

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

In the Matter of:

T Jiya Sohal Corporation
t/a Sunset Wine & Spirit

Holder of a
Retailer's Class A License

at premises
1627 1st Street, NW
Washington, D.C. 20001

License No.: ABRA-095926
Order No.: 2019-119

T Jiya Sohal Corporation, t/a Sunset Wine & Spirit (Licensee)

Bradley A. Thomas and Karla M. Lewis, Commissioners, on behalf of Advisory
Neighborhood Commission (ANC) 5E

Kyle Thomas, President, Bates Area Civic Association, Inc.

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

ORDER ON SECOND AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that ANC 5E, Bates Area Civic Association, Inc., and a previous holder of a Retailer's Class A license for the premises located at 1627 1st Street, NW, Washington, D.C., entered into a Settlement Agreement (Agreement), dated July 17, 2012, and an Amendment to Settlement Agreement (Amendment), dated May 15, 2013. T Jiya Sohal Corporation, t/a Sunset Wine & Spirit (Licensee), as the subsequent and current holder of that license is

required to comply with the terms of the Agreement, because it governs the operations of the Licensee's establishment.

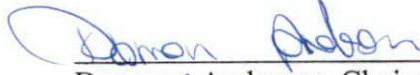
This matter comes now before the Board to consider the Parties' Second Amendment to Settlement Agreement (Second Amendment), dated February 19, 2019, in accordance with D.C. Official Code § 25-446 (2001).

The Second Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee; Commissioners Bradley A. Thomas and Karla M. Lewis, on behalf of ANC 5E; and Kyle Thomas, on behalf of Bates Area Civic Association, Inc.; are signatories to the Second Amendment.


Accordingly, it is this 6th day of March, 2019, **ORDERED** that:

1. The above-referenced Second 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 and Amendment to Settlement Agreement not amended by the Second Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee, ANC 5E, and Bates Area Civic Association, Inc.

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).

**SECOND AMENDMENT OF SETTLEMENT AGREEMENT
(FORMERLY ENTITLED "VOLUNTARY AGREEMENT") WITH RESPECT TO THE
OPERATIONS OF SUNSET WINE & SPIRIT @ 1627 1ST ST NW**

THIS SECOND AMENDMENT OF THE SETTLEMENT AGREEMENT (formerly entitled "Voluntary Agreement") is made on this 19th day of February, 2019 by and between T JIYA SOHAL CORPORATION, trading as SUNSET WINE & SPIRIT ("the Applicant") and the BATES AREA CIVIC ASSOCIATION, INC. and ADVISORY NEIGHBORHOOD COMMISSION 5E ("ANC5E") by and through its SINGLE MEMBER DISTRICT (SMD) COMMISSIONER representing ANC5E06 ("the Protestants"). This Second Amendment further amends the terms of the Voluntary Agreement originally executed by the parties on July 17, 2012 ("the 2012 Voluntary Agreement") and subsequently amended by the First Amendment of Voluntary Agreement executed by the parties on May 15, 2013 ("the 2013 Voluntary Agreement Amendment").

RECITALS

WHEREAS, the Applicant and the Protestants entered into the 2012 Voluntary Agreement on July 17, 2012, (prior to the realignment of Advisory Neighborhood Commission and Single Member District boundaries¹) to resolve issues related to the Applicant's request for renewal of its Class A Retail Liquor License for the location of 1627 1st Street, N.W., Washington, DC 20001 ("the Establishment"); and

WHEREAS, because of the fact that at the time of the execution of the 2012 Voluntary Agreement, retail establishments were prohibited by law from making sales of alcoholic beverages on Sundays, the 2012 Voluntary Agreement included a provision prohibiting such Sunday sales; and

WHEREAS, after District of Columbia law was amended to permit alcoholic beverage sales on Sundays², the Applicant and the Protestants executed the 2013 Voluntary Agreement Amendment, amending Section 8(d) of the 2012 Voluntary Agreement to permit the Applicant to open for business no earlier than 12:00 pm and close no later than 6:00 pm on Sundays; and

WHEREAS, having recognized that since the execution of the 2013 Amended Voluntary Agreement, the Applicant has made exemplary efforts to successfully resolve the issues that gave rise to the original protest and subsequent execution of the 2012 Voluntary Agreement, the Protestants desire to reward the Applicant's efforts by agreeing to an expansion of the

¹ Following the 2010 U.S. Census, the District of Columbia undertook a realignment of its Ward, Advisory Neighborhood Commission (ANC) and ANC Single Member District (SMD) boundaries. Under the realignment, which went into effect on January 2, 2013, the Establishment remained in Ward 5 but shifted from ANC5C to ANC5E and from SMD 5C01 to SMD 5E06.

² On January 15, 2013, Mayor Vincent Gray signed into law a bill passed by the D.C. Council permitting retailers to sell alcoholic beverages on Sundays in the District of Columbia. Prior to enactment of that legislation, Sunday sales by Class A Retail Liquor Licensees were prohibited.


Applicant's Sunday operating hours to bring them in line with those of competing retail establishments in the neighborhood.

NOW, THEREFORE, in consideration of the recitals set forth above, the Parties agree that Section 8(d) of the 2012 Voluntary Agreement, as amended by the 2013 Voluntary Agreement Amendment, is further amended as follows:


d. Applicant will open for business no earlier than 10:00 am Sunday through Saturday. Applicant will close for business no later than 7:00 pm on Sunday, no later than 10:00pm Monday through Thursday and no later than 11:00 pm on Friday and Saturday. All other terms and conditions that are not hereby amended are to remain in full force and effect.

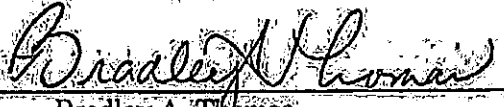
IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective as of the date first written above.


APPLICANT:

Signature: 
Printed Name: Gurmeet Singh
Applicant: T Jiya Sohal Corporation
Address: 1627 1st Street, N.W.
Washington, DC 20001

PROTESTANTS:

Signature: 
Printed Name: Kyle A. Thomas
Capacity: President-Bates Area Civic Association, Inc.
Email Address: thomkyle@gmail.com

Signature: 
Printed Name: Bradley A. Thomas
Capacity: Chair-Advisory Neighborhood Commission 5E
Email Address: 5e05@anc.dc.gov

Signature: 
Printed Name: Karla M. Lewis
Capacity: SMD Commissioner-ANC 5E06
Email Address: 5e06@anc.dc.gov