

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

In the Matter of:)
)
Optimism, LLC)
t/a Optimism)
)
Application for Renewal of a)
Retailer's Class CT License)
)
at premises)
3301 12th Street, N.E.)
Washington, D.C. 20017)
)

Case No. 11-PRO-00003
License No. ABRA-083552
Order No. 2011-127

Optimism, LLC, t/a Optimism ("Applicant")

Carol L. Jacobs, abutting property owner

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 REQUEST FOR REINSTATEMENT

The Notice of the Application for renewal of a Retailer's Class CT License, filed by Optimism, LLC, t/a Optimism ("Applicant"), was posted on October 29, 2010, and the Petition Deadline was December 13, 2010.

On December 10, 2010, Carol L. Jacobs filed a timely protest. On December 16, 2010, the Alcoholic Beverage Regulation Administration (ABRA) denied the protest of Carol J. Jacobs indicating that she did not meet the standing requirements in D.C. Official Code § 25-601. On December 23, 2010, Carol J. Jacobs timely filed a Request for Standing, indicating that the request had not explicitly stated that her property at 1206 Kearney Street, N.E., Washington, D.C., abuts the Applicant's property. On January 12, 2011, the Board found that Carol J. Jacobs is an abutting property owner, and was granted standing as a protestant.

On February 2, 2011, pursuant to Title 23 of the District of Columbia Municipal Regulations (“23 DCMR”) § 1602.3 (2004), the Board dismissed the Application of the

Optimism, LLC

t/a Optimism

Case No. 11-PRO-00003

License No. ABRA-083552

Page 2

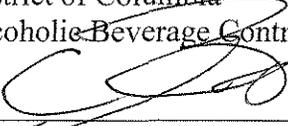
Applicant because the Applicant failed to appear at the Protest Status Hearing. On February 4, 2011, the Applicant filed a request for reinstatement with the Board indicating that he never received notice of the hearing. ABRA’s records indicate that the Applicant was notified of the hearing by letter, dated January 18, 2011. Upon consideration of this request to reinstate the Applicant, the Board does not find good cause to reinstate the Applicant pursuant to D.C. Official Code § 25-601.

ORDER

For these reasons, the Board does hereby, this 16th day of February, 2011, **DENY** the reinstatement of the Applicant. Copies of this Order shall be sent to the Applicant and Carol L. Jacobs.

Optimism, LLC
t/a Optimism
Case No. 11-PRO-00003
License No. ABRA-083552
Page 3

District of Columbia
Alcoholic Beverage Control Board



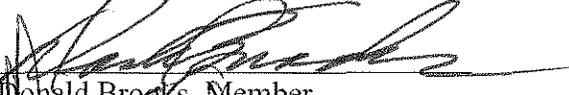
Charles Brodsky, Chairperson



Mital M. Gandhi, Member



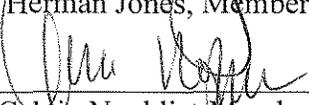
Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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.