

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

<u>In the Matter of:</u>	)	
	)	
Los Cuates Restaurant, Inc.	)	
t/a Los Cuates	)	
	)	License No. 79261
	)	Order No. 2010-403
Petition to Terminate a	)	
Voluntary Agreement for a	)	
Retailer's Class DR License	)	
	)	
at premises	)	
1564 Wisconsin Avenue, N.W.	)	
Washington, D.C. 20007	)	
	)	

Los Cuates Restaurant, Inc., t/a Los Cuates, Petitioner

Ron Lewis, Chairperson, Advisory Neighborhood Commission (ANC) 2E, Protestant

Jennifer Altemus, President, Citizens Association of Georgetown (CAG), Protestant

Patricia J. Wathen, Francesca S. Smoot, and John W. Goodrich-Mahoney, Protestants

**BEFORE:** Nick Alberti, Acting Chairperson  
Donald Brooks, Member  
Herman Jones, Member  
Calvin Nophlin, Member  
Mike Silverstein, Member

**ORDER ON SECOND AMENDMENT TO VOLUNTARY AGREEMENT AND  
WITHDRAWAL OF PROTEST**

The official records of the Alcoholic Control Board (Board) reflect that Los Cuates Restaurant, Inc., t/a Los Cuates (Petitioner), filed a Petition to Terminate its Voluntary Agreement for a Retailer's Class DR License located at 1564 Wisconsin Avenue, N.W., Washington, D.C. The Petitioner, Chairperson Ron Lewis, on behalf of ANC 2E, President Jennifer Altemus, on behalf of CAG, Patricia J. Wathen, Francesca S. Smoot, and John W. Goodrich-Mahoney have entered into a Second Amendment to Voluntary Agreement, dated June 30, 2010, setting forth the terms and conditions that govern the operation of the Applicant's establishment. The Agreement also constitutes a withdrawal of the Protest of this Petition.

**Los Cuates Restaurant, Inc.**  
**t/a Los Cuates**  
**License No: 79261**  
**Page 2**

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Petitioner, Chairperson Ron Lewis, on behalf of ANC 2E, President Jennifer Altemus, on behalf of CAG, Patricia J. Wathen, Francesca S. Smoot, and John W. Goodrich-Mahoney are signatories to the Agreement.

Accordingly, it is this 28th day of July 2010, **ORDERED** that:

1. The Protest in this matter is hereby **DISMISSED**;
2. The above-referenced Agreement submitted by the Petitioner, ANC 2E, CAG, Patricia J. Wathen, Francesca S. Smoot, and John W. Goodrich-Mahoney to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Petitioner, ANC 2E, CAG, Patricia J. Wathen, Francesca S. Smoot, and John W. Goodrich-Mahoney.

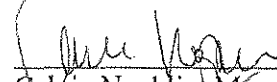
Los Cuates Restaurant, Inc.  
t/a Los Cuates  
License No: 79261  
Page 3

District of Columbia  
Alcoholic Beverage Control Board

  
\_\_\_\_\_  
Nick Alberti, Acting Chairperson

  
\_\_\_\_\_  
Donald Brooks, Member

\_\_\_\_\_  
Herman Jones, Member

  
\_\_\_\_\_  
Calvin Nophlin, Member

  
\_\_\_\_\_  
Mike Silverstein, 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, 1250 U Street, N.W., 3<sup>rd</sup> Floor, Washington, D.C. 20009.

Los Cuates Restaurant, Inc.; 1564 Wisconsin Avenue, NW  
License No. 71466

DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE  
REGULATION ADMINISTRATION

2010 JUL 12 P 12:34

THIS SECOND AMENDMENT TO VOLUNTARY AGREEMENT, made this 30<sup>th</sup> awe day of June 2010 (the "Second Amendment") by and between Los Cuates Restaurant, Inc. t/a Los Cuates (the "Licensee") located at 1564 Wisconsin Avenue, NW, Washington, DC; the Citizens Association of Georgetown, a District of Columbia not for profit corporation, having its principal office at 1365 Wisconsin Avenue, NW, Washington, DC ("CAG"); Advisory Neighborhood Commission 2E having its principal office at 3265 S Street, NW, Washington, DC ("ANC 2E"); Patricia J. Wathen ("Wathen") residing at 3244 Q Street, NW, Washington, DC; Francesca S. Smoot ("Smoot"), residing at 3246 Q Street, NW, Washington, DC and John W. Goodrich-Mahoney ("Goodrich-Mahoney") residing at 3242 Q Street, NW, Washington, DC (CAG, ANC 2E, Wathen, Smoot, and Goodrich-Mahoney are sometimes hereinafter collectively referred to as the "Protestants")

