

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

In the Matter of:)	
)	
Bouzid, Inc,)	
t/a Marrakesh Palace Pasha Lounge)	
)	
Renewal Application and Substantial)	License No. 60695
Change Application for a Retailer's)	Case No. 252-07/027P
Class CT License)	Order No. 2008-062
at premises)	
2147 P Street, N.W.)	
Washington, D.C.)	
)	

Michael Fonseca, on behalf of the Applicant, Bouzid, Inc.

Ramon Estrada, Chairman, Advisory Neighborhood Commission 2B; Mike Silverstein, Advisory Neighborhood Commission 2B06 and John Hammond and Judy Snyder, Designated Representatives, on behalf of a group of nine (9) and a group of twenty-three (23) or more individuals of the Dupont West Condominium, Protestants.

BEFORE: Peter B. Feather, Chairperson
Judy A. Moy, Member
Albert G. Lauber, Member
Mital M. Gandhi, Member

ORDER ON ADDENDUM TO VOLUNTARY AGREEMENT

The Applicant and the Protestants (collectively, the Parties) entered into a Voluntary Agreement (Agreement) dated August 4, 2007 setting forth the terms and conditions by which the Applicant would operate its establishment. The Agreement was approved by Order of the Alcoholic Beverage Control Board (Board) on September 5, 2007.

The Agreement provided in part that within 60 days of its written approval, the Applicant would engage an independent acoustical engineer to test the sound levels to ensure compliance with the requirements of the District of Columbia Noise Control Act of 1997. The testing of the sound levels was completed on November 12, 2007 and the results of the testing and adjustment of the Lounge Audio System was reduced to a written report (Sound Levels Report) dated January 4, 2008.

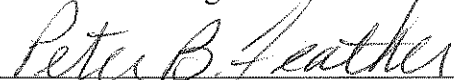
Bouزيد, Inc.
t/a Marrakesh Palace Pasha Lounge
License No. 60695
Page Two

This matter comes now before the Board for adoption of the Sound Levels Report and incorporation of the Report into the terms and conditions of the Agreement. All terms and conditions of the original Agreement previously approved by the Board on September 5, 2007 shall remain in full force and effect.

Accordingly, it is this 16th day of January 2008, **ORDERED** that:

1. The above-referenced Sound Levels Report submitted by Bouزيد, Inc. t/a Marrakesh Palace Pasha Lounge, 2147 P Street, N.W., Washington, D.C. and attached hereto, is **APPROVED** and **INCORPORATED** as part of the existing Agreement and this Order; and
2. Copies of this Order shall be sent to the Protestants and the Applicant.

District of Columbia
Alcoholic Beverage Control Board


Peter B. Feather, Chairperson


Judy A. Moy, Member


Albert G. Lauber, Member


Mital M. Gandhi, 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.

HENNING ASSOCIATES

*Henning Associates, Inc.
1688 East Gude Drive, Suite 302
Rockville, Maryland 20850*

CONSULTANTS
IN
ACOUSTICS
NOISE CONTROL
VIBRATION
AUDIOVISUAL DESIGN

MARRAKESH PALACE

WASHINGTON, DC

Adjustment of Lounge Audio System

Gerald H. Henning
President

January 4, 2008

Marrakesh Palace located at 2147 P Street, NW, is next to the Dupont West Condominiums at 2141 P Street, NW, in Washington, District of Columbia. Marrakesh Palace consists of a restaurant and a lounge where music is played. As a result of complaints from Dupont West residents of music from the Marrakesh Palace lounge, it was understood that Marrakesh Palace agreed to limit the music to levels which would not disturb the Dupont West residents. On November 12, 2007 the Marrakesh Palace lounge audio system was adjusted to comply with this agreement. The adjustment of the audio system and the resulting settings are documented herein.

AUDIO SYSTEM

The audio system is located in three areas of the Marrakesh Palace lounge: operator=s booth, manager=s office, and patron areas. In the operator=s booth next to and open to the dance floor are the CD players, turntables, and preamplifier volume controls. The power amplifiers and signal processing equipment (which includes a limiter) are located in the manager=s office which can be locked. The loudspeakers of the system are distributed throughout the areas of the lounge occupied by the patrons.

