

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

In the Matter of:)
)
Columbia Lodge #85/Joint Management)
Team (IBPOEW), Inc.)
t/a Columbia Lodge #85 I.B.P.E.O. of Wo)
)
Application for Renewal of a)
Retailer’s Class CX Club License)
)
at premises)
1844 3rd Street, N.W.)
Washington, D.C. 20001)
)

Case No.: 16-PRO-00078
License No.: ABRA-000237
Order No.: 2016-461

Columbia Lodge #85/Joint Management Team (IBPOEW), Inc., LLC, t/a Columbia Lodge #85 I.B.P.E.O. of Wo (Applicant)

Brian Footer, Commissioner, on behalf of Advisory Neighborhood Commission (ANC) 1B (Protestant)

Anita Norman, on behalf of A Group of Five or More Individuals (Protestant)

Anita Norman, on behalf of LeDroit Park Civic Association (LPCA)

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ORDER ON DISMISSAL OF LPCA’S PROTEST

The Application filed by Columbia Lodge #85/Joint Management Team (IBPOEW), Inc., LLC, t/a Columbia Lodge #85 I.B.P.E.O. of Wo, for renewal of its Retailer’s Class CX Club License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on July 18, 2016, in accordance with D.C. Official Code § 25-601 (2001).

On July 18, 2016, the Board dismissed the Protest of LPCA, because LPCA is a non-profit association, and appears not to meet the definition of a citizens association. Therefore, LPCA did not meet the standing requirements under D.C. Official Code § 25-601(3).

As determined by D.C. Official Code § 25-601, the persons who have standing to file a protest are: (1) An abutting property owner; (2) A group of no fewer than 5 residents or property owners of the District sharing common grounds for their protest; provided, that in a moratorium zone established under § 25-351 (or in existence as of May 3, 2001), a group of no fewer than 3 residents or property owners of the District sharing common grounds for their protest; (3) A citizens association incorporated under the laws of the District of Columbia located within the affected area; provided, that the following conditions are met: (A) Membership in the citizens association is open to all residents of the area represented by the association, and (B) A resolution concerning the license application has been duly approved in accordance with the association's articles of incorporation or bylaws at a duly called meeting, with notice of the meeting given to the voting body and the applicant at least 7 days before the date of the meeting; (4) An affected ANC; (5) In the case of property owned by the District within a 600-foot radius of the establishment to be licensed, the Mayor; (6) In the case of property owned by the United States within a 600-foot radius of the establishment to be licensed, the designated custodian of the property; or (7) The Metropolitan Police Department District Commander, or his or her designee, in whose Police District the establishment resides.

LPCA may file a Request for Reinstatement with the Board within ten (10) days from the date of this Order.

The Board's agent advised the Group of Five or More Individuals at the Roll Call Hearing that at least one more individual must appear at the Protest Status Hearing to be granted standing as A Group of Five or More Individuals. The Group of Five or More Individuals was granted conditional standing at the Roll Call Hearing.

ORDER

The Board does hereby, this 27th day of July, 2016, **DISMISS** the Protest of LPCA. Copies of this Order shall be sent to the Applicant, ANC 1B, and Anita Norman, on behalf of the Group of Five or More Individuals and LPCA.

The Board advises the parties that the protests of ANC 1B and the Group of Five or More Individuals remain, and the Protest Status Hearing is set for September 14, 2016 at 9:30 a.m. and the Protest Hearing for November 9, 2016 at 1:30 p.m.

District of Columbia
Alcoholic Beverage Control Board



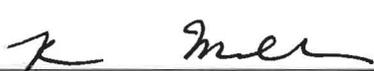
Donovan Anderson, Chairperson



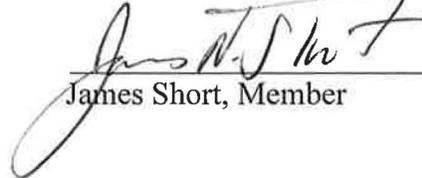
Nick Alberti, Member



Mike Silverstein, Member



Ruthanne Miller, Member



James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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, 2000 14th Street, N.W., Suite 400S, Washington, DC 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, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) 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) (2004).