Parties entered into a Settlement Agreement ("Original Agreement") dated February 7, 2020 regarding certain aspects of Licensee's business operations at the Premises;

WHEREAS, Licensee has applied for renewal of its License on September 2, 2022 ("Renewal Application") and ANC 1B filed a protest against the Licensee's Renewal Application with the ABC Board in October 2022 on the grounds of the Establishment's impact on real property values, peace, order, quiet, density, residential parking needs, and vehicular and pedestrian safety;

WHEREAS, in lieu of ABC Board adjudication of Licensee's Renewal Application, the Parties desire to enter into this First Amendment to the Original Agreement;

NOW, THEREFORE, in consideration of the recitals set forth above, it is mutually agreed by and between the undersigned Parties to further amend the Original Agreement as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. **Section 4(c)** is stricken entirely and replaced with the following:
"Applicant shall arrange for trash and recycling collection a minimum of 2 times per week when Applicant's establishment is open 3 days per week. If Applicant's establishment is open 4 to 5 days per week, the frequency of trash and recycling collection shall be 3 times per week minimum. If Applicant's establishment is open 6 to 7 days per week, the frequency of trash and recycling collection shall be 5 times per week minimum."
3. **New Section 4(g)** shall be added which reads:
"Applicant is encouraged to work with nearby establishments for solutions, such as trash compactors to keep the surrounding areas, block, and alley clear of visible trash."
4. **New Section 6(c)** shall be added which reads:
"To avoid overcrowding of the public sidewalk and in an effort to maintain a clear pedestrian pathway on the public sidewalk, Applicant may allow patrons to queue in the alley on the east side of the Establishment to the extent permitted by law. If patrons are queuing in the alley, Applicant shall ensure that a security personnel member is stationed at a location to monitor the patrons queuing in the alley. Applicant may, in its discretion, provide additional ropes and stanchions for alley-queuing as circumstances dictate."
5. **New Section 6(d)** shall be added which reads:
"Applicant is encouraged to develop ways to inform the patrons know when they can enter the establishment without the queuing impeding the pedestrian walkways (ex: through texting/reservation services)."

6. A new sentence shall be added to the end of **Section 7(a)** which reads:
"Applicant shall continue to encourage employees to park their vehicles in off-street parking lots available nearby."
7. **Agreement Otherwise Unamended.** Except as otherwise provided herein, the terms and conditions of the previously executed Agreement, Board Order, and License are expressly reaffirmed and remain in full force and effect.

ANC 1B:

Advisory Neighborhood Commission 1B

By: 

Sabel Harris, Chair, ANC 1B08

LICENSEE:

Ghost Lounge LLC t/a Cloak & Dagger


By: _____
Son C. Tran, Managing Member