The operator controls the audio system levels inside the lounge from the operator=s booth. The signal from the equipment in the operator=s booth is transmitted to the signal processing equipment in the manager=s office. The signal from the signal processing equipment is transmitted to the amplifiers which are also in the manager=s office. The amplifiers boost the audio signal to the loudspeakers. The limiter restricts the music levels in the lounge as long as the volumes of the amplifiers in the manager=s office are not increased.

ADJUSTMENT

On November 12, 2007 at roughly 8:00 p.m., representatives of Marrakesh Palace, Casaplex (the audiovisual contractor which services the Marrakesh Palace audio system), Dupont West Condominiums, and Henning Associates met to agree on and perform the adjustments to the Marrakesh Palace audio system. Since the Dupont West residents found the music levels objectionable if they were audible inside their units, Marrakesh

Palace representatives agreed to limit the music levels inside the Marrakesh Palace lounge so they would not be audible inside the Dupont West Condominium units with the windows and the balcony sliding glass doors closed.

To begin adjustment of the audio system, a CD of representative music was played in the lounge, and the volume control in the operator=s booth was positioned to its maximum setting. Music levels were then evaluated by the Dupont West residents in Condominium Units 505 and 904 with the windows and the balcony sliding glass doors closed. Because music was audible in these units, the music levels were then noticeably lowered inside the Marrakesh Palace lounge. However, a corresponding decrease in the music levels was not perceived in Units 505 and 904. Turning off the Marrakesh Palace audio system confirmed that the music levels still audible inside the condominium units were coming from a different establishment in the neighborhood.

The other neighborhood establishments playing music at the time were visited, and the music levels in one were requested to be lowered. After the music levels in this establishment were substantially reduced, music levels were no longer audible in Dupont West Condominium Units 505 and 904.

With the music levels from the other neighborhood establishments no longer audible in the Dupont West Condominium Units 505 and 904, the Marrakesh Palace lounge audio system was turned on again and the music levels evaluated. The music levels in the Marrakesh Palace lounge were returned to the levels at the beginning of the audio system adjustment procedure without the music levels being audible to the residents of Units 505 and 904. Then the limiter of the signal processing equipment in the manager=s office in the Marrakesh Palace lounge was adjusted by Casaplex with a laptop computer to prevent the music levels from exceeding the music levels just established as being acceptable to the Dupont West residents.

The volume levels of the amplifiers in the manager=s office remained untouched. These volume levels were not maximized to avoid distortion of the quality of the sound inside the lounge. Since the limiter restricts the signal level coming from the equipment in the operator=s booth before going into the amplifiers, the music levels could be increased by increasing the volumes of the amplifiers. However, we understand that

because these controls are in the manager=s office, they are not generally accessible to the audio system operator. To further limit access and prevent accidental movement of the volume controls, the representatives of Marrakesh Palace agreed to install security covers over the volume controls of the amplifiers. These are typically available from amplifier manufacturers to deter unauthorized tampering with adjustment of amplifiers.

