

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

In the Matter of:)	
2461 Corporation)	
t/a Madam's Organ)	
)	
Petition to)	
Terminate a Voluntary Agreement)	Case No. 11-PRO-00016
for a Retailer's Class CT License)	License No. ABRA-025273
)	Order No. 2011-349
at premises)	
2461 18 th Street, N.W.)	
Washington, D.C. 20009)	
)	

2461 Corporation, t/a Madam's Organ (Petitioner)

Olivier Kamanda, Commissioner, Advisory Neighborhood Commission (ANC) 1C
(Protestant)

Denis James, President, Kalorama Citizens Association (KCA) (Protestant)

BEFORE: Nick Alberti, Interim Chairperson
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ORDER DENYING ANC 1C AND KCA'S REQUEST FOR REINSTATEMENT

The Petition to Terminate a Voluntary Agreement (Petition) filed by 2461 Corporation, t/a Madam's Organ (Petitioner), having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on April 4, 2011 and a Protest Status Hearing on June 22, 2011, in accordance with D.C. Official Code § 25-601 (2001).

On April 4, 2011, pursuant to Title 23 of the District of Columbia Municipal Regulations ("23 DCMR") § 1602.3 (2004), the Board dismissed the Petition because the Petitioner failed to appear at the Roll Call Hearing.

On April 18, 2011, Attorney Richard Bianco, on behalf of the Petitioner, filed a Motion for Reinstatement of Petition indicating that he, as the attorney of record, was not provided with notice of the Roll Call Hearing and the Petitioner, after speaking with

ABRA staff, believed that new placards with a new Roll Call date would be received because of the errant inclusion of KCA. On May 11, 2011, the Board reinstated the Petitioner. *See* Board Order No. 2011-207.

On June 22, 2011, pursuant to Title 23 of the District of Columbia Municipal Regulations ("23 DCMR") § 1602.3 (2004), the Board dismissed the Protests of ANC 1C and KCA for failure to appear at the Protest Status Hearing.

On July 7, 2011, Commissioner Olivier Kamanda, on behalf of ANC 1C, filed a letter, dated June 30, 2011, requesting reinstatement. Commissioner Kamanda was unable to attend the hearing, because he was pulled in on an urgent work assignment two hours before the hearing. He also did not seek reinstatement earlier, because he had to seek permission from the ANC.

Under 23 DCMR § 1602.3, a request for reinstatement with the Board must be filed within ten (10) days after notification from the Board of the dismissal. ANC 1C did not submit a timely request for reinstatement. Therefore, ANC 1C's request for reinstatement is denied for failure to file a timely request.

In addition, ANC 1C did not demonstrate to make an effort to send another representative or notify the Board or its administrative personnel of Commissioner Kamanda's inability to attend the Protest Status Hearing. Commissioner Kamanda's urgent work assignment two hours before the hearing does not constitute good cause under 23 DCMR § 1602.3. Even if the request had been timely filed, the Board does not find good cause to reinstate ANC 1C pursuant to 23 DCMR § 1602.3.

Denis James, on behalf of KCA, filed a letter, dated July 1, 2011, requesting reinstatement with the Board indicating that he was suffering intense back pain. KCA did not demonstrate to make any effort to send another representative or notify the Board or its administrative personnel of Mr. James's inability to attend the Protest Status Hearing, due to his back pain. Mr. James's inability does not constitute good cause under 23 DCMR § 1602.3. Therefore, the Board does not find good cause to reinstate KCA pursuant to 23 DCMR § 1602.3.

Finally, the Board does not find it necessary to address KCA's standing in this Order.

ORDER

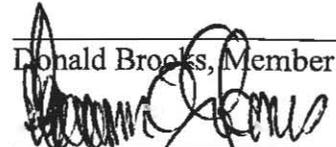
For these reasons, the Board does hereby, this 27th day of July, 2011, **DENY** the reinstatement of ANC 1C and KCA. Copies of this Order shall be sent to the Applicant, ANC 1C, and KCA.

2461 Corporation
t/a Madam's Organ
Case No. 11-PRO-00016
License No. ABRA-025273
Page 3

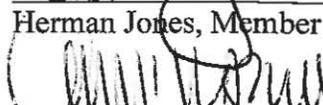
District of Columbia
Alcoholic Beverage Control Board



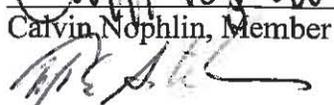
Nick Alberti, Interim Chairperson



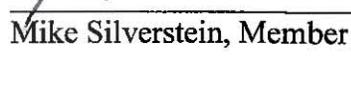
Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.