

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

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<b>In the Matter of:</b> )	
)	
In Stereo, LLC )	
t/a Trade )	
)	
Holder of a )	License No.: ABRA-099229
Retailer's Class CT License )	Order No.: 2018-492
)	
at premises )	
1410 14th Street, NW )	
Washington, D.C. 20005 )	
_____ )	

In Stereo, LLC, t/a Trade (Licensee)

John Fanning, Chairperson, Advisory Neighborhood Commission (ANC) 2F

**BEFORE:** Donovan Anderson, Chairperson  
Nick Alberti, Member  
Mike Silverstein, Member  
James Short, Member  
Donald Isaac, Sr., Member  
Bobby Cato, Member  
Rema Wahabzadah, Member

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**ORDER ON FIRST AMENDMENT TO SETTLEMENT AGREEMENT**

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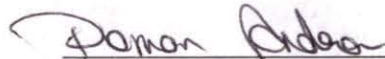
The official records of the Alcoholic Beverage Control Board (Board) reflect that In Stereo, LLC, t/a Trade (Licensee), located at 1410 14th Street, NW, Washington, D.C., and ANC 2F entered into a Settlement Agreement (Agreement), dated July 1, 2015, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' First Amendment to Settlement Agreement (Amendment), dated August 1, 2018, in accordance with D.C. Official Code § 25-446 (2001).

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson John Fanning, on behalf of ANC 2F, are signatories to the Amendment.


Accordingly, it is this 8th day of August, 2018, **ORDERED** that:

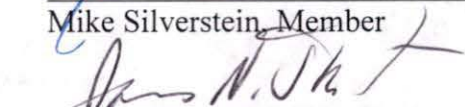
1. The above-referenced First Amendment to Settlement Agreement submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the original Settlement Agreement not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee and ANC 2F.

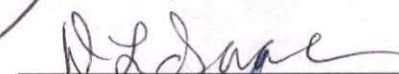
District of Columbia  
Alcoholic Beverage Control Board

  
\_\_\_\_\_  
Donovan Anderson, Chairperson

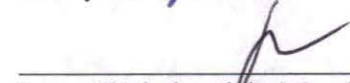
  
\_\_\_\_\_  
Nick Alberti, Member

  
\_\_\_\_\_  
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 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).

FIRST AMENDMENT TO SETTLEMENT AGREEMENT

THIS FIRST AMENDMENT to the SETTLEMENT AGREEMENT ("Agreement") is made on this 1<sup>st</sup> day of August 2018 by and between In Stereo, LLC ("Licensee"), at 1410 14<sup>th</sup> Street, NW, ABRA License #099229, and Advisory Neighborhood Commission 2F ("the ANC"), (collectively, the "Parties"). This Amendment updates the Agreement dated July 1, 2015, and finalized by ABC Board Order 2015-389 dated August 12, 2015.

R E C I T A L S

WHEREAS, Licensee and ANC 2F entered into a new Settlement Agreement dated July 1, 2015 for an establishment ("Establishment") at 1410 14<sup>th</sup> Street, NW; and

WHEREAS, the original Settlement Agreement dated July 1, 2015 provided for the following regarding the Licensee's Summer Garden:

"The Applicant may have outside seating in accordance with a summer garden endorsement to its ABC license; patrons may be served in the summer garden area only during the below hours and shall otherwise be free of patrons.

a. Sunday - Thursday: 8am to 11:00pm

b. Friday - Saturday: 8am to 12:00am

Applicant will inspect the summer garden regularly for compliance."

WHEREAS, ANC 2F recognizes that groups of individuals smoking outside of establishments on the west side of the 1400 block of 14<sup>th</sup> Street, NW (between P Street, NW and Rhode Island Avenue, NW) hinder the flow of pedestrian traffic and that their smoke and litter disturb nearby residents; and

WHEREAS, Licensee may permit cigarette smoking on the Summer Garden and requests an extension of Hours of Operations and Hours of Alcoholic Beverages Sales, Service, and Consumption on the Summer Garden to ameliorate the aforementioned negative effects;

WHEREAS, the Parties request that the Alcoholic Beverage Control Board approve this Amendment to Settlement Agreement conditioned upon the Licensee's compliance with the terms of this written Amendment and the previously executed Settlement 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. Section 3 ("Summer Garden") is replaced in its entirety by the following:

"Summer Garden. The Applicant may have outside seating in accordance with a summer garden endorsement to its ABC license; patrons may be served in the summer garden area only during the below hours and the summer garden shall otherwise be free of patrons:

- a. Sunday – Thursday: 8:00am to 1:45am;
- b. Friday and Saturday: 8:00am to 2:45am.

Applicant will inspect the summer garden regularly for compliance. Applicant may permit patrons to smoke cigarettes in the summer garden."

3. Section 5 ("Noise") is amended by adding the following two paragraphs to the end of the existing Section:

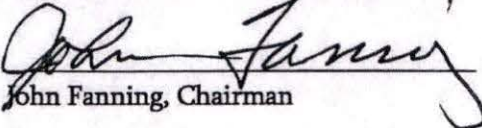
"Noise complaints by the Parties to this Settlement Agreement shall be made first to the Applicant, with an opportunity to cure the complaint within seventy-two (72) hours as required in Section 17 (Notice and Opportunity to Cure). If the complaint is not cured within seventy-two (72) hours, Parties to this Agreement may file a noise complaint with ABRA. In the event that the complaint cannot be cured completely within seventy-two (72) hours, Applicant must demonstrate good faith efforts to begin to cure the complaint and give a timeline for the completion of the cure to the ANC.

If, at any time during a consecutive six (6) month period, Applicant is assessed two or more violations of Section 25-725 of the ABRA Civil Penalty Schedule that are attributed to the outdoor hours and operation of the summer garden after 11:00pm Sunday through Thursday or 12:00am Friday and Saturday, the summer garden's hours of operation shall cease at 11:00pm Sunday through Thursday and 12:00am on Friday and Saturday."

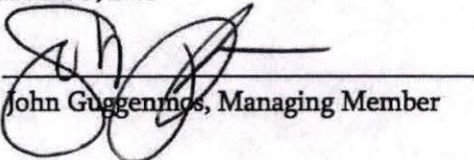
4. **Agreement Otherwise Unamended.** Except as otherwise provided herein, the terms and conditions of the previously executed Settlement Agreement, Board Order, and Licensee are expressly reaffirmed and remain in full force and effect.

*[signatures on the following page]*

ADVISORY NEIGHBORHOOD COMMISSION 2F

By:  8/1/18  
John Fanning, Chairman Date

IN STEREO, LLC

By:  8-1-18  
John Guggenmos, Managing Member Date