

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

In the Matter of:)

Hwang & Hyun O Kim)
t/a D & B Deli Carryout)

Application for Renewal of a)
Retailer's Class B License)

at premises)
3412 Georgia Avenue, N.W.)
Washington, D.C. 20010)

Case No. 14-PRO-00091
License No. ABRA-026649
Order No. 2014-516

Hwang & Hyun O Kim, t/a D & B Deli Carryout (Applicant)

Keith Dokho, on behalf of A Group of Five or More Individuals

Jackie (There is no record of her last name)

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

ORDER INVALIDATING PROTESTS

On September 29, 2014, Hwang & Hyun O Kim, t/a D & B Deli Carryout, located at 3412 Georgia Avenue, N.W. Washington, D.C., filed an Application to renew their Retailer's Class B License.

On November 24, 2014, Keith Dokho, on behalf of A Group of Five or More Individuals and an individual named "Jackie" submitted correspondence via email notifying the Board that they were protesting the Application. However, both Protests were deficient because they lacked the full names of the individuals who were part of the group of protestants. The "Protests" also lacked mailing addresses and signatures.

Title 23 of the District of Columbia Municipal Regulations at § 1605.3 provides in relevant part:

“All protests shall be signed by the protestant and contain the protestant's full name and mailing address.”

On November 26, 2014, the Alcoholic Beverage Control Board's (Board) Agent informed Mr. Dokho and Ms. Jackie that in order to deem their Protests valid, their Protests must contain the names, signatures, and addresses of at least five Protestants. The Board's Agent notified the Protestants that the deficiencies must be corrected by December 5, 2014. The Board's record does not reflect that Mr. Dokho and Ms. Jackie corrected their deficient protests.

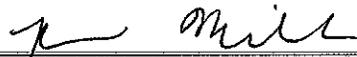
Nonetheless, on December 8, 2014, the Board's Agent conducted a Roll Call Hearing on the Renewal Application for Hwang & Hyun O Kim, t/a D & B Deli Carryout. The Board's Agent then dismissed the Protests of Mr. Dokho and Ms. Jackie because they failed to appear at the Roll Call Hearing.

The Board finds that Mr. Dokho and Ms. Jackie did not submit a valid protest pursuant to 23 DCMR § 1605.3 and therefore, there were no Protests to dismiss. Therefore, Mr. Dokho and Ms. Jackie have no standing to seek reinstatement.

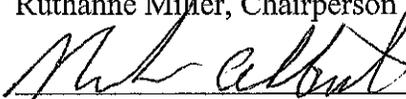
ORDER

The Board does hereby, this 10th day of December, 2014, **INVALIDATES** the Protests of Keith Dokho, on behalf of A Group of Five or More Individuals, and an individual named Jackie because their Protests are deficient. Copies of this Order shall be sent to the Applicant, Ms. Jackie and Keith Dokho, on behalf of A Group of Five or More Individuals.

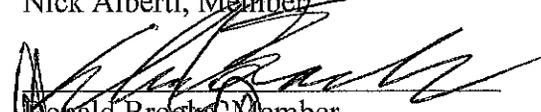
District of Columbia
Alcoholic Beverage Control Board



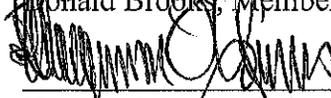
Ruthanne Miller, Chairperson



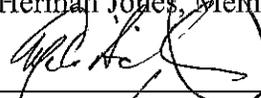
Nick Alberti, Member



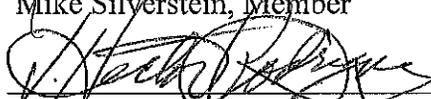
Donald Brooks, Member



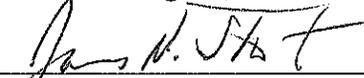
Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, 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 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).