

THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

Lic. 9238

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In the Matter of:

Pennsylvania Rail, Inc.
t/a Remington's

Application for a Retailer's Class CN
License - renewal
at premises
639 Pennsylvania Avenue, S.E.
Washington, D.C.

Case no.: 536-05/011P
Order no.: 2005-275

Pennsylvania Rail, Inc., Applicant

Advisory Neighborhood Commission 6B, Mark Parascandola, and Christina B. Parascandola, Protestants

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
Eartha Isaac, Member

**ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST AND
DISMISSAL OF PROTEST**

The renewal application for a Retailer's Class "CN" License, having been protested, came before the Board on March 30, 2005, in accordance with D.C. Official Code § 25-601 (2001). Will Hill, Vice Chair, on behalf of Advisory Neighborhood Commission ("ANC") 6B, filed timely opposition by letter on November 23, 2004. Mark Parascandola and Christina B. Parascandola filed timely opposition by letter on November 23, 2004. The Board dismissed the protests of Mark Parascandola and Christina B. Parascandola because these individuals did not appear at the roll call hearing or designate a representative to appear at the roll call hearing.

The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated September 29, 2005, the Protestant has agreed to withdraw its protest, provided, however, the Board's approval of the pending

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application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

Accordingly, it is this 12th day of October 2005, **ORDERED** that:

1. The protests of Mark Parascandola and Christina B. Parascandola, are **DISMISSED**;
2. The protest of ANC 6B, is **WITHDRAWN**;
3. The renewal application of Pennsylvania Rail, Inc., t/a Remington's, for a Retailer's Class "CN" License at 639 Pennsylvania Avenue, S.E., Washington, D.C., is **GRANTED**;
4. The above-referenced agreement, is **INCORPORATED** as part of this Order;
and
5. Copies of this Order shall be sent to ANC 6B, Mark Parascandola, Christina B. Parascandola, and the Applicant.

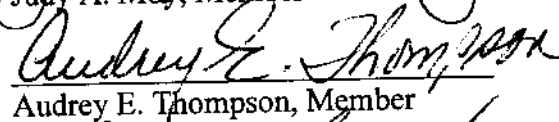
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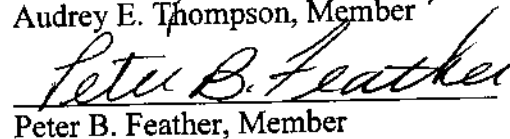
District of Columbia
Alcoholic Beverage Control Board

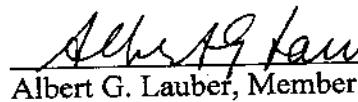
Charles A. Burger, Chairperson

Vera M. Abbott, Member


Judy A. Moy, Member


Audrey E. Thompson, Member


Peter B. Feather, Member


Albert G. Lauber, Member


Eartha Isaac, 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.

COOPERATIVE AGREEMENT¹

Made this 29TH day of September 2005, by and between Pennsylvania Rail, Inc., t/a Remington's, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC, Collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "CN" license for premises, 639 Pennsylvania Ave., S.E., ABC Application #536, 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 issue of a Retailers' Class "CN" Liquor License at the subject premises; and,

WHEREAS, the parties acknowledge that trash removal and vermin infestation is a problem in the neighborhood; and,

WHEREAS, the Applicant has attempted at all times, and intends to continue, to be a good neighbor to those residents in the vicinity of the establishment;

NOW, THEREFORE, the parties agree as follows:

1. Applicant has taken and will continue to maintain the following steps to prevent sound from being heard in violation of DC Official Code § 25-725 including within any neighboring residential property. Additionally, the Applicant agrees not to allow noise levels to exceed 65 decibels in any neighboring property (recognizing that provisions A-C were taken prior to the protest):

- a. Re-directed the dance floor speakers.

¹ Nothing in this agreement shall affect any other rights the parties may have that are not covered by this agreement.

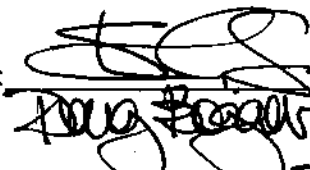
- b. Insulated both of the back doors leading to the alley.
 - c. Installed additional insulation into the base speakers.
2. Applicant will maintain the public space and surrounding area to the establishment in a clean and litter-free condition by:
- a. Picking up trash, including beverage bottles and cans consistently, on a daily basis; and,
 - b. Sweeping the outside of the establishment on a consistent basis which shall not be less than once per week; and,
 - c. Taking due diligence to prevent vermin infestation in and around the establishment; and,
 - d. That all garbage and waste is in a secure sealed dumpster or container.
3. If and when the ANC or residents in close proximity contact the Applicant with complaints regarding sound or trash abatement, the ABC recognized manager will:
- Listen to the complaint; try to resolve the complaint; and note the complaint and its response in a log book kept by the establishment.
4. In consideration of, and reliance upon, the representations reflected in the paragraphs above, the ANC hereby withdraws its opposition to the Applicant's pending license application.
5. The parties further agree that any failure of Applicant to adhere to the foregoing representations would constitute grounds for the ANC to petition the ABC Board to schedule a show cause hearing pursuant to 23 D.C.M.R.

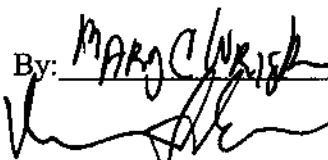
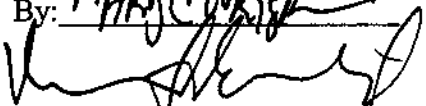
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IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: 
 Doug Bogatov VP
 DOUG BOGATOV

By:  MARY WRIGHT
 Neil Glick