

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

In the Matter of:

Harris Teeter, Inc.

t/a Harris Teeter

New Application for a Retailer's

Class B License –

at premises

1391 Pennsylvania Avenue, S.E.

Washington, D.C.

License no.: 75692

Application no.: 61147

Order no.: 2006-261

Scott Cernich, Chairman, Advisory Neighborhood Commission 6B, and Harris Teeter, Inc., Signatories


BEFORE: Charles A. Burger, Chairperson
Vera M. Abbott, Member
Judy A. Moy, Member
Audrey E. Thompson, Member
Peter B. Feather, Member
Albert G. Lauber, Member

ORDER ON VOLUNTARY AGREEMENT


The official records of the Alcoholic Beverage Control Board ("Board") reflect that Scott Cernich, Chairman, on behalf of Advisory Neighborhood Commission 6B, and Harris Teeter, Inc., have reached a voluntary agreement, dated October 30, 2006, which has been reduced to writing and has been properly executed and filed with the Board. Having determined that the October 30, 2006 agreement complies with all applicable laws and regulations, the Board does hereby, this 15th day of November, **APPROVE** the agreement and **INCORPORATE** the text of the same into this Order. Copies of this Order shall be sent to the Signatories to the agreement.

Harris Teeter, Inc.
t/a Harris Teeter
Case no. 61147
License no. 75692
Page two

District of Columbia
Alcoholic Beverage Control Board



Charles A. Burger, Chairperson

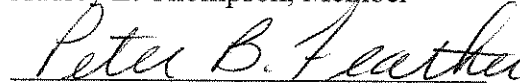


Vera M. Abbott, Member



Judy A. Moy, Member

Audrey E. Thompson, Member



Peter B. Feather, Member

Albert G. Lauber, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

ANC 6B

Capitol Hill / Southeast

GOVT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATION ADMINISTRATION

7000 NOV -2 A 11: 03

REC'D BY _____

921 Pennsylvania Ave SE
Washington, DC 20003
202.543.3344
FAX 202.543.3507

October 31, 2006

OFFICERS

Chairperson
Scott Cernich

Vice Chairperson
Will Hill

Secretary
Mary Wright

Treasurer
Kenan Jarboe

Parliamentarian
Neil Glick

Maria M. Delaney, Director
Alcoholic Beverage Regulation Administration
941 North Capitol Street, NE
Suite 7200
Washington, DC 20002

RE: Harris Teeter, Inc.

License # 75692

Class: Retailer B - Full Service Grocery Store
Voluntary (Cooperative) Agreement

Dear Ms. Delaney:

COMMISSIONERS

SMD 1 *David Garrison*
SMD 2 *Mary Wright*
SMD 3 *Julie Olson*
SMD 4 *Scott M. Cernich*
SMD 5 *Kenan Jarboe*
SMD 6 *Will Hill*
SMD 7 *Daryl Snowden*
SMD 8 *Neil Glick*
SMD 9 *Keith A. Smith*
SMD 10 *Francis Campbell*
SMD 11 *Vacant*

At its regularly scheduled and properly noticed meeting on September 13, 2006, with a quorum present, ANC 6B voted 7-0-1 to not oppose the above referenced application for Harris Teeter, Inc., located at 1391 Pennsylvania Avenue, SE, for a Retailer B - Full Service Grocery Store liquor license, subject to the execution of a Voluntary (Cooperative) Agreement. To this end, enclosed is the Cooperative (Voluntary) Agreement that has been executed by Harris Teeter and ANC 6B for your review and approval.

If you need further information, please do not hesitate to contact me.

Very truly yours,

Scott Cernich
Scott Cernich
Chair, ANC 6B

Cooperative (Voluntary) Agreement

AGREEMENT

Made this 30th October day of ~~September~~ 2006, by and between Harris Teeter, Inc., ("Applicant") and Advisory Neighborhood Commission 6B ("ANC") (collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant's application for a Retailers Class "B" Full Service Grocery Store license for premises, 1391 Pennsylvania Avenue, S.E. Washington, D.C. 20003 (the "Premises"), ABC Liquor License # 75692 is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and

WHEREAS, the Premises is within the boundaries of the ANC; and

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issuance of a Retailers' Class "B" Liquor License at the subject premises;

NOW, THEREFORE, the Parties agree as follows:

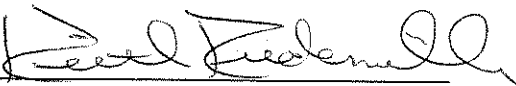
1. The licensee will not break up manufacturer's retail package of the product, and will not sell singles larger than 24 oz.

The Parties further agree that any failure of the Applicant to comply with the terms of this Agreement will constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: 

By: 

Scott Cernich, Chair