

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

In the Matter of:

Potomac Distilling Limited Liability Company)
t/a Potomac Distilling Company)

Holder of a)
Retailer's Class CT License)

License No.: ABRA-106554

Order No.: 2019-640

at premises)
1130 Maine Avenue, SW)
Washington, D.C. 20024)

Potomac Distilling, LLC, t/a Potomac Distilling Company, Licensee

Commissioner Gail Fast and Dr. Coralie Farlee, on behalf of Advisory Neighborhood
Commission (ANC) 6D

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Crockett, Member

ORDER ON FIRST AMENDMENT TO COOPERATIVE AGREEMENT


The official records of the Alcoholic Beverage Control Board (Board) reflect that Potomac Distilling, LLC, t/a Potomac Distilling Company (Licensee), and ANC 6D entered into a Cooperative Agreement (Agreement), dated September 11, 2017, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' First Amendment to Cooperative Agreement (First Amendment), dated September 9, 2019, in accordance with D.C. Official Code § 25-446 (2001).

The First Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Commissioner Gail Fast and Dr. Coralie Farlee, on behalf of ANC 6D, are signatories to the First Amendment.

Accordingly, it is this 18th day of September, 2019, **ORDERED** that:

1. The above-referenced First 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 Agreement, not amended by the First 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



James Short, Member



Bobby Cato, Member

Rema Wahabzadah, Member



Rafi Crockett, 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).

★ ★ ★ **Advisory Neighborhood
Commission 6D**

PO Box 71156 • Washington, DC 20024-9998
ANC Office: 202 554-1795 • office@anc6d.org

AMENDMENT #1 TO COOPERATIVE AGREEMENT

THIS AMENDMENT #1 TO COOPERATIVE AGREEMENT ("Agreement") is made on this 9th day of September 2019 by and between Potomac Distilling, LLC t/a Potomac Distilling Company, 1130 Maine Avenue, SW, ABRA #106554 ("Licensee"), and Advisory Neighborhood Commission 6D ("Protestant"), (collectively, the "Parties"). This amendment updates the Agreement dated September 11, 2017 and finalized by ABC Board Order 2017-479 dated September 20, 2017.

WITNESSETH

WHEREAS, Licensee has a License ABRA #106554 Class CT for a business establishment serving spirits, wine, and beer in indoor space and two summer gardens ("Establishment") with no endorsements, located at 1130 Maine Avenue, SW, Washington, DC 20024 ("Premises"); and

WHEREAS, original Cooperative Agreement dated September 11, 2019 for the Establishment, the following references provide for two summer gardens:

- the first "WHEREAS",
- paragraph #2, "Nature of the Business" sentence 4,
- paragraph #3, "Floors Utilized and Occupancy" first sentence; and

WHEREAS, the Parties request that the Alcoholic Beverage Control Board approve this Amendment to Cooperative Agreement conditioned upon the Licensee's compliance with the terms of this written Amendment and the previously executed Cooperative Agreement and Board Order 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. The first "WHEREAS", paragraph #2, sentence 4, and paragraph 3, first sentence will be amended to read: "three summer gardens with the third (additional) summer garden being immediately adjacent to the building on the ground floor"; and



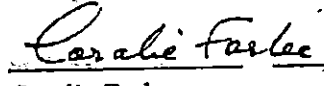
3. Paragraph #3, "Floors Utilized and Occupancy" is amended to add "the occupancy of the first floor summer garden shall not exceed 10 seated with a total of 20 patrons"; and
4. Paragraph 4, "Hours of Operation and Sales", is amended to add the following:

Hours for operation and selling, serving, and consuming alcohol in the first floor summer garden shall not exceed:

Sunday:	10:00 a.m. to 12:00 a.m.
Monday through Friday:	11:30 a.m. to 12:00 a.m.
Friday and Saturday:	10:00 a.m. to 12:00 a.m.

i.e.: "The hours for operation and selling, serving, and consuming alcohol in the summer garden areas" in the original Agreement, paragraph 4, shall be the same for the additional third summer garden on the ground floor immediately adjacent to the building as for the previously existing two summer gardens.

5. Agreement Otherwise Unamended. Except as otherwise provided herein, the terms and conditions of the previously executed Cooperative Agreement, Board Order, and License are expressly reaffirmed and remain in full force and effect.
6. *No Protest.* Upon execution of this Agreement by the Parties and its acceptance by the ABC Board, and in reliance thereupon, the ANC shall not protest the additional summer garden.

The ANC:	LICENSEE:
Chair, ANC6D	Potomac Distilling, LLC t/a Potomac Distilling Company
 9/9/19	 9.9.19
Gail Fast, SMD01 Chair, ABC Committee, ANC6D	By: Todd Thrasher, Member
 9/9/19	Date
Coralie Farlee	Date