

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

_____)	
In the Matter of:)	
)	
Don Juan Restaurant, Inc.)	License Number: 015934
t/a Don Juan Restaurant)	Case Number: 21278-07/59P
)	Order Number: 2011-125
Petition to)	
Terminate a Voluntary Agreement)	
for a Retailer's Class CR License)	
)	
at premises)	
1660 Lamont Street, N.W.)	
Washington, D.C. 20009)	
_____)	

ALSO PRESENT: Don Juan Restaurant, Inc., t/a Don Juan Restaurant, Applicant

Rick Massumi, on behalf of the Applicant

Sam Broeksmit, on behalf of the Mount Pleasant Neighborhood Alliance (MPNA), Protestant

BEFORE: Charles Brodsky, Chairperson
Mital Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ORDER GRANTING PETITIONER'S REQUEST FOR AN EXTENSION OF TIME

Don Juan Restaurant, Inc., t/a Don Juan Restaurant (Petitioner) filed a Petition to Terminate a Voluntary Agreement for its Retailer's Class CR License, which was protested by the Mount Pleasant Neighborhood Alliance (MPNA) (Protestant). The Alcoholic Beverage Control Board (Board) previously denied the Petitioner's request to terminate its Voluntary Agreement and expand its entertainment hours. On appeal, the District of Columbia Court of Appeals ordered the Alcoholic Beverage Control Board (Board) to give great weight to Advisory Neighborhood Commission (ANC) 1D and explore if any adverse impact would occur to Mount Pleasant if the Voluntary Agreement was terminated. See Don Juan Restaurant, Inc. v. District of Columbia Alcoholic Beverage Control Bd., Nos. 09-AA-29, 09-AA-30, 09-AA-31 (D.C. Ct. Appeals 2010). In accordance with the court's ruling, the Board scheduled the Remand Hearing for July 14, 2010. The Board later granted a request for a continuance from the parties and rescheduled the Remand Hearing for September 15, 2010, but another request for a continuance was

received from the parties and granted by the Board. The Board held the Remand Hearing on June 2, 2010, and the Protest Hearing on November 10, 2010.

In a letter, dated February 4, 2011, the Petitioner requested that the Board give the Petitioner until March 4, 2010, to file Proposed Findings of Facts and Conclusions of Law. The Petitioner states that they never received the transcript of the November 10, 2010, Protest Hearing. The Board notes that the Petitioner did not request a copy of the transcript until January 31, 2011. The Protestant does not oppose this request. Therefore, the Board finds that there is good cause for the extension and grants the Petitioner's request for an extension.

ORDER

The Board does hereby, this 16th day of February 2011, **GRANT** the Request for an Extension of Time filed by Don Juan Restaurant, Inc., t/a Don Juan Restaurant. The Petitioner shall have until March 4, 2011, to file its Proposed Findings of Fact and Conclusions of Law. Copies of this Order shall be sent to the Petitioner and the Protestant.

District of Columbia
Alcoholic Beverage Control Board



Charles Brodsky, Chairperson



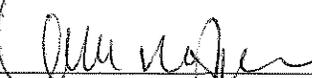
Mital M. Gandhi, Member



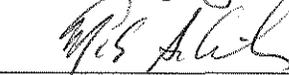
Nick Alberti, Member



Donald Brooks, Member

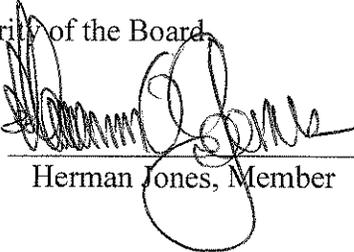


Calvin Nophlin, Member



Mike Silverstein, Member

I dissent from the position taken by the majority of the Board.



Herman Jones, 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, 1250 U Street, N.W., 3rd Floor, 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. 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).