

ABRA sent Ms. Venart a letter informing her that the Protest would not be accepted because it was untimely filed. On December 13, 2016, Ms. Venart filed a motion with the Board requesting that it reconsider the decision to reject the Group's Protest. The Board denies this request.

Subsection 1602.2 of Title 23 of the District of Columbia Municipal Regulations (DCMR) provides in pertinent part that "[a]ll protests shall be writing [and] shall be received by the Board prior to the end of the protest period . . ." 23 DCMR § 1602.2. In the instant case, the Group filed its protest with ABRA more than 20 days past the petition filing deadline. They acknowledge that their petition was filed untimely. *See Group of Five or More's Motion for Reconsideration*, at 1. The Group's argument that the placard did specify that the establishment would have a rooftop deck does not justify their untimely protest filing. The placard stated that the establishment sought to acquire a summer garden, which a rooftop deck is as it is on the establishment's property. The Group's failure to follow the regulatory guidelines is not justified by their unfamiliarity with what constitutes a summer garden.

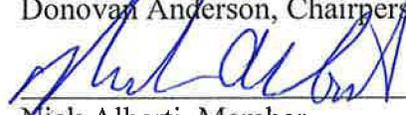
For the aforementioned reasons, the Group of Five or More's Motion for Reconsideration of the denial of the Protest Petition is denied.

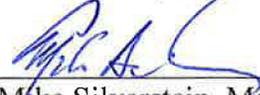
Accordingly, it is this 21^s day of December 2016, **ORDERED** that:

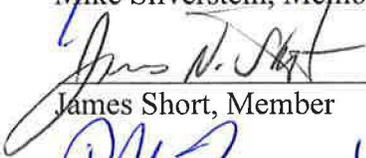
1. The Group of Five or More's Motion for Reconsideration of the denial of the Protest Petition is **DENIED**.
2. Copies of this Order shall be sent to the Counsel for the Applicant and the Designated Representative of the Group of Five or More.

District of Columbia
Alcoholic Beverage Control Board


Donovan Anderson, Chairperson


Nick Alberti, Member


Mike Silverstein, Member


James Short, Member


Mafara Hobson, Member

Jake Perry, Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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, 2000 14th Street, N.W., Suite 400S, Washington, DC 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, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). 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).