

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

In the Matter of:)

Darnell Perkins and Associates,)
LLC t/a Darnell's)

Application for Renewal of)
Retailer's Class CT License)

at premises)
944 Florida Avenue, N.W.)
Washington, D.C. 20002)

Case No. 15-PRO-00002
License No. ABRA-095113
Order No. 2015-120

Darnell Perkins and Associates, LLC t/a Darnell's (Applicant)

Karen Todd, Esq., on behalf of Darnell Perkins and Associates, LLC

David Riley, on behalf of the Protestant Group of Five or More Individuals and Abutting
Property Owner (Protestants)

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

ORDER DENYING PROTESTANT'S MOTION FOR CONTINUANCE

The Application filed by Darnell Perkins and Associates, LLC t/a Darnell's, for renewal of its Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on January 20, 2015 and a Protest Status Hearing on February 18, 2015, in accordance with D.C. Official Code § 25-601 (2001). Both Parties were present at both hearings.

On March 27, 2015, Abutting Property Owner David Riley requested a continuance of the Protest Hearing. *ABRA Protest File 15-PRO-00002, Abutting Property Owner David Riley's Motion for Continuance* dated March 27, 2015. In his motion, Mr. Riley alleged that the ABRA Investigator assigned to this matter is not adequately addressing the issues he would like to raise

in his case. *Id.* On March 31, 2015, the Applicant filed an Opposition to Mr. Riley's Motion for Continuance arguing that Mr. Riley should be limited to those issues raised in his protest. *ABRA Protest File 15-PRO-00002, Applicant's Opposition to Abutting Property Owner David Riley's Motion for Continuance.* He should not be permitted to raise those issues that have already been addressed in the Settlement Agreement reached with the ANC. *ABRA Protest File 15-PRO-00002, Applicant's Opposition to Abutting Property Owner David Riley's Motion for Continuance; See also Darnell Perkins & Associates, LLC t/a Darnell's, Case No.: 15-PRO-00002, Board Order No. 2015-085 (D.C.A.B.C.B. March 11, 2015).*

As outlined in 23 DCMR § 1705, to be granted, a motion for continuance shall, in the opinion of the Board, set forth good and sufficient cause for the continuance. 23 DCMR § 1705. The Board finds that the argument set forth by the Protestant in his motion is a finding of fact to be decided based upon the evidence presented at the Protest Hearing and therefore not good and sufficient cause that warrants a continuance.

ORDER

The Board does hereby, this 1st day of April, 2015, **DENIES** the Motion for Continuance filed by Abutting Property Owner David Riley.

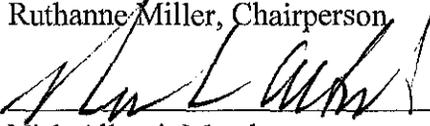
The Board **ADVISES** the Parties that the Protest Hearing for this case will take place on April 8, 2015 at 2:30 p.m.

Copies of this Order shall be sent to the Applicant and Abutting Property Owner David Riley.

District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



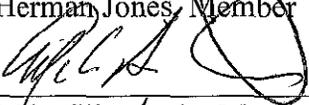
Nick Alberti, Member



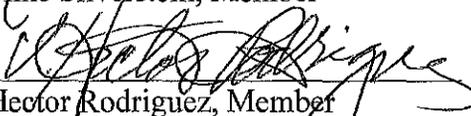
Donald Brooks, Member



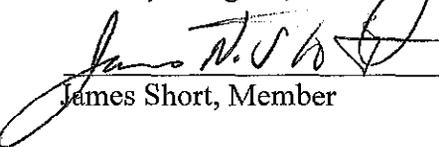
Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, Member

Pursuant to 23 DCMR § 1719.1 (2008), 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, NW, 400S, Washington, D.C. 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).