

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

**In the Matter of:**

Hak, LLC  
t/a Play

New Application for a Retailer's  
Class CN License –  
at premises  
1219 Connecticut Avenue, N.W.  
Washington, D.C.

Case no.: 60936-05/031P  
Order no.: 2005-169

Hak, LLC, Applicant

Darren A. Bowie, Chairman, on behalf of Advisory Neighborhood Commission 2B, and a group of five (5) or more individuals, 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 DISMISSAL OF PROTEST  
AND WITHDRAWN PROTEST**

The new application for a Retailer's Class "CN" License, having been protested, came before the Board on May 18, 2005, in accordance with D.C. Official Code § 25-601 (2001). Darren A. Bowie, Chairman, on behalf of Advisory Neighborhood Commission 2B, and a group of five (5) or more individuals, filed timely opposition by letters on April 15, 2005 and April 5, 2005, respectively. On May 18, 2005, the Board dismissed the protest of the group of five (5) or more individuals for failing to appear or designating a representative to appear at the May 18, 2005 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 May 17, 2005, the Protestant has agreed to withdraw its protest, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

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Accordingly, it is this 6<sup>th</sup> day of July 2005, **ORDERED** that:

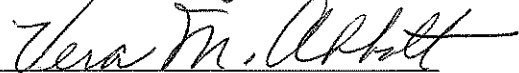
1. The protest of Darren A. Bowie, Chairman, on behalf of Advisory Neighborhood Commission 2B, is **WITHDRAWN**;
2. The protest of the group of five (5) or more individuals, is **DISMISSED**;
3. The new application of Hak, LLC, t/a Play, for a Retailer's Class "CN" License at 1219 Connecticut Avenue, N.W., 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 the Protestant and the Applicant.

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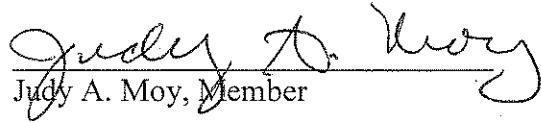
District of Columbia  
Alcoholic Beverage Control Board



Charles A. Burger, Chairperson

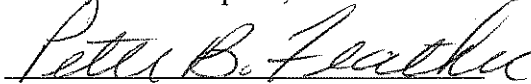


Vera M. Abbott, Member

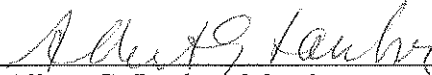


Judy A. Moy, Member

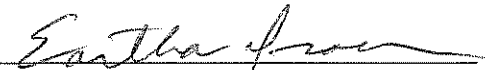
Audrey E. Thompson, Member



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.

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**COOPERATIVE AGREEMENT CONCERNING ISSUANCE  
OF LICENSE FOR SALE OF ALCOHOLIC BEVERAGES**

THIS AGREEMENT, made and entered into this <sup>27</sup> day of May, 2005, by and between HAK, LLC (hereinafter the "Applicant") t/a Play, and Advisory Neighborhood Commission 2B (hereinafter "ANC2B").

WHEREAS, Applicant has filed an application, App. No. 60936, with the District of Columbia Alcoholic Beverage Control Board, for the issuance of a new Class CN License for the premises located at 1219 Connecticut Avenue, N.W., Washington, DC.; and

WHEREAS, in recognition of the Board's policy of encouraging parties to settle their differences by reaching a voluntary agreement, the parties hereto desire to enter into a Voluntary Agreement whereby the Applicant will agree to adopt certain measures to address ANC2B's concerns and to include this agreement as a formal condition of its application, and ANC2B will agree to the issuance of the license provided that such agreement is incorporated into the Board's order; and

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. **Noise/Music/Dancing.** Applicant acknowledges familiarity with and will comply with noise-control provisions of District of Columbia law and regulations, including preventing emissions of sound, capable of being heard outside the premises, by any musical instrument or amplification device or other device or source of sound or noise, in accordance with DCMR 905. The doors and windows of the premises will be kept closed at all times during business hours when music is being played or a sound amplification device is being employed in the premises, except when persons are in the act of using the door for ingress to or egress from the premises. Applicant will provide no live music.

