

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

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| In the Matter of: |) | |
| |) | |
| AKA, Inc. |) | |
| t/a Club AKA 555 |) | |
| |) | |
| Application for Substantial Change |) | Case No. 10-PRO-00097 |
| to Retailer's Class CN License |) | License No. ABRA-084241 |
| at premises |) | Order No. 2010-542 |
| 2046 West Virginia Avenue, N.E. |) | |
| Washington, D.C. 20002 |) | |
| |) | |

AKA, Inc., t/a Club AKA 555 ("Applicant")

William Shelton, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 5B ("Protestant")

Bleik Pickett, on behalf of Arboretum Neighborhood Association ("Protestant")

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

ORDER ON DISMISSAL OF APPLICATION AND PROTESTS

The Application filed by AKA, Inc., t/a Club AKA 555 ("Applicant"), for a Substantial Change to its Retailer's Class CN License, having been protested, came before the Alcoholic Beverage Control Board ("Board") for a Roll Call Hearing on July 26, 2010, a Status Hearing on September 8, 2010, and a Protest Hearing on October 27, 2010.

At the September 8, 2010 Status Hearing, the Board instructed the Applicant; Chairperson William Shelton, on behalf of ANC 5B; and Bleik Pickett, on behalf of Arboretum Neighborhood Association, (collectively the "Parties") to file a Protest Information Form ("PIF") with the Alcoholic Beverage Regulation Administration ("ABRA") and each other, seven (7) days prior to the October 27, 2010, Protest Hearing. The Board further instructed the Parties that failure to file the PIF seven (7) days in advance of the Protest Hearing could subject the Application and Protests to dismissal. This instruction was also provided to the Parties from ABRA staff by email and regular mail communications.

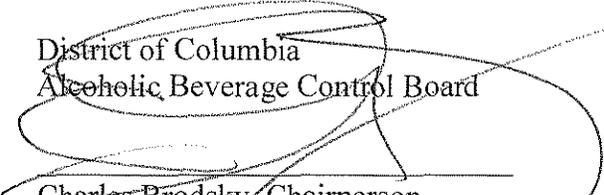
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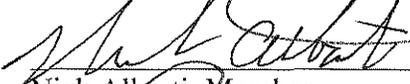
On October 27, 2010, pursuant to Title 23 of the District of Columbia Municipal Regulations ("23 DCMR") § 1602.3 (2004), the Board dismissed the Application and Protests because the Applicant and Protestants failed to file a PIF. The Parties may file a Request for Reinstatement with the Board within ten (10) days from the date of this Order.

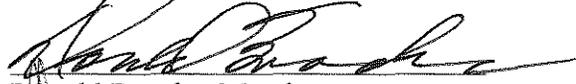
ORDER

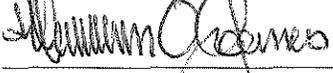
The Board does hereby, this 27th day of October, 2010, **DISMISS** the Substantial Change Application of AKA, Inc., t/a Club AKA 555, the Protest of ANC 5B, and the Protest of Arboretum Neighborhood Association. Copies of this Order shall be sent to the Applicant and Protestants.

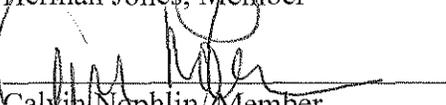
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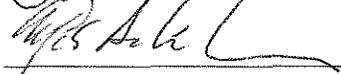

Charles Brodsky, Chairperson


Nick Alberti, Member


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