

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

In the Matter of:)		
)		
Zhou Hospitality, LLC)	Case Number:	10-PRO-00155
t/a Muse Nightclub and Lounge)	License Number:	079224
)	Order Number:	2011-511
Application to Renew a)		
Retailer's Class CN License)		
)		
at premises)		
717 6th St., N.W.)		
Washington, D.C. 20001)		
)		

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

ALSO PRESENT: Zhou Hospitality, LLC, t/a Muse Nightclub and Lounge, Applicant

Emanuel Mpras, Esq., on behalf of the Applicant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER GRANTING ONE TIME EXCEPTION TO BOARD ORDER NO. 2011-352

Zhou Hospitality, LLC, t/a Muse Nightclub and Lounge, (Applicant) filed an Application to renew its Retailer's Class CN License (Application) at premises 717 6th St., N.W., Washington, D.C. A protest was filed by A Group of Five or More Individuals, represented by Dolph Sand, and the Downtown Neighborhood Association (DNA), represented by Terrell Carter (collectively the "Protestants"). The Application came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on November 11, 2010, and a Status Hearing on January 26, 2011. The Applicant and the Protestants were unsuccessful in negotiating a Voluntary Agreement before the Protest Hearing at a mediation session held on January 21, 2011. The Protest Hearing was held on April 27, 2011.

We granted the Application subject to a number of conditions, including the following: "the establishment shall cease playing music on the third floor at 11:00 p.m., Sunday through Thursday, and at 12:00 a.m. on Friday and Saturday." Zhou Hospitality, LLC, t/a Muse Nightclub and Lounge, Board Order No. 2011-352, 8 (D.C.A.B.C.B. Aug. 3, 2011).

In a letter, dated November 23, 2011, the Applicant requested an exemption from this condition, because it falls on the New Year's holiday. The Applicant has requested that the Board allow it to keep its third floor open on December 31, 2011, going into January 1, 2012, until 3:00 a.m.

We find the neighborhood's expectations of peace, order, and quiet are reduced during the New Year's holiday. We, therefore, find that allowing the Applicant's third floor to remain open until 2:00 a.m. will avoid any adverse impacts on the neighborhood.

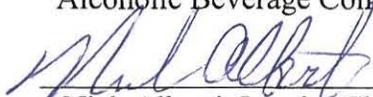
ORDER

Therefore, it is hereby **ORDERED**, on this 14th day of December 2011, that the Motion for Reconsideration filed by Zhou Hospitality, LLC, t/a Muse Nightclub and Lounge, at premises 717 6th St., N.W., is hereby **GRANTED**, subject to the following condition:

- (1) The Applicant may keep its third floor open on New Year's Eve until 2:00 a.m. on January 1, 2012.

Copies of this Order shall be sent to the Applicant.

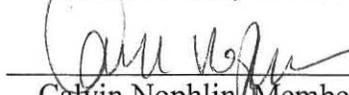
District of Columbia
Alcoholic Beverage Control Board



Nick Alberti, Interim Chairperson

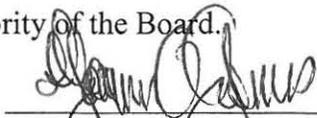


Donald Brooks, Member



Calvin Nophlin, 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, Reeves Center, 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, 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).