

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

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<b>In the Matter of:</b>	)		
	)		
Solomon Enterprises, LLC	)		
t/a Climax Restaurant & Hookah Bar	)		
	)		
Application for Substantial Change	)		
(Summer Garden)	)	Case No.	13-PRO-00111
to Retailer's Class CT License	)	License No.	ABRA-088290
	)	Order No.	2013-450
at premises	)		
900 Florida Avenue, N.W.	)		
Washington, D.C. 20001	)		
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Solomon Enterprises, LLC, t/a Climax Restaurant & Hookah Bar (Applicant)

Tony Norman, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 1B

Jeremy Sigmon, on behalf of A Group of Five or More Individuals (Sixteen Individuals)

**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Mike Silverstein, Member

**ORDER DENYING ANC 1B AND A GROUP OF FIVE OR MORE INDIVIDUALS'  
REQUEST FOR REINSTATEMENT**

The Application filed by Solomon Enterprises, LLC, t/a Climax Restaurant & Hookah Bar, for a new Summer Garden with 24 seats for its Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on September 3, 2013, in accordance with D.C. Official Code § 25-601 (2001).

On September 3, 2013, the Board dismissed the Protests of ANC 1B and the Group of Five or More Individuals, because ANC 1B and the Group of Five or More Individuals failed to appear at the Roll Call Hearing. In addition, Rajat Banerjee was the only individual of the Group of Five or More Individuals, who signed the protest letter and provided his address. The other individuals of the Group of Five or More Individuals neither signed the protest letter nor provided addresses. *See* Board Order No. 2013-395.

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On September 18, 2013, Jeremy Sigmon, on behalf of the Group of Five or More Individuals, submitted a Request for Reinstatement indicating that Group of Five or More Individuals did not attend the Roll Call Hearing because they did not understand the process and timelines.

Even if Mr. Banerjee had attended the Roll Call Hearing held on September 3, 2013, the protest was still not valid because the other individuals of the Group of Five or More Individuals neither signed the protest letter nor provided addresses, requirements for a protest to be valid. In addition, ABRA records shows that the ABRA Agent properly notified Mr. Banrjee of the Roll Call Hearing date. On August 29, 2013, the ABRA Agent informed Mr. Banrjee via email of the requirements for a protest and the date of the hearings.

On September 19, 2013, Chairperson Tony Norman, on behalf of ANC 1B, also submitted a Request for Reinstatement indicating that John Green, ANC 1B's representative, was unable to attend the Roll Call Hearing due to extenuating circumstances.

Based upon the above, the Board finds that the Group of Five or More Individuals was properly notified of the Roll Call Hearing date, and that the ANC 1B made no effort to notify the Board or its administrative personnel of Mr. Green's inability to attend the Roll Call Hearing. Nor did ANC 1B send a representative to attend the Roll Call Hearing in Mr. Green's stead. Further, the Group of Five or More Individuals indication of lack of knowledge of the protest process and the ANC 1B's explanation do not constitute good cause under 23 DCMR § 1602.3.

### **ORDER**

The Board does hereby, this 16th day of October, 2013, **DENY** the reinstatement of the Group of Five or More Individuals and ANC 1B as protestants of the Application filed by Solomon Enterprises, LLC, t/a Climax Restaurant & Hookah Bar, for a new Summer Garden with 24 seats for its Retailer's Class CT License.

Copies of this Order shall be sent to the Applicant, ANC 1B, and Jeremy Sigmon, on behalf of A Group of Five or More Individuals.

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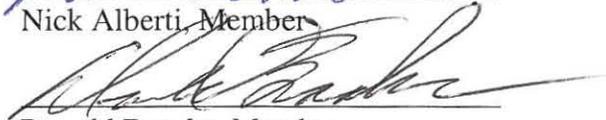
District of Columbia  
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson

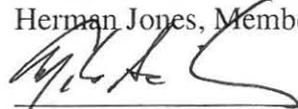


Nick Alberti, Member



Donald Brooks, Member

Herman Jones, Member



Mike Silverstein, Member

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 14<sup>th</sup> Street, N.W., Suite 400S, Washington, D.C. 20009.