

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

**In the Matter of:**

Simply Banh Mi, LLC  
t/a Simply Banh Mi

Applicant for a New  
Retailer's Class CR License

at premises  
1624 Wisconsin Avenue, NW  
Washington, D.C. 20007

Case No.: 18-PRO-00057  
License No.: ABRA-109779  
Order No.: 2018-426

Simply Banh Mi, LLC, t/a Simply Banh Mi (Applicant)

Joe Gibbons, Chairperson, Advisory Neighborhood Commission (ANC) 2E

Paula H. Moore, President, Citizens Association of Georgetown (CAG)

**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 SETTLEMENT AGREEMENT AND  
WITHDRAWAL OF ANC 2E'S PROTEST**

The Application filed by Simply Banh Mi, LLC, t/a Simply Banh Mi (Applicant), for a new Retailer's Class CR License, was protested by ANC 2E.

The official records of the Board reflect that the Applicant, ANC 2E, and CAG have entered into a Settlement Agreement (Agreement), dated May 31, 2018, that governs the operation of the Applicant's establishment.


The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant; Chairperson Joe Gibbons, on behalf of ANC 2E; and Paula H. Moore, on behalf of CAG; are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 2E.

Accordingly, it is this 11th day of July, 2018, **ORDERED** that:

1. The Application filed by Simply Banh Mi, LLC, t/a Simply Banh Mi, for a new Retailer's Class CR License, located at 1624 Wisconsin Avenue, NW, Washington, D.C., is **GRANTED**;
2. The Protest of ANC 2E in this matter is hereby **WITHDRAWN**;
3. The above-referenced Settlement Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant, ANC 2E, and CAG.


District of Columbia  
Alcoholic Beverage Control Board

  
Donovan Anderson, Chairperson


  
Nick Alberti, Member

  
Mike Silverstein, Member

  
James Short, Member

  
Donald Isaac, Sr., Member

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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 14<sup>th</sup> 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).

## SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made this 31 day of May, 2018, by and between the Applicant: Simply Banh Mi Inc., Advisory Neighborhood Commission 2E ("ANC"), and the Citizens Association of Georgetown ("CAG"), (collectively the "Parties").

WITNESSETH

Whereas, Applicant has applied for a Retailer's Class C license to be located at 1624 Wisconsin Avenue NW (ABRA-109779) (the "Premises");

Whereas, the parties desire to enter into an Agreement whereby the Applicant will agree to adopt certain measures to address concerns of ANC 2E and CAG and to include this Agreement as a formal condition of its application. ANC 2E and CAG will agree to the approval of such license provided that this Agreement is incorporated into the Board's order approving such application.

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. Hours of Operation. Applicant's hours of operation and sales/service of alcohol shall not exceed the following:

Monday Closed, Tuesday through Sunday 11am – 9pm

Notwithstanding the foregoing, Applicant may apply for extended interior hours on holidays, inauguration week and for other special hours extensions which may be allowed by law.

2. The sales/service of alcohol shall be served only indoors with the Total Occupancy Load is 24 with seating for 24.

3. Noise. Applicant acknowledges familiarity with and agrees to comply with all applicable noise control provisions of DC law and regulations, including D.C. Code § 25-725 which prohibits noise from licensed premises of such intensity that it may be heard in any premises other than the licensed establishment.

4. Public Space and Trash. Applicant will make commercially reasonable efforts to maintain the public space adjacent to and in front of the Premises in a clean and orderly manner. Applicant shall use sealable container(s) for trash, food waste, and recycling designed to prevent intrusion by rodents, vermin and other pests, and further agrees to take reasonable measures to keep the containers closed and sealed when waste is not being disposed. All trash and recycling services will use Wisconsin Avenue and not 33rd St., NW

5. Rats and Vermin. Applicant shall enter into a pest control contract with a licensed pest control company containing commercially reasonable terms. Contracted control services shall be performed no less than quarterly.

6. Construction of Agreement. Any reference to specific laws and regulations in this Agreement is meant for informational purposes only. The parties do not intend for a violation of any DC law or regulation to also be considered a per se violation of this Agreement.

7. Deliveries. Applicant shall make commercially reasonable efforts to require its vendors to make all deliveries of food, beverages, and supplies between the hours of 9:00am and none after 4pm. All deliveries will use Wisconsin Avenue and not 33rd St., NW

8. Notice and Opportunity to Cure. In the event that either party is in breach of this Agreement, the breaching-party shall be entitled to reasonable notice and opportunity to cure in the form of thirty (30) days notice before the non-breaching party can seek enforcement of the Agreement. If the breaching-party fails to cure within thirty (30) days, (or, with respect to a breach which reasonably requires more than 30-days to cure, fails to commence cure of such breach and diligently pursues such cure), then the non-breaching party shall be entitled to file a complaint with the ABC Board pursuant to D.C. Official Code § 25-447.

If to Applicant:

Simply Banh Mi, Inc. 1624 Wisconsin Avenue NW  
Washington, DC 20007

Attn:

John Tran

202.333.5726

Simply Banh Mi

[www.simplybanhmidc.com](http://www.simplybanhmidc.com)

If to ANC:Advisory Neighborhood Commission 2E

P.O. Box 77876

Washington, DC 20013-7787

Attn: Joe Gibbons, Chair

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Phone: 202-836-2239

e-mail: [2e02@anc.dc.gov](mailto:2e02@anc.dc.gov)

If to CAG:Citizens Association of Georgetown

1365 Wisconsin Avenue, Suite 200

Washington, DC 20007

Attn: Karen Cruse


Phone:

e-mail:

8. Protest withdrawn. Upon execution of this Agreement by the Parties, the ANC and CAG shall withdraw its protests of the Applicant's pending license application.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first above written.

ANC 2E:

  
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Joe Gibbons, ANC Chair

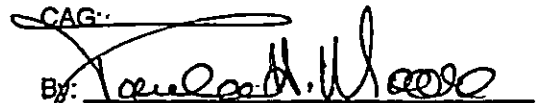

APPLICANT:

Simply Banh Mi

By:

  
\_\_\_\_\_  
John Tran, Member

CAG:

  
By:   
\_\_\_\_\_  
Karen Oruse, Director *President*  
Paula H. Moore

Simply Banh Mi – Application for a New Retailer's Class "C" Restaurant License at 1624 Wisconsin Avenue NW (ABRA-109779)

Placard Posting Date: Protest Petition Deadline: Roll Call Hearing Date: Protest Hearing Date:

License No.: Licensee: Trade Name: License Class: Address: Contact:

WARD 2

May 11, 2018

June 25, 2018

July 9, 2018 September 12, 2018

ABRA-109779

Simply Banh Mi, Inc.

Simply Banh Mi

Retailer's Class "C" Restaurant 1624 Wisconsin Avenue, N.W. John Tran: (202) 333-5726

ANC 2E SMD 2E02

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION NOTICE OF PUBLIC HEARING

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on July 9, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing date is scheduled on September 12, 2018 at

1:30 pm.

**NATURE OF OPERATION**

New Restaurant serving Vietnamese cuisine. Total Occupancy Load is 24 with seating for 24.

**HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION**

Monday Closed, Tuesday through Sunday 11am – 9pm

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