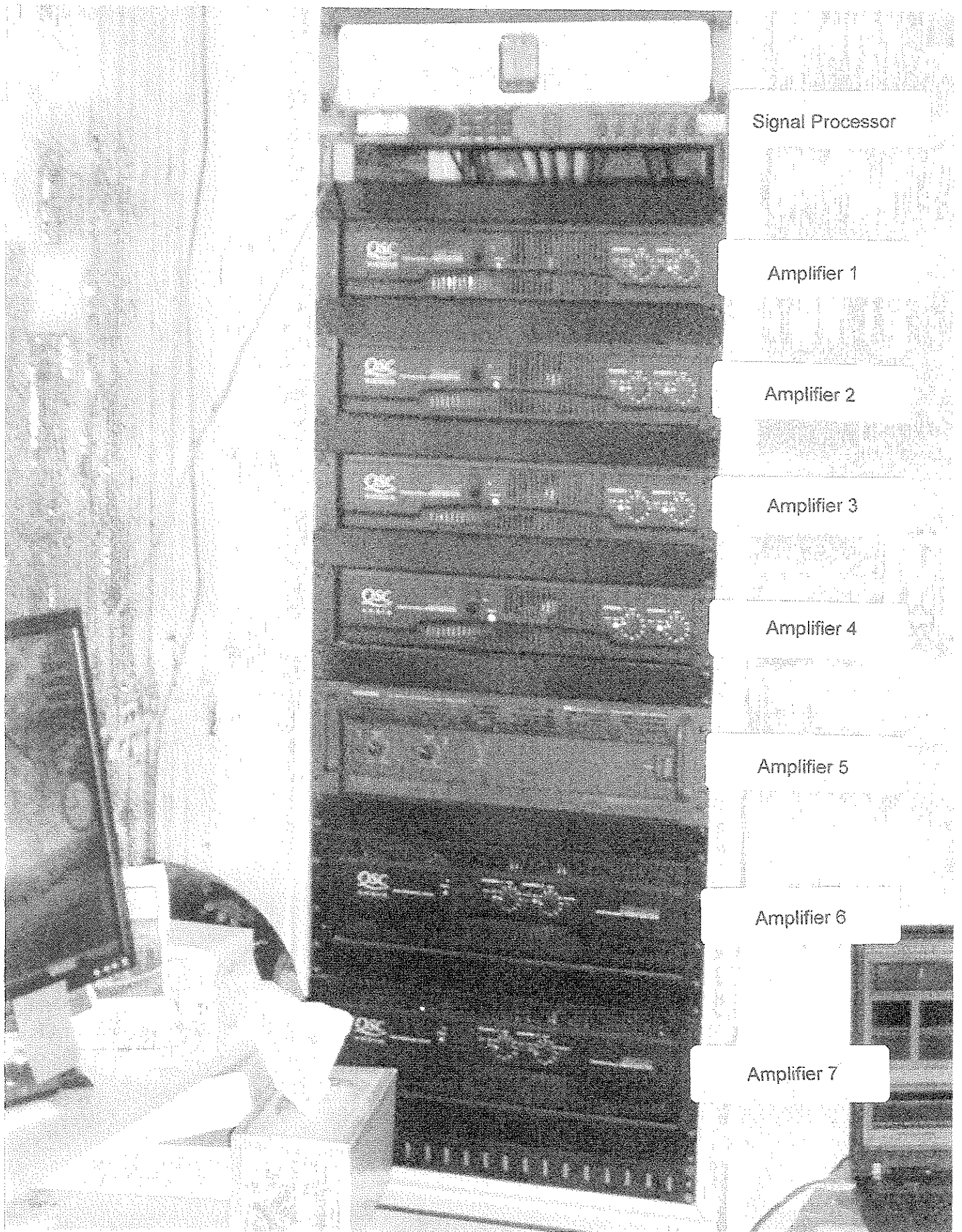
To document the settings of the amplifiers after the audio system was adjusted to limit music to inaudible levels inside the Dupont West Condominium units, photographs of the equipment in the manager=s office were taken. These photographs are attached at the end of this report. Labeling has been added to the photographs to assist in equipment identification.

SUMMARY

On November 12, 2007, the audio system in the Marrakesh Palace lounge was adjusted to limit music levels so they would not be audible inside the Dupont West Condominium units with the windows and the balcony sliding glass doors closed. For the music levels to be increased beyond this limit, the volumes of the amplifiers or the signal processing settings would have to be changed. The amplifiers and signal processing equipment was located in the manager=s office away from the operator=s booth and under the manager=s control. To further limit access and prevent accidental movement of the amplifier volume controls, the representatives of Marrakesh Palace agreed to install security covers over the volume controls of the amplifiers. After the audio system was adjusted to limit music to inaudible levels inside the Dupont West Condominium units, photographs were taken to document the settings of the equipment in the manager=s office.

During the adjustment of the Marrakesh Palace audio system, it was determined that another neighborhood establishment generated music levels which were audible in the Dupont West Condominium units. Therefore, before audible music levels inside Dupont West Condominium units can be attributed to Marrakesh Palace, the source of the music levels must first be identified, which is difficult to do. To positively identify the source of the music levels requires the nearby establishments to substantially reduce

the music levels of their audio systems on command while the Dupont West residents evaluate which one is responsible for audible music levels inside their units.



