

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

In the Matter of:)	
)	
Shabby, LLC)	
t/a Due South/Due South Dockside)	
)	
Holder of a)	License No.: ABRA-097053
Retailer's Class CR License)	Order No.: 2018-061
)	
at premises)	
301 Water Street, SE, Suite 101)	
Washington, D.C. 20003)	

Shabby, LLC, t/a Due South/Due South Dockside (Applicant)

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 SECOND AMENDMENT TO COOPERATIVE AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Shabby, LLC, t/a Due South/Due South Dockside (Licensee), and ANC 6D have entered into a Cooperative Agreement (Agreement), dated December 8, 2014, and an Amendment to Cooperative Agreement (Amendment), dated June 13, 2016, that governs the operation of the Licensee's establishment.

This matter comes now before the Board to consider the Parties' Second Amendment to Cooperative Agreement (Second Amendment), dated February 12, 2018, in accordance with D.C. Official Code § 25-446 (2001).

The Second 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 Second Amendment.

Accordingly, it is this 14th day of February, 2018, **ORDERED** that:

1. The above-referenced Second Amendment to Cooperative 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 Cooperative Agreement and Amendment to Cooperative Agreement not amended by the Second 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



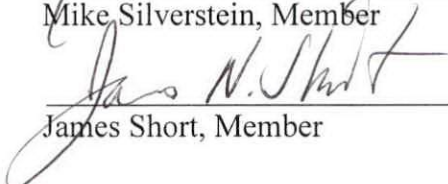
Donovan Anderson, Chairperson



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).

AMENDMENT #2 TO COOPERATIVE AGREEMENT

THIS AMENDMENT TO SETTLEMENT AGREEMENT is made on this 12th day of February, 2018, by and between Shabby, LLC, t/a Due South, License Class CR # 097053 (licensee) and Advisory Neighborhood Commission 6D (ANC6D) the ANC ("The ANC"), collectively, the Parties. This amendment supplements (1) the Cooperative Agreement dated December 8, 2014, between Due South, and ANC6D finalized by ABC Board Order 2015-079, dated March 4, 2015; (2) amended ABC Board Order #2015-088 dated March 11, 2015; and (3) Amendment 1 to Cooperative Agreement dated June 13, 2016 finalized by ABC Board Order 2016-404 dated June 22, 2016.

RECITALS

WHEREAS, Licensee and ANC6D entered into new Cooperative Agreement dated December 8, 2014, and Amendment 1 to that Cooperative Agreement dated June 13, 2016 for an establishment located at 301 Water Street, SE, Washington, D.C. 20003, and

WHEREAS, Amendment 1 of the Cooperative Agreement dated June 13, 2016, provided for the operation of and the selling, serving, and consuming of alcohol in the second Summer Garden, with a total occupancy of 31 patrons; and

WHEREAS, the Certificate of Occupancy dated 11/2/17 as issued by the Department of Consumer and Regulatory Affairs provides for an occupancy load of 55 patrons; and

WHEREAS, the Parties request that the Alcoholic Beverage Control Board approve this Amendment #2 to Cooperative Agreement conditioned upon the Licensee's compliance with the terms of this written Amendment and the previously executed Cooperative Agreement and amendment #1 to that Cooperative Agreement and referenced Board Orders and ABRA License; and

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

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. Amendment #1 of the Cooperative Agreement is modified to indicate that the capacity of patrons in Summer Garden #2 is 55; and
3. The Cooperative Agreement, Amendment #1 and this Amendment #2 are updated to recognize the Licensee's additional trade name of "Due South Docksides"; and
4. **Compliance with ABRA Regulations.** Licensee promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations and all other provisions applicable to liquor licenses.

5. **Agreement Otherwise Unamended.** Except as otherwise provided herein, the terms and conditions of the previously executed Cooperative Agreement, Amendment #1 to the Cooperative Agreement, Board Order, and License are expressly reaffirmed and remain in full force and effect.

FOR ANC6D

FOR LICENSEE

Advisory Neighborhood Commission 6D:

Shabby, LLC t/a Due South Dockside

Meredith Fascett *2/12/18*
Meredith Fascett, Chair, ANC6D DATE

Robert Blair *2/9/18*
Robert Blair, DATE
Managing Member

Coralie Farlee *12 Feb 18*
Coralie Farlee, Chair, ABC Committee DATE

For