

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

In the Matter of:)

713 Partners, LLC)
t/a Finn McCools)

Holder of a)
Retailer's Class CR License)

at premises)
713 8th Street, SE)
Washington, D.C. 20003)

License No.: ABRA-107078
Order No.: 2020-176

713 Partners, LLC, t/a Finn McCools, Licensee

Brian Ready, Chairperson, Advisory Neighborhood Commission (ANC) 6B

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

On May 10, 2016, ANC 6B and a previous holders of a Retailer's Class CR license for the premises located at 713 8th Street, SE, entered into a Settlement Agreement (Agreement). 713 Partners, LLC, t/a Finn McCools (Licensee), as the subsequent and current holder of that license is required to comply with the terms of the Agreement, because they govern the operations of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated February 11, 2020, 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 and ANC 6B are signatories to the Amendment.

Accordingly, it is this 18th day of March, 2020, **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 and ANC 6B.

District of Columbia
Alcoholic Beverage Control Board

Donovan Anderson, Chairperson

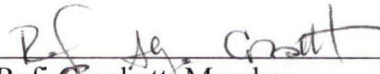


James Short, Member

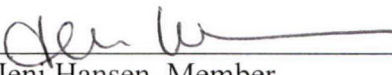


Bobby Cato, Member

Rema Wahabzadah, Member



Rafi Crockett, Member



Jeni Hansen, Member

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 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 TO THE SETTLEMENT AGREEMENT BY AND BETWEEN
ADVISORY NEIGHBORHOOD COMMISSION 6B
and
713 Partners, LLC d/b/a Finn McCools**

Pursuant to this Amendment to the Settlement Agreement, ("Amendment"), by and between 713 Partners, LLC d/b/a Finn McCools ("Applicant") and Advisory Neighborhood Commission 6B ("ANC6B"), effective as of the date of its adoption by ANC6B, the parties hereto hereby agree to be legally bound by the terms and conditions of the existing Settlement Agreement (SA) and this Amendment as it relates to the operation of Applicant's business located at 713 8th Street, SE, Washington, DC 20003 ("Premises")

WHEREAS, Applicant and ANC6B are desirous of voluntarily entering into and to mutually memorialize in this Amendment to the existing SA the terms and conditions upon which ANC6B has agreed to support modification to Applicant's SA, pursuant to the provisions of D.C. Code § 25-446, for the operation and maintenance of Applicant's business, as amended by the substantial change in the license class from a Class "CR" Restaurant license to a Class "CT" Tavern license with stipulations that the Establishment maintain a kitchen and achieve minimum annual gross food sales.

NOW, THEREFORE, Applicant and ANC 6B agree, as follows:

1. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.
2. Replace, in the heading and first paragraph, the name "Molly Malone's, LLC, t/a Molly Malone's" with "713 Partners, LLC, t/a Finn McCools"
3. Add a new Subsection 2a. to include the following language

2a. Operational Conditions. ANC6B agrees to the change of license class from a "C/R" Restaurant to a "C/T" Tavern license and the Applicant voluntarily agrees to sustain or undertake the conditions listed below and shall make a "good faith effort" to sell and serve food during its hours of operation. For purposes of this agreement, a "good faith effort" to sell or serve food shall be met if the Applicant:

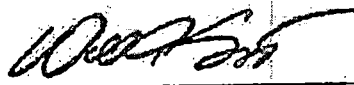
1. Maintains a kitchen, kitchen staff, and the supplies and equipment necessary for the daily preparation and service of prepared food menu items (for example, appetizers, soups, salads, sandwiches, entrees, desserts, etc.) other than snack food;
2. Continues to keep and maintain, the books and records required to be kept by D.C. Official Code § 25-113(j)(3)(A) thru (C) (2017); and
3. Is in compliance with the following criteria:
 - (a) The Applicant maintains gross annual food sales of at least 35 percent of the establishment's gross annual sales receipts;

- (b) The Applicant offers full food service until at least two (2) hours prior to closing;
 - (c) The Applicant promotes food sales inside of the establishment by offering menus to patrons, and through the use of marketing strategies such as menu displays at tables and bars featuring food items and drink specials; and,
 - (d) The Applicant's advertisements to the public emphasizes food and does not primarily advertise drink specials.
4. Agreement Otherwise in Full Force and Effect. Except as otherwise explicitly provided herein, the terms of the existing SA shall remain in full force and effect, and the SA and this Amendment shall constitute the agreement between the parties. This Amendment or the SA may only be modified by written agreement of all the parties or their successors, or otherwise in accordance with law.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.


Applicant:

Tom Johnson for William Sport, Owner
713 Partners, LLC d/b/a Finn McCools (ABRA# 107078)
713 8th Street, SE
Washington DC 20003

Signature  Date: 2-11-2020

ANC:

Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue SE
Washington DC 20003

Signature  Date: 2-11-2020
Chairperson, ANC6B