Signal Processor

Amplifier 1

Amplifier 2

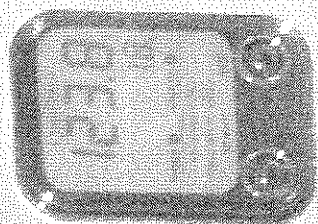
Amplifier 3

Amplifier 4

Amplifier 5

Amplifier 6

Amplifier 7

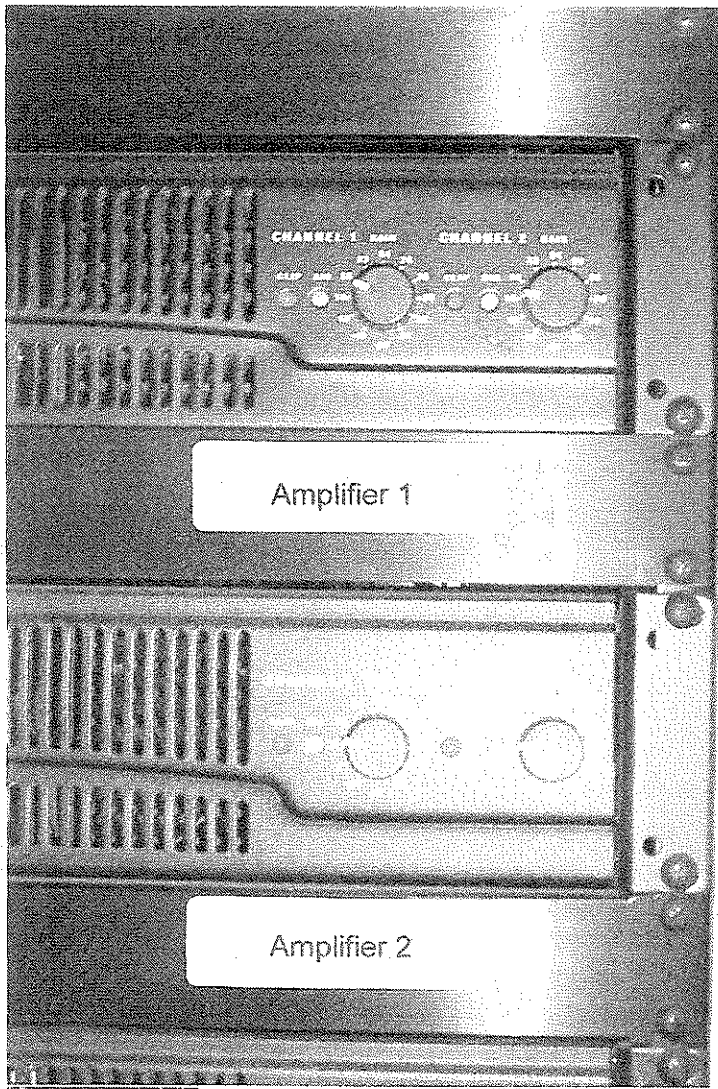


