

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

<u>In the Matter of:</u>)	
)	
Margot's Chair, Inc.)	
)	
Applicant for a New)	Case No. 11-PRO-00021
Retailer's Class CR License)	License No. ABRA-086623
)	Order No. 2011-286
at premises)	
3415 11 th Street, N.W.)	
Washington, D.C. 20010)	
)	

Margot's Chair, Inc. ("Applicant")

A Group of Five or More Individuals ("Protestants")

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

**ORDER ON MOTION TO STRIKE PROTESTANT KEN FAN AND DISMISSAL
OF PROTEST OF A GROUP OF FIVE OR MORE INDIVIDUALS**

The Application filed by Margot's Chair, Inc., for a new Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board ("Board") for a Roll Call Hearing on May 9, 2011, and for a Status Hearing on June 8, 2011, in accordance with D.C. Official Code § 25-601 (2001).

On June 8, 2011, pursuant to Title 23 of the District of Columbia Municipal Regulations (23 DCMR) 1602.3 (2004), the Board dismissed the Protest of the Group of Five or More Individuals because the Protestants failed to produce five individuals at the Protest Status Hearing, in accordance with D.C. Official Code § 25-601(2) (2001). During the Roll Call Hearing on May 9, 2011, A Group of Five or More Individuals, including Samuel Ashkon Randell, George Porter, William Carter, Ken Fan, Kristen Stier, and YaVonne Vaughn were present. The remaining members of the Protestant Group were not present at the Roll Call Hearing and did not designate a representative before or during the Roll Call Hearing, as required by 23 DCMR 1602.2.

In addition, Richard Dubeshter did not attend the Roll Call Hearing, but designated Samuel Ashkon Randell as his representative.

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Also, Ken Fan, who claims to represent his parents, David Tsai and Ching-Mei Tsai, is not a resident of the District of Columbia and the protest petition does not contain his parents' names and signatures. Therefore, Ken Fan does not have standing under D.C. Official Code § 25-601. Also, David Tsai and Ching-Mei Tsai did not file a timely protest.

Furthermore, John Henderson was present at the Protest Status Hearing; however, he did not appear at the Roll Call Hearing nor did he designate a representative at the Roll Call Hearing.

Finally, the Board also acknowledges that YaVonne Vaughn and George Porter submitted a letter on May 18, 2011, withdrawing their protest against the Applicant.

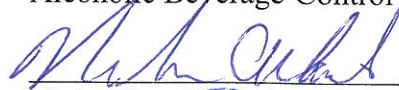
Therefore, the Group of Five or More Individuals is no longer "a group of no fewer than 5 residents or property owners of the District sharing common grounds for their protest," pursuant to D.C. Official Code § 25-601(2) (2001), and thus no longer having standing to protest the Application.

The Group of Five or More Individuals may file a Request for Reinstatement with the Board within ten (10) days from the date of this Order.

ORDER

The Board does hereby, this 8th day of June, 2011, **DISMISS** the Protest of the Group of Five or More Individuals. Copies of this Order shall be sent to the Applicant, Samuel Ashkon Randell, William Carter, Ken Fan, Kristen Stier, Richard Dubeshter, and John Henderson.


District of Columbia
Alcoholic Beverage Control Board




Nick Alberti, Interim Chairperson



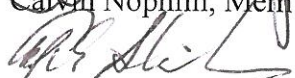
Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected 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.