

THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:

1420 Pennsy, LLC  
t/a Trusty's Bar

Application for a Retailer's Class "CT"  
License - New

at premises  
1420 Pennsylvania Avenue, S.E.  
Washington, D.C.

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)  
) License no.: 71352  
) Application no.: 60849  
) Order no.: 2006-257  
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)

Scott Cernich, Chairperson, on behalf of Advisory Neighborhood Commission 6B, and  
Mark Menard, on behalf of 1420 Pennsy, LLC, 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**

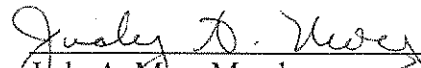
The official records of the Alcoholic Beverage Control Board ("Board") reflect that Scott Cernich, Chairman, on behalf of Advisory Neighborhood Commission 6B, and Mark Menard, on behalf of 1420 Pennsy, LLC, have reached a voluntary agreement, dated September 18, 2006, which has been reduced to writing and has been properly executed and filed with the Board. Having determined that the September 18, 2006 agreement complies with all applicable laws and regulations, the Board does hereby, this 1<sup>st</sup> 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.

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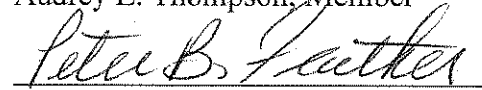
District of Columbia  
Alcoholic Beverage Control Board

  
Charles A. Burger, Chairperson

Vera M. Abbott, Member

  
Judy A. Moy, Member

  
Audrey E. Thompson, Member

  
Peter B. Feather, Member

Albert G. Lauber, Member

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 (VOLUNTARY) AGREEMENT

Made this 18th day of September 2006 by and between Trusty's Bar, ("Applicant") and Advisory Neighborhood Commission 6B, (the ANC) (collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "CT" license for premises, 1420 Pennsylvania, Avenue, SE, Washington, D.C. 20003, ABC License #71352, 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 "CT" Liquor License at the subject premises;

NOW, THEREFORE, the Parties agree as follows:

1. Applicant shall not provide, or permit, live music or live entertainment at the Premises, including but not limited to disc jockeys.
2. Any music provided on the Premises shall not be audible inside of any other premises at any time.
3. Applicant shall not extend any sound system or speakers to the outside of the Premises.
4. Applicant will not operate the Premises as a nightclub, dance venue, or similar venue.
5. Applicant shall only allow use of the Premises for Private events approximately twice per month. Applicant shall present a copy of the terms of this Agreement to any person(s) using the Premises for a private function, however, Applicant shall at all times be responsible for compliance with the terms of this agreement.
6. Applicant shall post a sign near the door inside the Premises requesting that patrons are quiet when leaving the Premises.
7. The Applicant agrees to close (discontinue service) the sidewalk cafe at 11:00 p.m. each night.

The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute

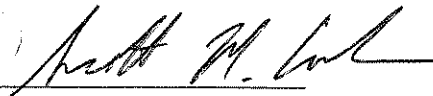
grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R.  
1513.5.

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

APPLICANT:

ANC 6B:

By:   
Mark Menard

By:   
Scott Cernich, Chairperson

# ANC 6B

*Capitol Hill / Southeast*

GOVT OF THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE  
REGULATION ADMINISTRATION

2006 OCT 10 A 8:31

921 Pennsylvania Ave SE  
Washington, DC 20003  
202.543.3344  
FAX 202.543.3507

September 27, 2006

## OFFICERS

Chairperson  
*Scott Cernich*

Vice Chairperson  
*Will Hill*

Secretary  
*Julie Olson*

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: Trusty's Bar  
License # 71352  
1420 Pennsylvania Ave., SE  
Amended Voluntary 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 *Sandra Brown Thomas*  
SMD 8 *Neil Glick*  
SMD 9 *Antonette Russell*  
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 8 to 0 to not oppose the Application to Amend Trusty's Liquor License to support the substantial change as requested for a sidewalk cafe, pending the Applicant signing a Voluntary Agreement. To this end, enclosed is the Voluntary Agreement that has been executed by Trusty's and ANC 6B for your review and approval.

Please contact me should you have any questions regarding this matter.

Very truly yours,

Scott Cernich  
Chair, ANC 6B