

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

**In the Matter of:**

Faces Lounge, LLC  
t/a Faces Lounge

Application for a New  
Retailer's Class CT License

at premises  
1414B 14th Street, N.W.  
Washington, D.C. 20005

Case Number: 13-PRO-00003  
License Number: 090739  
Order Number: 2013-073

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

**ALSO PRESENT:** Faces Lounge, LLC, t/a Faces Lounge, Applicant

Matt Raymond, Chairman, on behalf of Advisory Neighborhood  
Commissioner (ANC) 2F, Protestant

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER DENYING ANC 2F'S MOTION FOR RECONSIDERATION**

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Faces Lounge, LLC, t/a Faces Lounge, (Applicant) filed an Application for a new Retailer's Class CT License (Application) at premises 1414B 14th Street, N.W. Washington, D.C. Advisory Neighborhood Commission (ANC) 2F, represented by Chairperson Matt Raymond, timely filed a protest against the Application under District of Columbia Official Code § 25-602. Nevertheless, the Alcoholic Beverage Control Board (Board) dismissed ANC 2F as a protestant, because the ANC failed to appear at the Roll Call Hearing on February 4, 2013. In re Faces Lounge, LLC, t/a Faces Lounge, Case No. 13-PRO-00003, Board Order No. 2013-038, 1-2 (D.C.A.B.C.B Feb. 5, 2013).

Subsequently, ANC 2F timely filed a Motion for Reconsideration (Motion), dated February 12, 2013. Letter from Matt Raymond, Chairman, Advisory Neighborhood Commission 2F, to Sarah Fashbaugh, Adjudication Assistant, Alcoholic Beverage Regulation Administration, 1 (Feb. 12, 2013). ANC 2F requests that the Board reinstate

ANC 2F's protest. Id. According to ANC 2F's Motion, "ANC 2F's executive director stated to me that she retrieves mail from the office two or three times a week but that the letter had arrived only within the previous couple of days before she hand-delivered it to me at the ANC's monthly meeting on February 6, 2013 . . . ." Id. In addition, Chairperson Raymond argues that ANC 2F failed to receive notice of Roll Call Hearing, because it was expecting that notice of the hearing would be sent by email or mailed to the Chairperson's home. Id. at 2. Finally, ANC 2F argues that it should be reinstated, because the community has an interest in protesting the license and the licensee is amenable to entering into a settlement agreement with the ANC. Id.

Under § 1602.3, the

Failure to appear in person or through a designated representative may result in . . . dismissal of a protest, unless, in the discretion of the Board, good cause is shown for the failure to appear. Examples of good cause for failure to appear include, but are not limited to: (a) sudden, severe illness or accident; (b) death or sudden illness in the immediate family, such as spouse, partner, children, parents, siblings; (c) incarceration; or (d) severe inclement weather.

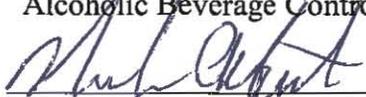
23 DCMR § 1602.3 (West Supp. 2013).

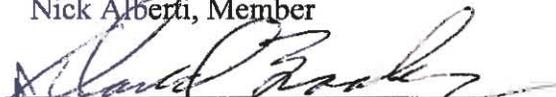
None of the reasons proffered by ANC 2F constitute good cause. The records of the Alcoholic Beverage Regulation Administration (ABRA) show that notice of the Roll Call Hearing was mailed to ANC 2F on January 24, 2013. *Protest File No. 13-PRO-00003*, Letter from Sarah Fashbaugh, Adjudication Assistant, ABRA, to Commissioner Matt Raymond, ANC 2F, 1-2 (Jan. 24, 2013). Based on the Motion submitted by ANC 2F, it appears the only reason that ANC 2F did have notice of the Roll Call Hearing was because its executive director did not distribute the ANC's mail until February 6, 2013. Furthermore, our statutes and regulations do not require the notice indicating the date of the Roll Call Hearing to be emailed or mailed directly to the Chairperson's home. Finally, none of other arguments raised by ANC 2F constitute good cause for missing the Roll Call Hearing as well.

### **ORDER**

Therefore, the Board, on this 20th day of March 2013, hereby **DENIES** the Motion for Reconsideration filed by ANC 2F.

District of Columbia  
Alcoholic Beverage Control Board

  
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Nick Alberti, Member

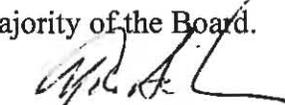
  
\_\_\_\_\_  
Donald Brooks, Member

  
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Herman Jones, Member

I dissent from the decision reached by the majority of the Board.

  
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Ruthanne Miller, Chairperson

I abstain from the decision reached by the majority of the Board.

  
\_\_\_\_\_  
Mike Silverstein, Member

Under 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, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

Also, under 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 under 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).