

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

In the Matter of:)	
1420 Pennsy, LLC)	
t/a Trusty's Bar)	
Holder of a)	License No.: ABRA-071352
Retailer's Class CT License)	Order No.: 2018-260
at premises)	
1420 Pennsylvania Avenue, SE)	
Washington, D.C. 20003)	
)	

1420 Pennsy, LLC, t/a Trusty's Bar (Licensee)

Daniel Ridge, Chairperson, Advisory Neighborhood Commission (ANC) 6B

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 AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that 1420 Pennsy, LLC, t/a Trusty's Bar (Licensee), and ANC 6C have entered into a Settlement Agreement (Agreement), dated November 7, 2013, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Addendum), signed on April 10, 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 Daniel Ridge, on behalf of ANC 6B, are signatories to the Amendment.

Accordingly, it is this 22nd day of February, 2018, **ORDERED** that:

1. The above-referenced 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, except for the following modifications:

Section 3 (Hours of Operation, Sale and Consumption) – The language “Hours of Operation, Sales and Consumption” shall be replaced with the language “Hours of Operation, Sales, Service and Consumption.”

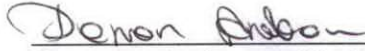
Section 3 (Hours of Operation, Sale and Consumption) – The Summer Garden hours “1:00 A” shall be replaced with “1:00 AM.”

Section 11 (Notice and Opportunity to Cure) – The language “for seeking a Show Cause Order from the ABRA Board pursuant to D.C. Official Code § 25-201(c)(6)” shall be replaced with “for filing a complaint with the ABC Board pursuant to D.C. Official Code § 25-447.”

The parties have agreed to these modifications.

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 6B.


District of Columbia
Alcoholic Beverage Control Board


Donovan Anderson, Chairperson

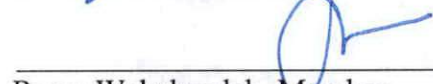

Nick Alberti, Member


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).



AMENDMENT TO SETTLEMENT AGREEMENT

This Amendment to Settlement Agreement ("Amendment") is made this 9th day of November 2016 by and between 1420 Pennsy, LLC t/a Trusty's Bar ("Applicant") and Advisory Neighborhood Commission 6B ("ANC 6B").

WITNESSETH

WHEREAS, ANC 6B and the Applicant previously entered into a Settlement Agreement (SA) dated November 7, 2013, which SA was approved by the Alcoholic Beverage Regulatory Agency Board ("ABRA Board") by Order dated October 1, 2014;

WHEREAS, Applicant is the current holder of a Retailer's Class CT License and bound by the terms of the SA with ANC 6B;

WHEREAS, the ANC 6B and Applicant seek to amend the SA in the manner hereinafter provided;

NOW, THEREFORE, the parties agree as follows:

1. Section 3 of the SA is amended as follows:

Hours of Operation, Alcohol Beverage Sales, Service and Consumption & Live Entertainment. The Applicant's hours of operation and sales of alcohol shall be as follows:

Hours of Operation, Sales and Consumption:

Inside:

Sunday thru Thursday 10:00 AM to 2:00 AM
Friday and Saturday 10:00 AM to 3:00 AM

Sidewalk Café:

Sunday thru Thursday 10:00 AM to 2:00 AM
Friday and Saturday 10:00 AM to 3:00 AM

Summer Garden (second floor with open roof):

Sunday thru Thursday 10:00 AM to 2:00 AM
Friday and Saturday 10:00 AM to 3:00 AM

Hours of Live Entertainment:

Inside:

Sunday thru Thursday 10:00 AM to 2:00 AM
Friday and Saturday 10:00 AM to 3:00 AM

Summer Garden (second floor with open roof):

Sunday thru Thursday 10:00 AM to 12:00 Midnight
Friday and Saturday 10:00 AM to 1:00 A

- 2. Section 11 of the existing SA is renamed Section 12;
- 3. A new Section 11 is added to the existing SA which reads as follows:

Notice and Opportunity to Cure. In the event that any of the parties is in breach of the existing SA as modified by this Amendment, it shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the SA. Unless the breach is of an emergency nature or is a repetition of a prior breach, reasonable notice and opportunity shall be provided for a cure within 10 calendar days of the date of such notice. If Applicant refuses or fails to commence the cure or diligently to pursue such cure within the 10 day period (or, with respect to a breach which reasonably requires more than 10 days to cure), such refusal or failure shall constitute a cause for seeking a Show Cause Order from the ABRA Board pursuant to D.C. Official Code § 25-201(c)(6).

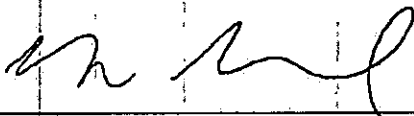
- 4. Agreement Otherwise in Full Force and Effect

Except as otherwise explicitly provided herein, the Agreement from 2014 shall remain in full force and effect and the Agreement, as modified by this Amendment, shall constitute the Agreement between the parties. The SA may only be modified by written approval of the parties, or otherwise in accordance with law.

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

Applicant:

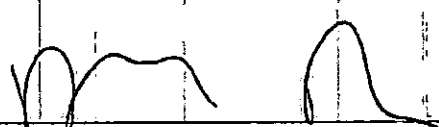
Pensy LLC, t/a Trusty's Bar
 ABRA#071352
 1420 Pennsylvania Avenue SE Washington, DC 20003
 Mark Menard, Managing Member
 m.d.menard@gmail.com
 (202) 391-1176

Signature: 

Date: 4/10/18

ANC:

Advisory Neighborhood Commission 6B
 921 Pennsylvania Avenue SE Washington DC 20003
 6b@anc.dc.gov
 Daniel Ridge, Chair

Signature: 

Date: 4/18/18

ANC 6B

Capitol Hill / Southeast

April 16, 2018

921 Pennsylvania Avenue SE
Washington, DC 20003-2141
6B@anc.dc.gov

OFFICERS

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SMD 08 Chander Jayaraman

SMD 09 Daniel Ridge

SMD 10 Denise Krepp

Donovan Anderson, Chair
Alcoholic Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

VIA E-MAIL: abra.legal@dc.gov

RE: ABRA-071352, 1420 Pennsy LLC d/b/a Trusty's Bar, 1420 Pennsylvania Ave, SE;
Substantial change to add an Entertainment Endorsement for Live Entertainment inside
Premises & for Summer Garden

Dear Chair Anderson:

At its regularly scheduled, properly noticed, meeting on April 10, 2018, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 8-0-1 to support the above-referenced request.

For your review and approval, please find attached an Amendment to the existing Settlement Agreement (SA), which was executed by both ANC 6B and the Applicant.

Please contact Commissioner Chander Jayaraman, ANC 6B's Alcohol Beverage Control Committee Chair, at 202-546-2609 or 6b08@anc.dc.gov if you have questions or need further information. Thank you.

Sincerely,



Daniel Ridge
Chair, ANC 6B

cc: via e-mail

Applicant / Counsel:
ABC Committee Chair:
SMD Commissioner:

Mark Menard
Chander Jayaraman
Nick Burger