

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

In the Matter of:)	
)	
BANPH, LLC)	
t/a Players Club)	
)	
Holder of a)	License No.: ABRA-108190
Retailer's Class CT License)	Order No.: 2019-094
)	
at premises)	
1400 14th Street, NW)	
Washington, D.C. 20005)	

BANPH, LLC , t/a Players Club (Licensee)

John Fanning, Commissioner, Advisory Neighborhood Commission (ANC) 2F

Timothy Hillard, on behalf of A Group of Five or More Individuals

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member

ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that BANPH, LLC, t/a Players Club (Licensee), located at 1400 14th Street, NW, Washington, D.C., ANC 2F, and a Group of Five or More Individuals entered into a Settlement Agreement (Agreement), dated February 8, 2018, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated August 5, 2018, 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; Commissioner John Fanning, on behalf of ANC 2F; and Timothy Hillard, on behalf of the Group of Five or More Individuals; are signatories to the Amendment.

Accordingly, it is **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 Settlement 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 2F, and Timothy Hillard, on behalf of the Group of Five or More Individuals.

Effective September 12, 2018.

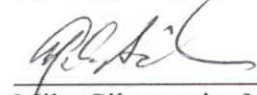
District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



Nick Alberti, Member



Mike Silverstein, Member

James Short, 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).

ALCOHOLIC BEVERAGE
REGULATION

AMENDMENT TO THE BANPH, LLC SETTLEMENT AGREEMENT

2018 AUG 17 A 9:55

WHEREAS, BANPH, LLC ("Licensee") has a Retailer Class Tavern ("GT") License ("License") for a business establishment ("Establishment") located at 1400 14th Street, N.W. (lower level), Washington, D.C. ("Premises");

WHEREAS, Licensee and Advisory Neighborhood Commission 2F ("ANC 2F") have entered into a Settlement Agreement dated February 5th, 2018 ("Agreement");

WHEREAS, Licensee is adding outside space ("Seventh Floor / Summer Garden") to the Establishment and License;

WHEREAS, Licensee and ANC 2F agree to amend the Agreement to mitigate concerns related to the potential impact of the Seventh Floor Summer Garden on the surrounding community;

NOW THEREFORE, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the Parties agree as follows:

1. Seventh Floor / Summer Garden. The Applicant may have outside seating in accordance with a summer garden endorsement to its ABC license, provided total occupancy (seated and standing) of the seventh floor / summer garden shall not exceed 95 persons. Patrons in the rooftop summer garden may be served only during the hours below, notwithstanding the provisions set forth in Item 2 (Noise). The summer garden shall otherwise be free of patrons.

Sunday – Thursday: closing by 12:00 am

Friday – Saturday: closing by 1:30 am

2. Noise. Applicant shall adhere to DC Code 75-725 with respect to emanation of noise from the establishment. Applicant will take reasonable steps to ensure that no excess noise or music from the establishment is heard in any residential premises. Thirty days after the summer garden has opened or upon the request of the ANC, Applicant agrees to perform a third-party sound test in no more than three neighboring residences chosen by the parties to this Agreement, to ensure adherence.

Noise complaints by the parties to this Settlement Agreement shall be made first to the Applicant, with an opportunity to cure the complaint within seventy-two (72) hours as required in Section 17. If the complaint is not cured within seventy-two (72) hours, parties to this Agreement may file a noise complaint with ABRA. In the event that the complaint cannot be cured completely within seventy-two (72) hours, Applicant must demonstrate good faith efforts to begin to cure the complaint and give a timeline for the completion of the cure to the ANC. If at any time during a consecutive 6 month period, Applicant is assessed two or more violations of Section 25-725 of the ABRA Civil Penalty Schedule that are attributed to the outdoor hours and operation of the seventh floor / summer garden; the outdoor hours will revert to the following:

1. Sunday – Thursday: closing by 11 pm
2. Friday – Saturday: closing by 12 am

3. Full Force and Effect. All other terms of the Agreement shall remain in full force and effect as written.

ADVISORY NEIGHBORHOOD COMMISSION 2F

BY: 
John Fanning, Signatory

GROUP OF FIVE
BY: 
Timothy Hillard, Signatory

BANPH, LLC
BY: 
Ian Hilton, Managing Member