

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

In the Matter of:)	
)	
Donahue, LLC)	
t/a Donahue)	
)	
Holder of a)	License No.: ABRA-115150
Retailer's Class CT License)	Order No.: 2021-331
)	
at premises)	
1338 Wisconsin Avenue, NW)	
Washington, D.C. 20007)	

Donahue, LLC, t/a Donahue, Licensee

Rick Murphy, Chairperson, Advisory Neighborhood Commission (ANC) 2E

Tara Sakraida Parker, President, The Citizens Association of Georgetown (CAG)

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

ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Donahue, LLC, t/a Donahue (Licensee), ANC 2E and CAG entered into a Settlement Agreement (Settlement Agreement), dated January 20, 2020, that governs the operations of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated June 4, 2021, 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 Licensee; Chairperson Rick Murphy, on behalf of ANC 2E; and Tara Sakraida Parker, on behalf of CAG; are signatories to the Amendment.

Accordingly, it is this 9th day of June 2021, **ORDERED** that:

1. The above-referenced Amendment to Settlement Agreement 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, not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee, ANC 2E, and CAG.

District of Columbia
Alcoholic Beverage Control Board

Donovan Anderson

Donovan Anderson, Chairperson

James Short

James Short, Member

Bobby Cato

Bobby Cato, Member

Rema Wahabzadah, Member

Rafi Aliya Crockett, Member

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Jeni Hansen, Member

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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).

**AMENDMENT TO SETTLEMENT AGREEMENT BETWEEN DONAHUE LLC, ADVISORY
NEIGHBORHOOD COMMISSION 2E, AND THE CITIZENS ASSOCIATION OF
GEORGETOWN**

THIS AMENDMENT to the Settlement Agreement (the "Agreement") dated January 20, 2020 by and between Donahue LLC ("Applicant"), Advisory Neighborhood Commission 2E ("ANC2E") and The Citizens Association of Georgetown ("CAG"), also referred to collectively as the "Parties", is made this ___ day of March, 2021.

RECITALS

Whereas, the Applicant applied to the Alcoholic Beverage Regulation Administration for the transfer of an existing Class "C" Tavern License ("License") with Summer Garden Endorsement for the premises located at 1338 Wisconsin Avenue, NW ("Premises");

Whereas, the Parties entered into the Agreement pursuant to D.C. Official Code §25-446 to address concerns related to peace, order and quiet;

Whereas, by Order dated February 5, 2020, the District of Columbia Alcoholic Beverage Control Board (the "Board"), *inter alia*, approved the Agreement and incorporated the Agreement as part of the Order granting the Application for the Applicant's Retailer's Class CT License, located at 1338 Wisconsin Avenue, NW, Washington, D.C.; and

Whereas, Applicant has encountered unforeseen difficulties in implementing the Noise & Sound Mitigation Techniques to which Applicant agreed under Section 5 of the Agreement and has asked ANC 2E and CAG to confirm that, pursuant to the Agreement, Applicant may open the interior of the establishment for business, with the express understanding that neither patrons nor employees will be allowed to utilize the Summer Garden until and unless all of the requirements of Section 5 of the Agreement have been met.

NOW THEREFORE, in consideration of the recitals set forth above, the Parties agree as follows:

1. The following shall be added to the Agreement as Subsection E of Section 5:

Applicant agrees that patrons shall not be allowed to have access to the Summer Garden at any time until and unless the Noise & Sound Mitigation Techniques set forth in Subsections A through D of Section 5 of the Agreement have been implemented. In the interim, Applicant may conduct operations, sales, service and consumption of alcoholic beverages in the interior of the Premises.

2. In all other respects, the Agreement, as modified by the Board's February 5, 2020 Order, shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the date first above written.

ADVISORY NEIGHBORHOOD COMMISSION 2E

By: Richard G. Murphy, Jr. Date: March 29, 2021
Rick Murphy, Chair, ANC 2E

THE CITIZENS ASSOCIATION OF GEORGETOWN

By: Tara Sakraide Parker Date: 3/30/2021
Tara Sakraide Parker, President

DONAHUE LLC

By: Noe T. Landini Date: 06/04/2021
Noe T. Landini, Managing Member