

safety. Specifically, the Board finds that the establishment's patrons frequently engage in fighting and other anti-social behavior outside residences and in the streets. In order to alleviate the burden Shadow Room is having on the surrounding community, the Board mandates that the establishment hire the Metropolitan Police Department Reimbursable Detail as a condition of renewal. The Board further orders Shadow Room to hire the detail for at least four hours and at least one hour after the close of the establishment.

Procedural Background

Acott Ventures, LLC, t/a Shadow Room, (Applicant) filed an Application to Renew its Retailer's Class CN License (Application) at premises 2131 K Street, N.W., Washington, D.C. The Alcoholic Beverage Regulation Administration (ABRA) provided public notice of the Application on September 27, 2013. *Notice of Public Notice*, 1 (ABRA License No. 075871). The final day to submit protest petitions related to the Application was November 12, 2013.

On November 7, 2013, the Board received a protest petition from Advisory Neighborhood Commission (ANC) 2A, represented by Commissioner Florence Harmon. Letter from Florence Harmon, ANC 2A Chair, to Ruthanne Miller, Chairperson, Alcoholic Beverage Control (ABC) Board (Nov. 5, 2013) [*ANC 2A Protest Petition*]. Further, on November 12, 2013, the Board received a protest petition from a Group of Five or More Residents or Property Owners, represented by Chris Labas (Labas Group). Letter from Chris Labas, to Ruthanne Miller, Chairperson, ABC Board, 1-4 (Nov. 5, 2013) [*Labas Group Protest Petition*]

The parties came before the Board's Agent for a Roll Call Hearing on November 25, 2013, where both protestants were granted standing. The parties then appeared before the Board for a Protest Status Hearing on January 22, 2014. Finally, the parties argued their respective cases at a Protest Hearing before the Board on March 12, 2014. Both parties filed proposed findings of fact and conclusions of law, which the Board has considered.

The ANC further filed a Motion to Consolidate, which the Board denies. The Board finds that granting such a request after the close of the record is untimely.

I. Great Weight

We further recognize that ANC 2A properly submitted its recommendation to deny the Application on November 8, 2010. See ABRA Protest File Nos. 10-PRO-00146, 11-PRO-00022, ANC 2A Resolution (Nov. 6, 2010). Under District of Columbia Official Code §§ 1-309.10(d) and 25-609, the Board will give great weight to an ANC's properly adopted written recommendations. See Foggy Bottom Ass'n v. District of Columbia Alcoholic Beverage Control Bd., 445 A.2d 643 (D.C. 1982); D.C. Official Code §§ 1-309.10(d), 25-609. Accordingly, the Board "must elaborate, with precision, its response to the ANC[s] issues and concerns." Foggy Bottom Ass'n, 445 A.2d at 646.

ANC 2A recommends that the Board deny the Application. *ANC 2A Resolution, 1*. The ANC asserts that the Applicant will have a deleterious impact on the peace, order, and quiet; residential parking; vehicular and pedestrian safety; and real property values of the

neighborhood. *ANC 2A Resolution*, 1. Because ANC 2A is a party to this matter, the Board's Conclusions of Law will directly address the issues and concerns raised by ANC 2A.

II. Question Presented

The issues presented to the Board, and raised by the protestants, under District of Columbia Official Code § 25-602, are whether the Application will adversely impact the peace, order, and quiet; residential parking; vehicular and pedestrian safety; and real property values of the area located within 1,200 feet of the establishment. 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2014); *ANC 2A Protest Petition; Labas Group Protest Petition*, 1-4. Further, because the Applicant is seeking the renewal of its license, “[t]he Board shall consider the licensee's record of compliance with this title and the regulations promulgated under this title and any conditions placed on the license during the period of licensure, including the terms of a settlement agreement.” D.C. Official Code § 25-315(b)(1).

FINDINGS OF FACT

The Board, having considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board's official file, makes the following findings of fact:

I. Background

1. The Applicant has submitted an Application to Renew its Retailer's Class CN License. *ABRA Licensing File No. 075871*, Application. The establishment is located at 2131 K Street, N.W. *Id.*
2. Shadow Room is located in a C-3-C zone. *Protest Report*, 3. Thirty-three licensed establishments operate within 1,200 feet of Shadow Room. *Id.* at 4. Nine of the establishments have entertainment endorsements. *Transcript (Tr.)*, March 12, 2014 at 38. The Bright Horizons Children Center is located 291 feet from the establishment. *Protest Report*, 4. There are no schools, recreation centers, or public libraries located within 400 feet of Shadow Room. *Id.*
3. The establishment's current hours of operation and hours of sale, service, and consumption of alcoholic beverages run from 11:00 a.m. to 2:00 a.m., Sunday through Thursday, and 11:00 a.m. to 3:00 a.m. on Friday and Saturday. *Id.* at 7.

