

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

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	)		
EZ Group, LLC	)		
t/a Crème	)		
	)		
Applicant for a New	)	Case No.	13-PRO-00182
Retailer's Class CR License	)	License No.	ABRA-093542
	)	Order No.	2014-003
at premises	)		
2438 14th Street, N.W.	)		
Washington, D.C. 20009	)		
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EZ Group, LLC, t/a Crème (Applicant)

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

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

**ORDER ON DISMISSAL OF PROTEST OF ANC 1B**

The Application filed by EZ Group, LLC, t/a Crème, 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 December 30, 2013, in accordance with D.C. Official Code § 25-601 (2001).

On December 30, 2013, the Board dismissed the Protest of ANC 1B because its protest claim falls outside the possible grounds outlined in Title 25 of the District of Columbia Official Code and Title 23 of the District of Columbia Municipal Regulations.

23 DCMR § 1605.2 requires the Protestant to state "why the matter being objected to is inappropriate under one (1) or more of the appropriateness standards set out in D.C. Official Code §§ 25-313 and 25-314 and § 400 of this title." As determined by statute, the appropriate grounds to file a protest are: (1) effect on peace, order, and quiet; (2) effect on real property values; (3) effect on residential parking needs and vehicular and pedestrian safety; (4) proximity and effect on schools, recreation centers, day care centers, and public libraries; (5) ability to attract school-age children before, during, and after school; or (6) creation of an overconcentration of licensed establishments. D.C. Code § 25-313 (2004);

**EZ Group, LLC**  
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D.C. Code § 25-314 (2007), 23 DCMR § 400 (2008).

Instead, the ANC 1B filed its protest based on the unanimous vote of the Commission to protest the Application until a Settlement Agreement is reached. The desire of the ANC to enter into a Settlement Agreement with the Applicant is not grounds under which a protest can be filed.

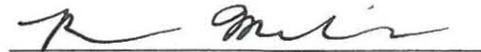
ANC 1B may file a Request for Reinstatement with the Board within ten (10) days from the date of this Order.

### **ORDER**

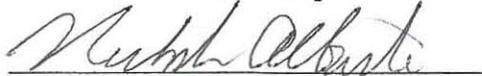
The Board does hereby, this 8<sup>th</sup> day of January, 2014, **DISMISS** the Protest of ANC 1B. Copies of this Order shall be sent to the Applicant and ANC 1B.

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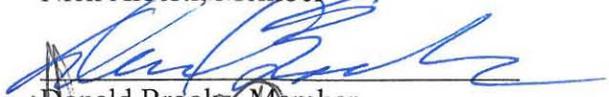
District of Columbia  
Alcoholic Beverage Control Board



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 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 14<sup>th</sup> 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to D.C. Official Code § 25-433, 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).