

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

In the Matter of:)

Red River Grill, LLC)
t/a Union Pub)

Application for Substantial Change)
to Retailer’s Class CR License)

at premises)
201 Massachusetts Avenue, NE)
Washington, D.C. 20002)

Case No.: 20-PRO-00063
License No.: ABRA-022105
Order No.: 2021-064

Red River Grill, LLC, t/a Union Pub, Applicant

Stephen O’Neal, ANC 6C Alcoholic Beverage Licensing Member, on behalf of Advisory
Neighborhood Commission (ANC) 6C

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 AMENDMENT TO SETTLEMENT AGREEMENT AND
WITHDRAWAL OF ANC 6C’S PROTEST**

The Application filed by Red River Grill, LLC, t/a Union Pub (Applicant), for a Substantial Change to install Dragon’s Ascent electronic game with up to 3 consoles, was protested by ANC 6C.

The official records of the Alcoholic Beverage Control Board (Board) reflect that the Applicant and ANC 6C entered into a Settlement Agreement (Agreement), dated January 27, 2021, 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 Stephen O'Neal, on behalf of ANC 6C, are signatories to the Amendment.

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

Accordingly, it is this 3rd day of February 2021, **ORDERED** that:

1. The Application filed by Red River Grill, LLC, t/a Union Pub, for a Substantial Change 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 The Protest of ANC 6C in this matter is hereby **WITHDRAWN**;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; and
4. Copies of this Order shall be sent to the Applicant and ANC 6C.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: a400294456115946793003141098

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 8474a3739028e6ac8318432872943e7

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256d3fca0f8a148d776b75b67917a20d

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rema Wahabzadah, Member
Key: bf2ca40b599b74099b19b35b738f162f

Rema Wahabzadah, Member

eSigned via SeamlessDocs.com
Rafi Atiya Crockett, Member
Key: b58de91545e18e401e155e5c12991c5

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 82172831f55c947491b5d9c2a418b5

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward S. Grandis, Member
Key: 5027bda7ff9f0040ec14adeb52541ce5

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 StTeet, 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).

SETTLEMENT AGREEMENT

This agreement is made and entered into this 27th day of January 2021 by and between Red River Grill, LLC, doing business as Union Pub ("Applicant") and Advisory Neighborhood Commission 6C ("Protestant").

WHEREAS Applicant has filed an application with the District of Columbia Alcoholic Beverage Control Board ("ABC Board") for a game of skill endorsement to its retailer class "C" Restaurant license ABRA-022105 ("License") for premises at 201 Massachusetts Avenue, NE, Washington, DC, and

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 Protestant's concerns and Protestant will agree to the issuance of the game of skill endorsement to the License and withdraw its Protest,

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

1. **Games of Skill:** Applicant will strictly comply with D.C. Official Code § 25-786 relating to placement and operating requirements of games.
 - a. Applicant will have no more than three games on the licensed premises,
 - b. Applicant will permit use of the games only within the hours of operation inside the premises,
 - c. Applicant agrees it will maintain security cameras that are operational and record for 30 days,
 - d. Applicant will not permit a person under 18 years of age or a person that appears intoxicated or under the influence of a narcotic or other substance to play a game of skill machine and shall designate an employee to regularly monitor the designated area where game of skill machines are played to ensure that no intoxicated person or under the influence of a narcotic or other substance or anyone under 18 years of age is playing or attempting to play a game of skill machine,
 - e. Applicant will not permit the placement of a game of skill machine on an outdoor public or private space that has not been approved by the DC ABC Board nor permit the placement of a game of skill machine outside of the designated areas contained on the applicant's diagram provided as part of the license application or outside the areas approved by the DC ABC Board.

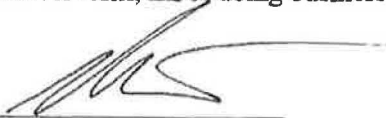
2. **Withdrawal of Protest:** Protestant agrees to the issuance of the game of skill endorsement to the License and the withdrawal of its protest upon execution of this Agreement, if this settlement agreement is incorporated into all ABC Board orders

issuing, amending, or renewing the license, which order is thereby conditioned upon compliance with this agreement.

- 3. Right to Seek Redress:** The parties agree that any failure of the Applicant to adhere to the foregoing commitments will constitute a breach of this agreement and grounds for the Protestant to file a complaint with the ABC Board pursuant to D.C. Official Code § 25-446(e) to enforce the provisions of the agreement.

IN WITNESS WHEREOF, the parties place their signatures to this agreement, this 27th day of January, 2021.

Red River Grill, LLC, doing business as Union Pub



By: Matthew Weiss

Advisory Neighborhood Commission 6C

/s/ Stephen O'Neal

Stephen O'Neal
ANC 6C Alcoholic Beverage Licensing Committee Chair
(as designated ANC 6C representative)