

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

In the Matter of:)
)
Solid State Books, LLC)
t/a Solid State Books)
)
Applicant for a New)
Retailer's Class DT License)
)
at premises)
600 H Street, NE)
Washington, D.C. 20002)

Case No.: 18-PRO-00018
License No.: ABRA-108894
Order No.: 2018-257

Solid State Books, LLC, t/a Solid State Books (Applicant)

Stephen O'Neal, Commissioner, Advisory Neighborhood Commission (ANC) 6C

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 6C'S PROTEST**

The Application filed by Solid State Books, LLC, t/a Solid State Books (Applicant), for a new Retailer's Class DT License, was protested by ANC 6C.

The official records of the Board reflect that the Applicant and ANC 6C entered into a Settlement Agreement (Agreement), dated April 15, 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 and Commissioner Stephen O’Neal, on behalf of ANC 6C, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 6C.

Accordingly, it is this 2nd day of May, 2018, **ORDERED** that:

1. The Application filed by Solid State Books, LLC, t/a Solid State Books, for a new Retailer’s Class DT License, located at 600 H Street, NE, Washington, D.C., is **GRANTED**;
2. The Protest of ANC 6C in this matter is hereby **WITHDRAWN**;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, except for the following modifications:


Section 1 (Nature of Business) – The last sentence shall be modified to read as follows: “The number of “Special Events” shall be in accordance with 23 DCMR § 716.2.”

Section 2 (Hours of Operation) – The language “Hours of Operation” shall be replaced with the language “Hours of Operation, Sales, Service, Consumption, and Entertainment.”

The parties have agreed to these modifications.

4. Copies of this Order shall be sent to the Applicant and ANC 6C.


District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



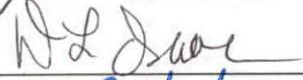
Nick Alberti, Member



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).

ANC 6C SETTLEMENT AGREEMENT FOR SOLID STATE BOOKS, LLC

THIS AGREEMENT is made and entered into as of this 15 day of April 2018 by and between Solid State Books, LLC (hereinafter "Applicant"), and Advisory Neighborhood Commission 6C, (hereinafter "Protestants").

WHEREAS, Applicant having filed an application with the District of Columbia Alcoholic Beverage Control Board (hereinafter "ABC Board") for its Class D license for premises at 600 H Street N.E., Washington, D.C.

WHEREAS, in recognition of the ABC Board's policy of encouraging parties to a protested proceeding to settle their differences by negotiating agreements, the parties hereto being desirous of entering into an agreement whereby, subject to approval of the ABC Board, Applicant will agree to adopt certain measures to address the Protestants' concerns and Protestants will agree to the issuance of the ABC License and withdraw their Protests.

NOW, THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the parties agree as follows:

1. **Nature of Business:** Applicant will operate primarily as a book store at all times and as a bona-fide Class D Tavern licensee (as such term is defined in ABC statutes and regulations). Applicant seeks this license in order to provide alcoholic beverages to its customers. Applicant seeks to sometimes host "Special Events" on its premises. A "Special Event" is defined as any event that would require Applicant to submit a "One Day Substantial Change Application" with the Alcoholic Beverage Regulation Administration. Applicant is encouraged to notify the ANC at least 30 days prior to each proposed "Special Event." The number of "Special Events" shall be limited to not more than 3 events every 12 weeks. With the written permission of the ANC, additional "Special Events" may be authorized.

Applicant will not make its premises available to non-employee promoters for presentation of advertised "parties" or "events" intended to generate profit for such promoters. Applicant will not charge a cover to enter the establishment or any portion of the establishment, except during special events. Applicant will not participate in any "Pub Crawl" promotions.

2. **Hours of Operation:** Applicant's operating hours shall not exceed 8 a.m. to 10 p.m. Sunday-Thursday and 8:00 a.m. to 12:00 a.m. Friday-Saturday. Sale of alcoholic beverages shall not exceed 8 a.m. to 10 p.m. during the week, and until 12 a.m. Friday and Saturdays. It is understood that after cessation of said "operating hours," no patrons shall remain on the premises. Provided that: (a) on days designated by the DC ABC Board as "Extended Hours for ABC Establishments" applicant may operate for one additional hour (that is, one hour later in the evening); and (b) in the event the Council of the District of Columbia or the ABC Board grants licensees in general extended operating hours (such as for Inauguration) applicant may avail itself of such extended hours.

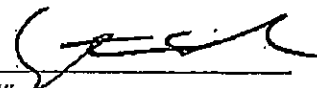
3. **Deliveries:** Applicant shall make commercially reasonable efforts to require its vendors to make all deliveries of food, beverages, and supplies between the hours of 6:00 A.M. and 7:00 P.M.
4. **Public Space and Trash:** Applicant will make commercially reasonable efforts to maintain the public space adjacent to and in front of the Premises in a clean and orderly manner. Applicant shall regularly inspect and clean the public space adjacent to and in front of the Premises as necessary. Applicant shall not dispose of trash or recyclables outside of the building between 11:30 p.m. and 9:00 a.m.
5. **Noise Suppression:** The establishment operation shall at all times be in compliance with the D.C. Noise Control Act and DC Code 25-725. Applicant will encourage members, their invited guests, employees, and patrons to be considerate of residents in the neighborhood by keeping conversations and other noises at a level that will not disturb the peace, order, quiet, and tranquility of residents in the enjoyment of their homes and by departing the vicinity of the premises immediately upon exiting.
6. **Withdrawal of Protest:** Protestants agree to the issuance of the license and the withdrawal of their protests upon execution of this Agreement, provided that this Settlement Agreement is incorporated into the Board's order issuing, amending or renewing the license, which order is thereby conditioned upon compliance with such Settlement Agreement.

IN WITNESS WHEREOF, the Parties place their signatures to this agreement, this ___ day of April, 2018.

SOLID STATE BOOKS, LLC

By: 
Scott R. Abel

ADVISORY NEIGHBORHOOD COMMISSION 6C

By: 
Stephen O'Neal
ANC 6C ABL Committee Chair