

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

In the Matter of:	)	
	)	
Prospect Dining, LLC	)	License Number: 78058
t/a George	)	Case Number: 10-PRO-00130
	)	Order Number: 2011-102
Petition to Terminate a	)	
Voluntary Agreement	)	
	)	
Holder of a Retailer's Class CR License	)	
at premises	)	
3251 Prospect Street, N.W.	)	
Washington, D.C. 20007	)	

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

**ORDER DENYING PROTESTANTS' MOTION FOR CONTINUANCE**

Prospect Dining, LLC, t/a George (Petitioner), which holds a Retailer's Class CR License, at premises 3251 Prospect Street, N.W., Washington, D.C., filed a Petition to Terminate a Voluntary Agreement (Petition). The Petition was timely protested by ANC 2E, represented by Chairperson Ron Lewis, and the Citizens Association of Georgetown, represented by Karen Tammany Cruse (collectively the "Protestants"). The Petition came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on October 25, 2010. A Status Hearing was originally scheduled for November 17, 2010, but was rescheduled and held on December 8, 2010. The Protest Hearing was scheduled for January 12, 2011; however a short continuance was granted by the Board. The Protest Hearing is now scheduled for January 26, 2011.

The Protestants have submitted a Motion for Continuance requesting that the Board delay rescheduling the Protest Hearing until after March 1, 2011. They argue that the Board should wait until the Alcoholic Beverage Regulation Administration (ABRA) finishes investigating alleged Voluntary Agreement and food sales ratio violations. The

Petitioner filed a response to the Protestants' arguments, opposing the continuance, and the Protestants subsequently filed an additional response.

Section 25-441 grants the Board the discretion to grant a continuance for good cause or an extreme emergency. D.C. Code § 25-441(a) (2001). Waiting for additional facts to manifest themselves at a distant date in the future does not constitute good cause or an extreme emergency. There is no reason to delay the proceedings further, especially given the fact that the Petitioner submitted its original Petition on March 31, 2010. Simply put, the Board, in good conscience, cannot delay the proceedings any further.

### **ORDER**

Based on the foregoing, the Board **DENIES** the Protestant's Motion for Continuance until March 1, 2011. Instead, the Board **GRANTS** a continuance of the proceedings until January 26, 2011. Copies of this Order shall be sent to the Applicant and the Protestants.

District of Columbia  
Alcoholic Beverage Control Board



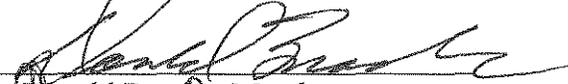
Charles Brodsky, Chairperson



Mital M. Gandhi, Member



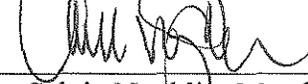
Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member

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 the service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington D.C. 20001.

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 (April 2004) 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).