

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

_____)
In the Matter of:)
)
Second Home, LLC)
t/a Number Nine)
)
Holder of a) License No. ABRA-086354
Retailer's Class CT License) Order No. 2014-095
)
)
at premises)
1435 P Street, N.W.)
Washington, D.C. 20005)
_____)

Second Home, LLC, t/a Number Nine (Licensee)

Matt Raymond, Chairperson, Advisory Neighborhood Commission (ANC) 2F

Timothy A. Christensen, on behalf of Logan Circle Community Association

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

ORDER ON FIRST AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Second Home, LLC, t/a Number Nine, (Licensee), ANC 2F, and Logan Circle Community Association entered into a Voluntary Agreements (Agreements), dated September 10, 2002 and March 15, 2005, and an Amendment to Settlement Agreement, dated November 14, 2012, that govern the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' First Amendment to Settlement Agreement (First Amendment), dated March 14, 2014, in accordance with D.C. Official Code § 25-446 (2001).

The official records of the Board reflect that the Parties have agreed to allow for an exception to prohibition on live music by employing a pianist on Friday evenings from 9:00 p.m. to midnight.

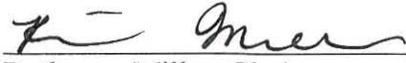
The First Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee; Chairperson Matt Raymond, on behalf of ANC 2F; and Timothy A. Christensen, on behalf of Logan Circle Community Association, are signatories to the First Amendment.

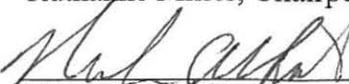
Accordingly, it is this 19th day of March, 2014, **ORDERED** that:

1. The above-referenced First Amendment to Settlement Agreement, dated March 14, 2014, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the previous Agreements and Amendment, not amended by the First Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee, ANC 2F, and Timothy A. Christensen, on behalf of Logan Circle Community Association

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t/a Number Nine
License No. ABRA-086354
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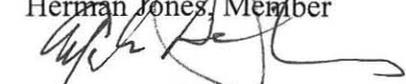
District of Columbia
Alcoholic Beverage Control Board

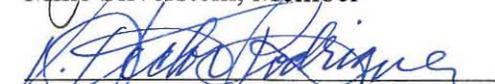

Ruthanne Miller, Chairperson

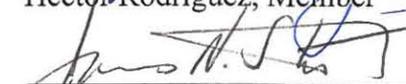

Nick Alberti, Member


Donald Brooks, Member


Herman Jones, Member


Mike Silverstein, Member


Hector Rodriguez, Member


James Short, Member

Pursuant to D.C. Official Code § 25-433, any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to D.C. Official Code § 25-433, stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b).

AMENDMENT TO SETTLEMENT AGREEMENT

This Amendment to Settlement Agreement ("Amendment") is made this 14th day of March 2014 by and between Second Home, LLC t/a Number Nine ("Applicant") and Advisory Neighborhood Commission 2F ("ANC 2F"), and the Logan Circle Community Association ("LCCA") (jointly "the Community").

WITNESSTH

WHEREAS, Applicant, holder of a Retailer's Class CT License No. ABRA-086354, has applied to the Alcoholic Beverage Control Board ("ABC Board") for approval of live entertainment in the form of a pianist at its licensed premises at 1435 P Street, NW;

WHEREAS, the community is supportive of Applicant's operation of the establishment and is supportive of its request for to add a pianist to its entertainment;

WHEREAS, Applicant has agreed to enter into this Amendment agreement with the Community and to request further that the ABC Board approve Applicant's request be conditioned upon Applicant's compliance with the terms of those certain written Voluntary Agreement dated September 10, 2002, and March 15, 2005, and subsequent amendments as approved by the ABC Board;

NOW THEREFORE, in consideration of the recitals set forth above and the mutual covenants set forth below, the parties agree as follows:

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

2. Section 6 Dancing, Music and Entertainment of the September 10, 2002 Voluntary Agreement is amended. Section 6 of that certain Voluntary Agreement dated September 10, 2002 is amended hereby by replacing Section 6 to read:

"6. Dancing, Music and Entertainment. Applicant shall not offer, create facilities for, or otherwise encourage or permit dancing by patrons or employees. Applicant shall not have live music or entertainment except for a pianist on Friday evenings from 9:00 pm to midnight, and with the keyboard plugged into the establishment's existing sound system to allow for precision sound level control. Applicant may regularly employ a DJ."

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date and year first written above.

WITNESS:

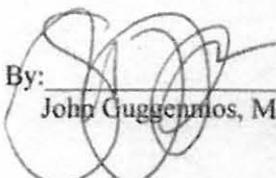
APPLICANT:

THE COMMUNITY:

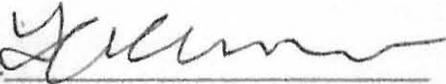
SECOND HOME, LLC

Advisory Neighborhood Commission 2F

By: 
Matt Raymond, Chair

By: 
John Guggenmos, Managing Member

Logan Circle Community Association

By: 
Timothy A. Christensen, President