2. **Trash/garbage/rodents.** Applicant shall maintain regular trash garbage removal service, regularly remove trash from the trash and dumpster area, and see that the trash and dumpster area remain clean. Applicant shall deposit trash and garbage only in rodent-proof dumpsters, and shall see that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed. Applicant will make every reasonable effort to eliminate food sources for rodents and eliminate the rat population.

### **3. Exterior including public space.**

(a) Applicant shall assist in the maintenance of the alleyway and the space in front of the establishment to at least 18 inches outward from the curb as need to keep them free of trash and to remove snow and ice from the sidewalk and comply with all applicable D.C. laws and regulations in these respects. Applicant shall, either immediately after the close of business each night, or before opening for business each day, pick up trash and litter which might accumulate in the area in front of its premises, so as to keep these areas reasonably free of trash and debris. Applicant shall make every reasonable effort to prevent or disperse loitering or any other source of noise or disturbance in the areas in front or to the rear of the premises during business hours and at closing, and to cause patrons to leave those areas at closing.

(b) Applicant shall in good faith work with ANC 2B and other nearby businesses to develop a plan so that said businesses, including Applicant, will contribute equitably to hire staff to pick up trash and litter that accumulates in the immediate neighborhood.

4. **Bar/Pub Crawls.** Applicant agrees not to promote or participate in bar or pub “crawls.”

5. **Crowd Control and ID Checking.** In the event a crowd of more than ten (10) prospective patrons congregate outside of Play, or that Play is unable to accommodate within its leased space prospective patrons so that more than ten (10) people are delayed entry, Applicant will implement crowd control measures in order to maintain a clear public right of way on the sidewalk in front of its establishment. In addition, Applicant agrees to perform necessary identification checks at the ground floor vestibule, prior to prospective patrons gaining access to the stairs leading to the upper floors.

6. **Consideration.** Applicant will encourage employees and patrons to be considerate of neighboring residents at all times.

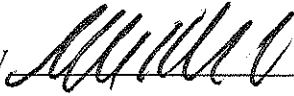
7. **Modification.** This agreement can be modified only by the ABC Board, or by mutual agreement of all the parties with the approval of the ABC Board. In the case of ANC2B, if Applicant desires to modify the terms of this agreement, prior to implementing the changes, Applicant shall receive written agreement from


ANC2B after a majority of the commissioners shall have voted in favor of changes at a full public meeting.

8. **Withdrawal of Protest.** The ANC, Protestant, hereby withdraws its protest of this application in light of the execution of this Agreement.

APPLICANT: HAK, LLC

ADVISORY NEIGHBORHOOD  
COMMISSION 2B (ANC2B)

By   
Michael Normandy  
HAK, LLC

By  5/27/05  
Darren A. Bowie  
Chair, ANC 2B

LAW OFFICES  
MARGOLIUS, MALLIOS & RIDER, LLP

1828 L STREET, N.W. - SUITE 500

WASHINGTON, D.C. 20036

(202) 296-1000

FACSIMILE (202) 296-6400

THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE  
CONTROL ADMINISTRATION

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9200 BASIL COURT  
SUITE 300  
LARGO, MD 20774  
(301) 925-4900  
FAX (301) 925-9752

JAMES L. RIDER (DC, VA)  
DIMITRI P. MALLIOS (DC, MD)  
PHILIP N. MARGOLIUS (DC, MD)  
GARY A. STEIN (DC, MD)  
SHARON M. GOLEY (DC, MD, VA)  
GEORGE P. LEVENDIS (DC)  
GAL N. KAUFMAN (DC, MD)  
KENNETH A. GELFARB (DC, MD)  
LAURA G. MOLDOWAN (DC, VA)  
MELISSA S. POLITO (DC, MD)  
NAT N. POLITO (DC, MD)  
STEPHEN C. LEWIS (DC, VA)  
JENNIFER J. MCCASKILL (VA)

June 2, 2005

District of Columbia  
Alcoholic Beverage Control Board  
941 North Capitol Street NE  
Washington, D.C. 20002

Re: Lic. No. 72087  
HAK, LLC  
t/a Play  
1219 Connecticut Avenue NW  
Class CN License

Dear Chairman Burger and  
Members of the Board:

Enclosed herewith is a Cooperative Agreement signed by all parties, which  
includes Paragraph 8, Withdrawal of Protest.

Sincerely yours,



Dimitri P. Mallios

DPM:js

Enclosure