WHEREAS, Licensee operates its restaurant with a Class C alcoholic beverage license issued by the District of Columbia Alcoholic Beverage Control Board (the "Board");

WHEREAS, Licensee's predecessor, Island Hospitality t/a Red Ginger Bistro ("Island") entered into a Voluntary Agreement dated June 26, 2001 (the "2001 Agreement") with the Protestants and Edric Sherman, as an additional protestant;

WHEREAS, Island and the Protestants entered into an Amendment to Voluntary Agreement dated June 27, 2006 (the "First Amendment");

WHEREAS, the parties desire to further amend the Voluntary Agreement upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the premises recited above, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.

2. Amendment of Capacity Restriction. The amendment to provision 1 of the 2001 Agreement concerning seating capacity is hereby deleted and the following shall constitute provision 4 of the Voluntary Agreement:

The establishment shall have maximum seating capacity of 50 in the existing first floor area. The establishment may expand to either the second floor of the premises, or to an addition constructed to the building in the rear of the current premises, but in any event, additional occupancy shall be limited to 50 patrons. Any further expansion shall be deemed a substantial change, and subject to Board approval. Normal patron access

to the second floor shall be through the first floor area, however, patron access for private parties may be through an exterior street entrance to the second floor.

3. Amendment Concerning Hours of Operation. The amendment of provision 5 contained in the First Amendment is hereby deleted and the following shall be provision 5 of the Voluntary Agreement:

The establishment may operate from 11:30 a.m. to 11:00 p.m. on Sunday through Thursday, and from 11:30 a.m. to 12:00 midnight on Friday and Saturday, provided, however, that the restaurant shall close its doors one hour before the closing time and shall not admit additional patrons after such time.

4. Amendment to Provision 26. Provision 26 of the 2001 Voluntary Agreement concerning mailing of written notices is amended to update the names and addresses of certain parties as follows:

- a. If to the Licensee, to  
Los Cuates Restaurant, Inc.  
ATTN: Mauricio Sepulveda  
1564 Wisconsin Avenue Northwest  
Washington, DC 20007

5. Exhaust Fan. Licensee shall install an enclosure surrounding the exhaust fan for its kitchen with sufficient height to reasonably muffle the sound emitted by such exhaust fan in the neighborhood. The enclosure shall be installed within three (3) months of signing of this amendment by all parties to the amendment.

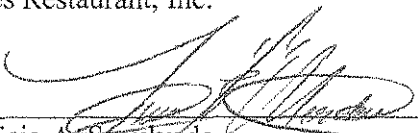
6. Signage for Parking Spaces. Licensee shall advertise the availability of validated parking as required by the Voluntary Agreement on the Licensee's website, in the front window of the premises, and on Licensee's menus.

7. Agreement Otherwise in Full Force and Effect. Except as otherwise explicitly provided herein, the 2001 Agreement, as amended by the First Amendment and by this Second Amendment, shall remain in full force and effect and constitute the agreement between the parties. This Agreement may only be modified by written agreement of all the parties or their successors, or otherwise in accordance with law.

IN WITNESS WHEREOF, the parties have executed this Second Amendment to Voluntary Agreement as of the day and year first written above.

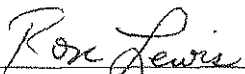
LICENSEE:

Los Cuates Restaurant, Inc.

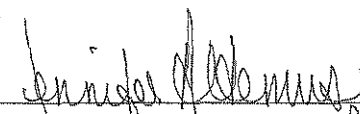
By:   
Mauricio A. Sepulveda, \_\_\_\_\_ (title)  
Luis E. Menchan, Vice President

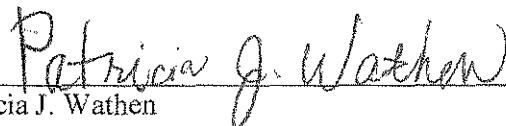
PROTESTANTS:

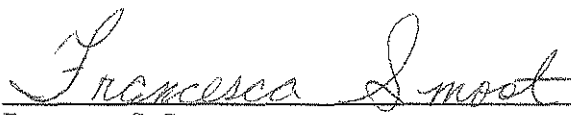
ANC 2E

By:   
Print Name/Title: RON LEWIS, CHAIR, ANC 2E

CAG

By:   
Print Name/Title: Jennifer Altemus / CAG President

  
Patricia J. Wathen

  
Francesca S. Smoot

  
John W. Goodrich-Mahoney

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

**In the Matter of:** )

Island Hospitality, LLC )  
t/a Red Ginger Bistro )