PURE AV

Signal Processor

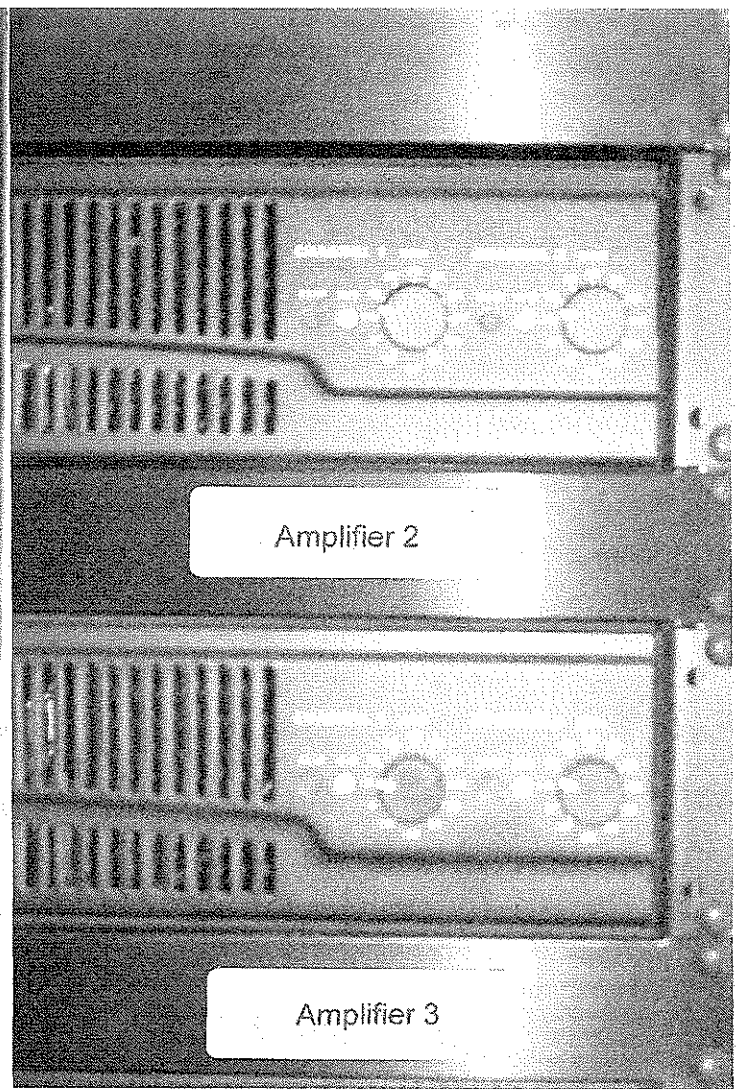
QSC

RMX 2450



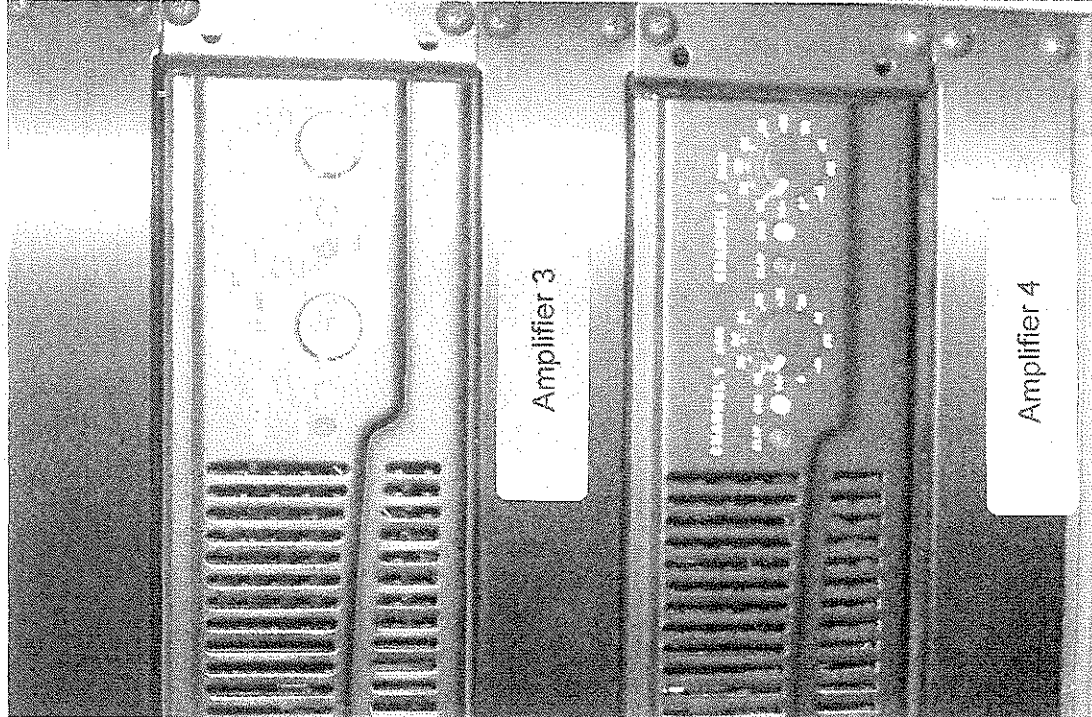
Amplifier 1

Amplifier 2



