

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

In the Matter of:)
)
TBD Wines, LLC)
t/a TBD Wines, LLC)
)
Applicant for a New)
Retailer's Class BI License)
)
at premises)
4221 Connecticut Avenue, NW)
Washington, D.C. 20008)
)

License No.: ABRA-117244
Order No.: 2021-010

TBD Wines, LLC, t/a TBD Wines, LLC, Applicant

Monika Nemeth, Chairperson, Advisory Neighborhood Commission (ANC) 3F

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that TBD Wines, LLC, t/a TBD Wines, LLC (Applicant), Applicant for a new Retailer's Class BI License and ANC 3F have entered into a Settlement Agreement (Agreement), dated November 13, 2020, that governs the operations 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 Chairperson Monika Nemeth, on behalf of ANC 3F, are signatories to the Agreement.

Accordingly, it is this 6th day of January 2021, **ORDERED** that:

1. 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
2. Copies of this Order shall be sent to the Applicant and ANC 3F.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamllessDocs.com
Donovan Anderson
Key: ac43c06920e65f02e4b730993d10cc09

Donovan Anderson, Chairperson

eSigned via SeamllessDocs.com
James Short
Key: 541ae375929267ca81110324204f6e2

James Short, Member

eSigned via SeamllessDocs.com
Bobby Cato
Key: 256d3fca0fbc148d7f4b75bd79f7d20d

Bobby Cato, Member

eSigned via SeamllessDocs.com
Rema Wahabzadah, Member
Key: b2c440b590b74099b118635d728f1652

Rema Wahabzadah, Member

eSigned via SeamllessDocs.com
Rafi Aliya Crockett, Member
Key: b5006f1843e1f5e471615d45c129f10c

Rafi Crockett, Member

eSigned via SeamllessDocs.com
Jeni Hansen, Member
Key: 82172931f206447491b156f9c2a41896

Jeni Hansen, Member

eSigned via SeamllessDocs.com
Edward Grandis, Member
Key: 5027b0a77f9f0040cc14d4eb02541c05

Edward S. Grandis, 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).

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3F

3F01 – David Cristeal
3F02 – Carolinn Kuebier
3F03 – Naomi Rutenberg
3F04 – Leah Freilinghuysen
3F05 – Andrea Molod
3F06 – Monika Nemeth
3F07 – Vacant



4401-A Connecticut Ave, N.W.
Box 244, Washington, D.C. 20008
commissioners@anc3f.com
www.anc3f.com
202-670-7ANC
Twitter: @ANC3F

SETTLEMENT AGREEMENT

Made this 13th day of November 2021, by and between TBD WINES L.L.C., known as "TBC Wines L.L.C." (the "Applicant") and ADVISORY NEIGHBORHOOD COMMISSION 3F (the "ANC" or "ANC 3F).

WITNESSETH:

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control ("ABC") Board is Applicant's application for a new Retailer's Class "B" (Internet Only) liquor license for the premises known as "TBD Wines, L.L.C." at 4221 Connecticut Avenue, NW (the "Establishment"), License Number ABRA-117244; and

WHEREAS, both Applicant and the ANC (the "Parties") desire to enter into a Settlement Agreement commemorating certain understandings regarding Applicant's operating plans;

WHEREAS, in consideration of the premises recited, and the mutual covenants and promises set forth below;

Hours

1. Applicant's hours of operation at the above-mentioned licensed premises for all purposes that cause a noise disturbance (as defined in D.C. Code 25-725) — including deliveries and pick-ups — will be within the hours of 9:00 a.m. to 10:00 p.m. Sunday through Saturday. This restriction does not include internet sale activity outside these hours that does not cause a noise disturbance.

Public Spaces

To the extent Applicant is able to control deliveries and pick-ups, Applicant will make a reasonable effort to:

2. Use off-street parking for dropping off and retrieving wine;
3. Restrict vehicle parking, including staff, customers, and vendors, to legal parking locations that the Applicant can control.

Re: Application ABRA-117244, by TBD WINES, L.L.C., (“TBD Wines, L.L.C.”)

4. Ensure its employees and guests maintain the establishment in such a manner as to have minimal impact on vehicular and pedestrian traffic on public streets in the neighborhood (e.g., not stacking crates to block traffic, etc.); and
5. Schedule garbage collection pickups between the hours of 9:00 a.m. and 9:00 p.m. if able to do so.

Advertising

6. Applicant shall be prohibited from displaying any advertising banners, neon signs, or outside signage other than any sign permitted by D.C. laws and regulations and those required by law.

Breach of Agreement / Notifications

7. Applicant shall manage and operate in a manner consistent with their ABRA license. As such, applicant shall comply with District of Columbia Official Code Title 25 and District of Columbia Municipal Regulations Title 23 as they apply to the Establishment and applicable laws and regulations of the District of Columbia in the operation of this establishment.
8. The Parties agree to maintain open communications and agrees to endeavor to confer and deal in good faith with issues raised under this Agreement or new issues that might arise that are within ABRA's jurisdiction with regard to the operation of the Establishment. In the event that any of the parties is in breach of this Agreement, it shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the Agreement. Unless the breach is of an emergency nature or is a repetition of a prior breach for which notice has been given, reasonable notice and opportunity shall provide for a cure within 30 days of the date of such notice. If the Applicant fails to cure within the 30-day period (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), failure shall constitute grounds for the ANC to file a complaint with the ABC Board in accordance with D.C. Official Code 95-447. Unless otherwise noted above, any notices required to be made under this Agreement shall be delivered in writing and mailed via certified mail, return receipt requested, or hand-delivered, to the other parties to this Agreement at the following addresses:
 - a. TBD Wines L.L.C. (“TBD Wines L.L.C.”)
4221 Connecticut Avenue, NW
Washington, DC 20008
 - b. Advisory Neighborhood Commission 3F
4401-A Connecticut Avenue, N.W., PMB 244
Washington, D.C. 20008-2322

Notice shall be deemed given as of the time of receipt or refusal of receipt.

Re: Application ABRA-117244, by TBD WINES, L.L.C., ("TBD Wines, L.L.C.")

THEREFORE, in consideration of and in reliance upon the commitments reflected in items 1 through 8 above, the ANC will advise the ABC Board that it does not oppose Applicant's pending application for a Retailer's Class "B" (Internet Only) license.

IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first written above.


APPLICANT

Signature:  11/10/20

Name: Chani Wiggins (202-236-7750)

Title: President

ANC 3F

Signature: 

Name: Monika Nemeth

Title: Commissioner, ANC 3F, Chair