Application for a Retailer's Class DR )  
License – Substantial Change )  
at premises )  
1564 Wisconsin Avenue, N.W. )  
Washington, D.C. )

License no.: 74166  
Case no.: 60794-06/052P  
Order no.: 2006-136

Island Hospitality, LLC, Applicant

Ed Solomon, Chair, on behalf of Advisory Neighborhood Commission 2E, John W Goodrich-Mahoney, on behalf of a group of five (5) or more individuals, and Victoria G. K. Rixey, President, on behalf of the Citizens Association of Georgetown, 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 AMENDMENT TO VOLUNTARY AGREEMENT AND  
WITHDRAWN PROTEST**

The substantial change application for a change in license class from a Retailer's Class "DR" License to a Retailer's Class "CR" License and for a trade name change from "Red Ginger Bistro" to "Red Ginger of Georgetown", having been protested, came before the Board on May 17, 2006, in accordance with D.C. Official Code § 25-601 (2001). Ed Solomon, Chair, on behalf of Advisory Neighborhood Commission ("ANC") 2E, John W Goodrich-Mahoney, on behalf of a group of five (5) or more individuals, and Victoria G. K. Rixey, President, on behalf of the Citizens Association of Georgetown ("CAG"), filed timely oppositions by letter.

**Island Hospitality, LLC**  
**t/a Red Ginger Bistro**  
**License no. 74166**  
**Case no. 60794-06/052P**  
**Page two**

The official records of the Board reflect that the parties have reached an amendment to the existing voluntary agreement, dated June 26, 2001, which has been reduced to writing and has been properly executed and filed with the Board. The amendment replaces provisions 4, 5, 12, 23, 24, 25, and 26 of the June 26, 2001 agreement. The Board notes that the amendment also clarifies that the Applicant is withdrawing its request for an entertainment endorsement. Pursuant to the amendment, received by the Board on June 27, 2006, the Protestants have agreed to withdraw their protests, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the June 26, 2001 agreement.

Accordingly, it is this 19<sup>th</sup> day of July 2006, **ORDERED** that:

1. The protests of Ed Solomon, Chair, on behalf of ANC 2E, John W Goodrich-Mahoney, on behalf of a group of five (5) or more individuals, and Victoria G. K. Rixey, President, on behalf of CAG, are **WITHDRAWN**;

2. The substantial change application of Island Hospitality, LLC, t/a Red Ginger Bistro, for a change in license class from a Retailer's Class "DR" License to a Retailer's Class "CR" License and for a trade name change from "Red Ginger Bistro" to "Red Ginger of Georgetown" at 1564 Wisconsin Avenue, N.W., Washington, D.C., is **GRANTED**;

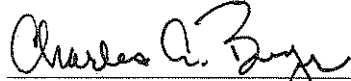
3. The above-referenced amendment and agreement are **INCORPORATED** as part of this Order; and

4. Copies of this Order shall be sent to the Protestants and the Applicant.

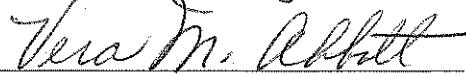


Island Hospitality, LLC  
t/a Red Ginger Bistro  
License no. 74166  
Case no. 60794-06/052P  
Page three

District of Columbia  
Alcoholic Beverage Control Board



Charles A. Burger, Chairperson

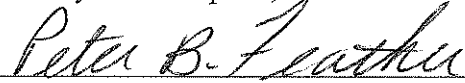


Vera M. Abbott, Member



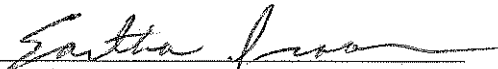
Judy A. Moy, Member

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.

**ALCOHOL BEVERAGE CONTROL  
AMENDMENT TO VOLUNTARY AGREEMENT DATED THE 26<sup>TH</sup>  
DAY OF JUNE, 2001**

*License No: 74166*

*Case No.: 60794-06-052P*

**This AGREEMENT amending the Voluntary Agreement dated the 26<sup>th</sup> day of June, 2001, (the "Amendment Agreement") is made this 27<sup>th</sup> day of June, 2006, by and between Island Hospitality LLC t/a Red Ginger Bistro (the "Licensee"), located at 1564 Wisconsin Avenue, NW, Washington, DC, the Citizens Association of Georgetown ("CAG"), a District of Columbia not-for-profit corporation having its principal office at 1365 Wisconsin Avenue, NW, Washington, DC., the Advisory Neighborhood Commission 2E ("ANC 2E"), having its principal office at 3265 S Street, NW, Washington, DC, Patricia J. Wathen, a neighbor residing at 3244 Q Street, NW, Francesca S. Smoot (formally Francesca S. Glassman) a neighbor residing at 3246 Q Street, NW, and John W. Goodrich-Mahoney a neighbor residing at 3242 Q Street, NW, Washington, DC on behalf of himself and the individual protestants (hereafter collectively referred to as the "Protestants").**