Amplifier 2

Amplifier 3

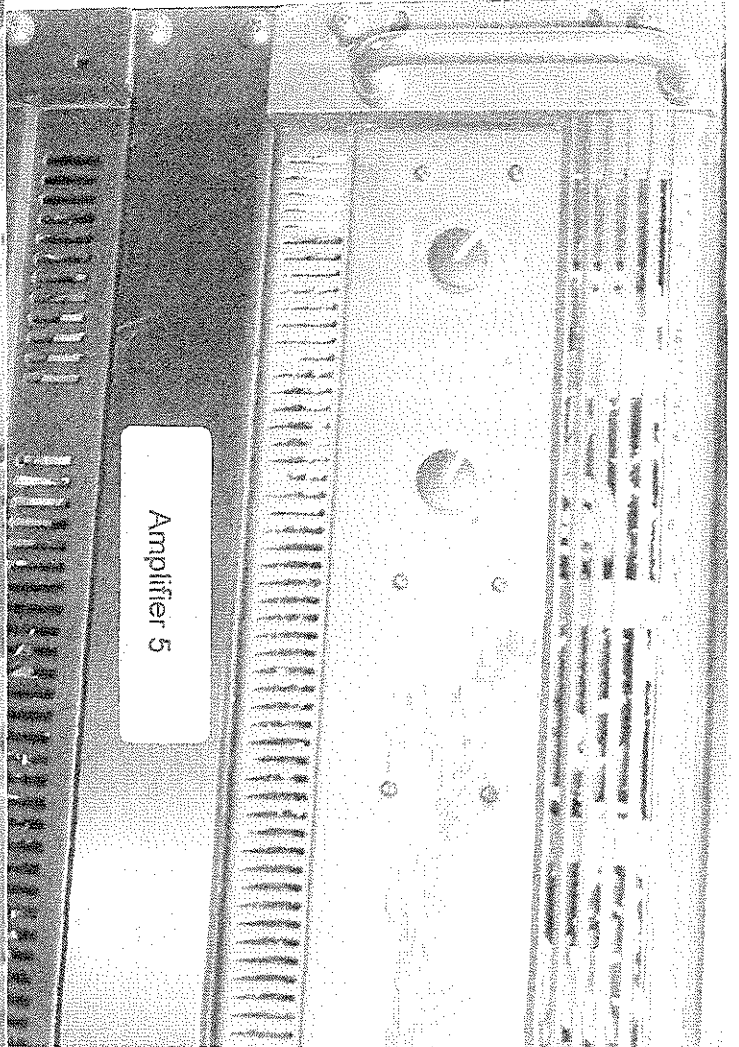


Amplifier 3

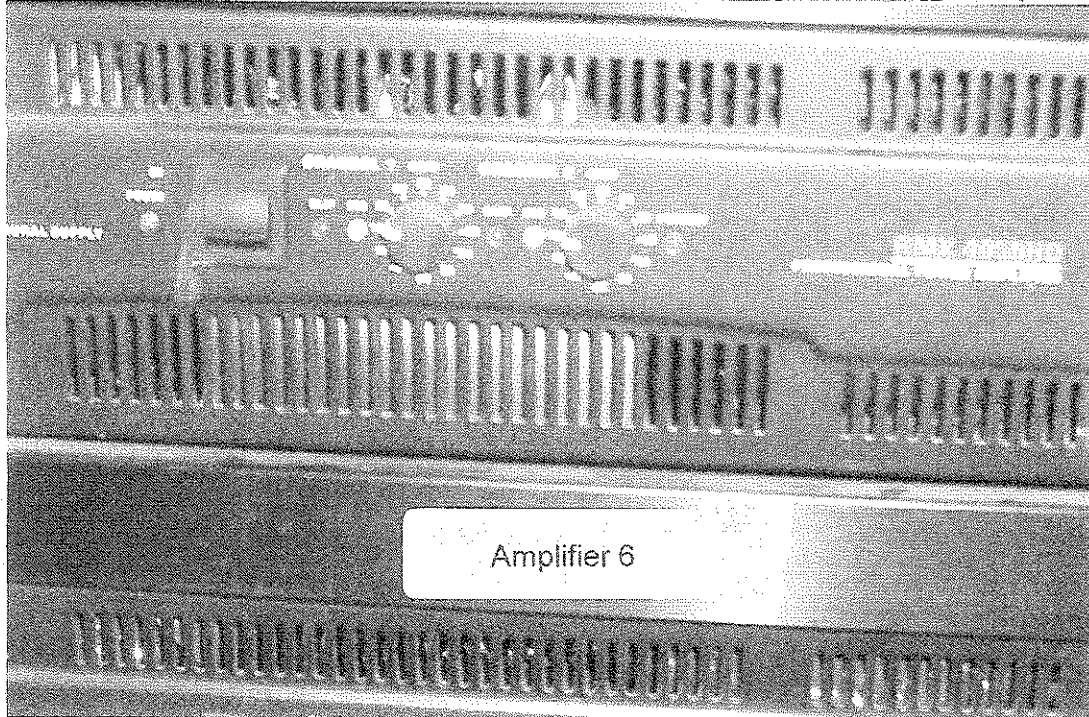
Amplifier 4



Amplifier 4



Amplifier 5



Amplifier 6

