

**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 St., N.W.
Washington, D.C. 20001

Case No.: 16-PRO-00078
License No.: ABRA-000237
Order No.: 2016-495

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

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 GRANTING LPCA'S MOTION FOR RECONSIDERATION AND
REQUEST FOR STANDING**

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 (Columbia Lodge), 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). *Transcript* at 1 [Tran.].

At the Roll Call Hearing, the Board dismissed LPCA's Protest because it determined that the LPCA operated more like a non-profit organization which requires members to pay dues as opposed to a traditional citizens association or commission whose membership is open to all and does not charge membership dues. *Tran.* at 6. It was for this reason that the Board determined that LPCA lacked standing to protest the substantial change application. *Tran.* at 18, 24, and 32; *see In the Matter of Columbia Lodge #85/Joint Management Team (IBPOEW), Inc., LLC, t/a Columbia Lodge #85 I.B.P.E.O. of Wo*, 16-PRO-00078, Board Order No. 2016-461 (D.C.A.B.C.D. July 27, 2016).

LPCA filed a timely Motion for Reconsideration and Request for Standing which was not opposed, and thus, is ripe for disposition. *LPCA's Motion for Reconsideration and Request for Standing*, dated August 4, 2016. LPCA argues that the Board erroneously determined that it did not meet the definition of a "citizens association" as defined in D.C. Official Code § 25-601(3). Specifically, LPCA asserts that (1) it is a registered organization with the District of Columbia Regulation Administration (DCRA); (2) that its membership is open to all residents within the LeDroit Park community and that its meetings are open to all members of the public regardless of membership or residency; and (3) that the organization notified residents of its meeting via social media, its listserv, and posting notices throughout the neighborhood. *Id.* at 1.

Section 25-601 of the District of Columbia Official Code provides who has standing to file a protest. Relevant to the present case, D.C. Official Code § 25-601(3) provides:

The following persons may protest the issuance or renewal of a license

...

(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[.]

Id. at § 25-601(3).

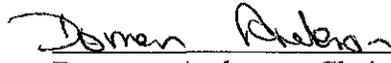
D.C. Official Code § 25-601(3) does not prohibit citizens associations from charging its members annual dues. To have standing, the law only requires a citizens association incorporated in the District to: (1) have its membership open to all residents in the area represented by the association; and (2) provide notice seven days before the meeting to the voting body and the applicant. D.C. OFFICIAL CODE § 25-601(3)(B).

In reviewing LPCA's standing as a protestant, the Board finds that it qualifies as a citizens association in accordance with D.C. Official Code § 25-601(3). LPCA's membership is open to anyone in the area. *Tran*, at 7 and 9. The association's meetings are open to the public regardless of residency. In order to vote, however, LPCA members must pay the association's annual dues. *Id.* at 7, 9, and 11.

ORDER

Therefore, the Board, on this 7th day of September 2016, **GRANTS** the Motion for Reconsideration and Request for Standing. Copies of this Order shall be sent to the Applicant, ANC 1B, and Anita Norman on behalf of the Group of Five or More and LPCA.

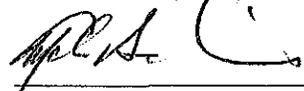
District of Columbia
Alcoholic Beverage Control Board



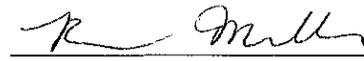
Donovan Anderson, Chairperson



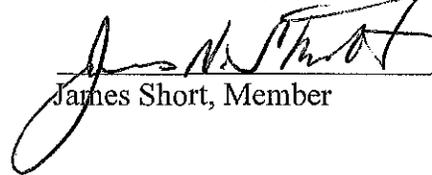
Nick Alberti, Member



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).