**WHEREAS, Licensee operates a restaurant known as Red Ginger Bistro (the "Establishment") located at 1564 Wisconsin Avenue, NW, Washington, D.C., under a Class D liquor license; and**

**WHEREAS, Licensee is seeking to change its liquor license from a Class D to a Class C and add an Entertainment Endorsement; and**

**WHEREAS, Licensee's current Class D license incorporates a previously executed Voluntary Agreement, dated the 26<sup>th</sup> day of June 2001 ("the 2001 Agreement") which is attached hereto; and**

**WHEREAS, the Establishment is located in the heart of a residential neighborhood, abutting two residential properties and in immediate or close proximity to the rear yards of 37 residential properties; and**

**WHEREAS, given the Establishment's location, the club-like activities associated with an Entertainment Endorsement are inappropriate; and**

WHEREAS, the ANC 2E, CAG and the Protestants have timely protested the Licensee's application for a liquor License Class Change and an Entertainment Endorsement; and

WHEREAS, the parties to this agreement have met and desire to resolve the protest in the manner hereinafter provided; and

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board (the "ABC Board") is the Licensee's Application to change its liquor license from a Class D to a Class C and add an Entertainment Endorsement;

NOW, THEREFORE, in consideration of the premises recited above and the promises and conditions set forth below, the parties agree as follows:

Provision 4 of the 2001 Agreement addressing seating capacity is amended in its entirety and shall read as follows:

The Establishment shall have a maximum capacity of fifty (50) seated persons located solely on the first floor of the current building. This maximum 50 seat capacity shall apply to all restaurant activities, including any private parties, and shall never be exceeded in the current first floor restaurant space. Further, the Licensee agrees not to apply for an increase in the seating capacity, either through an expansion to the second floor, an addition to the building or by any other means and understands that this prohibition is binding on any future holder(s) of the liquor license at this location.

Provision 5 of the 2001 Agreement addressing hours of operation is amended in its entirety and shall read as follows:

The Establishment shall be closed on Mondays. The Establishment shall be open from 3:00 PM to 10:00 PM on Sunday and Tuesday through Thursday, ~~and 11:00 PM to 11:30 PM~~ 11:00 PM Friday and Saturday. The serving of food and alcoholic beverages shall cease Sunday and Tuesday through Thursday at 10:00 PM and 11:00 PM Friday and Saturday. All patrons must leave the Establishment by 11:00 PM Sunday and Tuesday through Thursday and Midnight Friday and Saturday. These hours of operation may not be extended for any reason, including private parties. Further, the Licensee

*JWG* *He* *11:30 AM* *He* *11:30 AM* *JWG*

agrees not to apply for an extension of hours and understands that this prohibition is binding on any future holder(s) of the liquor License at this location.

Provision 12 of the 2001 Agreement addressing entertainment is amended in its entirety and shall read as follows:

**Licensee agrees to withdraw its application for an Entertainment Endorsement and further agrees that at no time shall it reapply for an Entertainment Endorsement, with the understanding that this prohibition is binding upon any future holder(s) of the liquor license at this location. There shall be no live music or entertainment of any kind, no disc jockey and no dancing at any time, including for private parties, and no cover charges shall be assessed indoors or outside of the Establishment. Only recorded light music may be played and only at a volume level that cannot be heard anywhere outside of the Establishment. Piping of music to the exterior of the building, either directly through speakers or via any open doors or windows is prohibited.**

Provision 23 of the 2001 Agreement addressing withdrawal of protests is amended in its entirety and shall read as follows:

**The Licensee agrees not to apply for any further changes in the liquor License Class and understands that this prohibition is binding on any future holder(s) of this license at this location. In consideration of the conditions agreed to in this Amendment Agreement, CAG, ANC 2E and the Protestants agree to withdraw their protest of Licensee's application for a change in License Class from D to C, at such time as the ABC Board accepts this Agreement amending the Voluntary Agreement dated the 26<sup>th</sup> day of June, 2001, which is attached hereto, and incorporates same as part of the Licensee's Class C liquor license.**

Provision 24 of the 2001 Agreement is amended in its entirety and shall read as follows:

**Licensee understands and agrees that the 2001 Voluntary Agreement and these amendments thereto shall be binding upon and enforceable against the successors and assigns of the Licensee and any other entity**

or individual(s) owning and/or operating a restaurant at 1564 Wisconsin Avenue, N.W. during the term of this Class C Liquor license, and any renewals thereof, at this location.

