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

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| **In the Matter of:** | ) | |
| | ) | |
| Victor Giron and Carmen Martinez | ) | |
| t/a Acuario | ) | |
| | ) | |
| Renewal of a Retailer's | ) | |
| Class CR License | ) | Case No. 10-PRO-00055 |
| | ) | License No. 074502 |
| at premises | ) | Order No. 2010-366 |
| 3410 11th Street, N.W. | ) | |
| Washington, D.C. 20010 | ) | |
| | ) | |

Victor Giron and Carmen Martinez, t/a Acuario, Applicant

Tim Turner, on behalf of a Group of Five or More Individuals, Protestants

**BEFORE:** Charles Brodsky, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

## ORDER DENYING REINSTATEMENT

The Application filed by Victor Giron and Carmen Martinez, t/a Acuario (Applicant), to renew their Retailer's Class CR License came before the Alcoholic Beverage Regulation Administration (ABRA) for a Roll Call Hearing on June 1, 2010, in accordance with D.C. Official Code § 25-601 (2001).

On January 20, 2010, pursuant to Title 23 of the District of Columbia Municipal Regulations (23 DCMR) § 1603.3, the Board dismissed the Protest filed by a Group of Five or More Individuals represented by Tim Turner (Protestants) because the Protestants failed to appear at the Roll Call Hearing. On June 14, 2010, the Protestants timely filed a request for reinstatement with the Board, explaining many of the Protestants were out of the country and that Mr. Turner had an emergency meeting at work at the time of the Roll Call Hearing. Upon consideration of their request, the Board does not find good cause to reinstate the Protestants pursuant to 23 D.C.M.R. 1603.3.

Accordingly, it is this 23rd day of June 2010, **ORDERED** that the Request for Reinstatement of the protest filed by Tim Turner, on behalf of a Group of Five or More Individuals, is **DENIED**. Copies of this Order shall be sent to Tim Turner, on behalf of a Group of Five or More Individuals, and the Applicant.

District of Columbia
Alcoholic Beverage Control Board

Charles Brodsky, Chairperson

Mital M. Gandhi, Member

Donald Brooks, Member

Herman Jones, Member

Mike Silverstein, Member

I dissent from the position taken by the majority of the Board.

Nick Alberti, Member

Calvin Nophlin, 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., 3rd Floor, Washington, D.C. 20009.