

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

In the Matter of:)

Safeway, Inc.)
t/a Safeway)

Application for Renewal of a)
Retailer's Class B License)

at premises)
2845 Alabama Avenue, S.E.)
Washington, D.C. 20020)

Case No. 11-PRO-00088
License No. ABRA-060504
Order No. 2012-071

Safeway, Inc., t/a Safeway (Applicant)

Robin Hammond Marlin, Commissioner, Advisory Neighborhood Commission (ANC) 7B

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Jeannette Mobley, Member

ORDER GRANTING APPLICANT'S REQUEST FOR REINSTATEMENT

The Application filed by Safeway, Inc., t/a Safeway, for renewal of its Retailer's Class B License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on December 12, 2011, in accordance with D.C. Official Code § 25-601 (2001).

On December 12, 2011, pursuant to Title 23 of the District of Columbia Municipal Regulations (23 DCMR) § 1602.3 (2004), the Board dismissed the Application, because the Applicant failed to appear at the Roll Call Hearing. Also, the Board dismissed the Protest of ANC 7B, because its protest claim falls outside the possible grounds outlined in Title 25 of the District of Columbia Official Code and Title 23 of the District of Columbia Municipal Regulations.

On January 26, 2012, Jerry A. Moore, Esq., Applicant's former representative, filed a request for reinstatement, indicating that as the Applicant's counsel of record, he did not receive ANC 7B's protest letter, thus did not have a reason to appear at the Roll Call Hearing held on December 12, 2011.

Safeway, Inc.
t/a Safeway
Case No. 11-PRO-00088
License No. ABRA-060504
Page 2

Commissioner Robin Hammond Marlin, on behalf of ANC 7B, filed an opposition to the renewal of the Applicant's license until a current Voluntary Agreement be revised and the constituent's concerns be addressed and remedied. The Board acknowledges ANC 7B's concerns, which will be given great weight.

On December 14, 2011, through Board Order No. 2011-509, the Board dismissed the Protest of ANC 7B. Therefore, ANC 7B is no longer a Protestant of the Application filed by Safeway, Inc., t/a Safeway, for renewal of its Retailer's Class B License. Consequently, ANC 7B does not have standing to oppose the renewal of this Application.

Upon consideration of this request to reinstate the Application, the Board finds good cause to reinstate the Application pursuant to 23 DCMR § 1602.3.

ORDER

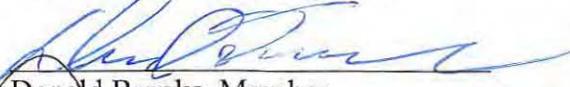
For these reasons, the Board does hereby, this 15th day of February 2012, **REINSTATE** the Application filed by Safeway, Inc., t/a Safeway, for renewal of its Retailer's Class B License. Copies of this Order shall be sent to the Applicant and ANC 7B.

Safeway, Inc.
t/a Safeway
Case No. 11-PRO-00088
License No. ABRA-060504
Page 3

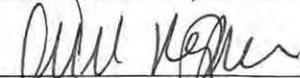
District of Columbia
Alcoholic Beverage Control Board



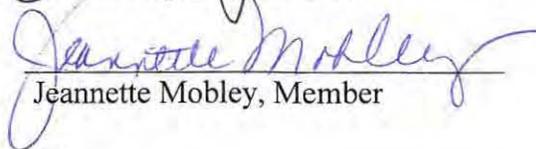
Ruthanne Miller, Chairperson



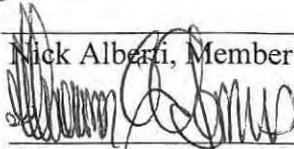
Donald Brooks, Member



Calvin Nophlin, Member



Jeannette Mobley, Member



Nick Alberti, Member



Herman Jones, 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, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.