Provision 25 of the 2001 Agreement addressing the 2001 Agreement is amended in its entirety and shall read as follows:

The unchanged provisions of the Voluntary Agreement dated the 26<sup>th</sup> day of June 2001, and the amendments thereto set forth herein constitute the Agreement between all the parties and may be modified only by the written agreement of all the parties or their successors.

Provision 26 of the 2001 Voluntary Agreement addressing mailing of any written notices is amended to update the names and addresses of the parties to this Amendment Agreement, as follows:

a. If to the Licensee, to:

Mr. Howsoon Cham  
Managing Member  
Island Hospitality, LLC t/a/ Red Ginger Bistro  
1564 Wisconsin Avenue, NW  
Washington, D. C. 20007

b. If to the ANC 2E, one copy to:

Advisory neighborhood Commission 2E  
3265 S Street, NW  
Washington, D.C. 20007

c. If to CAG, one copy to:

Citizens Association of Georgetown  
1365 Wisconsin Avenue, NW  
Washington, D.C. 20007

**d. If to the Protestants, one copy each to:**

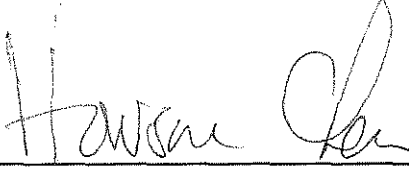
**John W. Goodrich-Mahoney  
3242 Q Street, NW  
Washington, D.C. 20007**

**Francesca S. Smoot  
3246 Q Street, NW  
Washington, D.C. 20007**

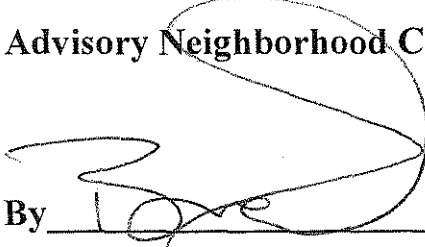
**Patricia J. Wathen  
3244 Q Street, NW  
Washington, D.C. 20007**

IN WITNESS WHEREOF, the parties have executed this Agreement amending the Voluntary Agreement, dated the 26<sup>th</sup> day of June, 2001, as of the day and year first above written.

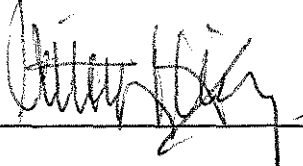
Island Hospitality, LLC t/a Red Ginger Bistro

By  \_\_\_\_\_, Howsoon Cham  
Licensee/Applicant/ Managing Member

Advisory Neighborhood Commission 2E

By  \_\_\_\_\_, Bill Starrels, Vice-Chairman

Citizens Association of Georgetown

By  \_\_\_\_\_, Victoria Rixey, President

By Patricia J. Wathen, Patricia J. Wathen  
Protestant

By John W. Goodrich-Mahoney on behalf of F.S. Smoot, Francesca S. Smoot  
Protestant

By John W. Goodrich-Mahoney, John W. Goodrich-Mahoney  
Protestant and Designated Representative



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown and Hillandale

3265 S Street, NW • Washington, DC 20007

(202) 338-7427 • FAX (202) 338-0279 • anc2e@erols.com

June 27, 2006

Mr. Charles Burger, Chair  
Alcoholic Beverage Control Board  
941 N. Capitol Street, NE  
Washington, DC 20002

**RE: Red Ginger, 1564 Wisconsin Avenue, NW, License # 74166**

Dear Mr. Chairman and Members of the Board:

At the June 27, ANC 2E meeting which was duly noticed and attended by five of the six commissioners constituting a quorum, the above-referenced item was discussed. An amendment to the already established Voluntary Agreement dated June 26, 2001, was presented and accepted by the commissioners. The protest that was filed by ANC 2E on February 28, 2006 is withdrawn.

Thank you for your attention.

Sincerely,



Ed Solomon  
Chair, ANC 2E

### COMMISSIONERS:

Ed Solomon, District 1 John Lever, District 2 Bill Skelsey, District 3 Brett Clements, District 4  
Bill Starrels, District 5 vacant, District 6 Charles Eason, District 7