II. Prior Protest History

4. Previously, when the Board issued the Applicant its first liquor license in 2007, the prior Board indicated that it was concerned that the Applicant would have a negative impact on the neighborhood's peace, order, and quiet. *Acott Ventures, LLC, t/a Shadow*, Board Order No. 2007-072, 9-10, (D.C.A.B.C.B. Sept. 5, 2007). Based on these concerns, the Board conditioned licensure on the establishment having a maximum capacity of 300 patrons. *Id.* at 12. The Board also permitted Shadow Room to apply for greater occupancy after September 5, 2008. *Id.*

5. In 2012, due to concerns regarding peace, order, and quiet, the Board conditioned licensure on Shadow Room keeping the outside of the establishment clean and refraining from distributing promotional flyers inside the establishment. In re Acott Ventures, LLC, t/a Shadow Room, Case Numbers 11-PRO-00146, 11-PRO-00022, Board Order No. 2012, 013, ¶ 33 (D.C.A.B.C.B. Jan. 11, 2012). Furthermore, in order to prevent an increase in the number of patrons causing disturbances near residences, the Board denied Shadow Room's application for an outdoor summer garden. Id. at ¶ 43.

III. Investigative History

6. The Board takes administrative notice of the Applicant's investigative history. The Board required the establishment to submit a new security plan on October 1, 2009. ABRA Protest File No. 13-PRO-00149, Investigative History (#23). In addition, the Applicant previously agreed to pay a \$500 fine on February 17, 2010, for failing to have a copy of its Voluntary Agreement on its premises.¹ Id. (#19).

IV. Testimony of ABRA Investigator John Suero

7. ABRA Investigator John Suero investigated the Application. Tr., 3/12/14 at 14. He and other investigators visited the establishment a total of seventeen times. Id. at 19. Investigator Suero visited the establishment during his investigation. Id. at 17. He did not hear sound emanating from the rear of the establishment when it was in operation. Id. He also did not observe large or unruly crowds loitering, or fighting in the area. Id. He further observed that the Atlantic Company provided the establishment with seventy-five parking spots in a garage located underneath the establishment. Id. He also did not see many vehicles parked on the street. Id. at 17-18. He observed that the alleyway behind the establishment was not filled with trash or litter. Id. at 18-19. Investigator Suero admitted that he only visited the establishment once during closing time and that the cold weather may have discouraged people from loitering near the establishment. Id. at 18, 26-27, 29-30, 34.

V. Testimony of Swaptak Das

8. Swaptak Das owns Shadow Room. Id. at 65. The establishment provides entertainment as part of its operations. Id. at 66-67. Shadow Room generally employs approximately eleven to twelve security personnel. Id. at 67. The venue holds approximately 300 people. Id. at 81.

9. Shadow Room has taken steps to encourage peace, order and quiet in the neighborhood. Id. at 71. First, the establishment has patrons waiting in line outside the establishment queue away from residences towards 21st Street, N.W., and 20th Street, N.W. Id. Second, the establishment posted a sign inside the establishment asking customers to be quiet and has its employees ask patrons to be quiet. Id. Third, the

¹ ABRA's official files related to this incident have been corrected to reflect that the Applicant only agreed to settle the charge that it violated the rule that requires the Applicant to maintain a copy of its Voluntary Agreement on its premises, and nothing more.

establishment's security is regularly trained by third party training providers. Id. at 74-75. Security also conducts pat downs of patrons before permitting them to enter. Id. at 122.

10. Shadow Room has instructed security to intervene in altercations that occur on the property, including the roped off area in front of the establishment. Id. at 111. Security members that observe violence outside the establishment's front door are instructed to inform management, who will then call the police, or call the police themselves. Id. at 112-13.

11. Mr. Das further described the establishment's closing procedures. Id. at 83-84. At closing time, one person stands at the door to prevent reentry. Id. Three to four security members go outside to direct people to their vehicles and request that people remain quiet. Id. at 84. Shadow Room also provides one security guard near the valet to encourage people to enter their vehicles and leave. Id. The establishment's valet also has access to approximately six to eight spots where it can turnover vehicles without blocking the alleyway. Id. at 87. The garage is also leased exclusively for the use of Shadow Room after 6:00 p.m. Id. at 92. The garage can accommodate up to seventy-five vehicles. Id. at 97. Usually, approximately twenty people use the establishment's valet service when the club is in operation. Id. at 99.

12. Shadow Room's landlord objects to the establishment placing security cameras outside the establishment. Id. at 90. Shadow Room does not control the exterior portions of the building. Id. at 90, 118.

13. Mr. Das observed that property values in the neighborhood have risen. Id. at 124.

14. Mr. Das estimates that the establishment is approximately 300 feet from the nearest resident. Id. at 130.

VI. Testimony of Derek Crumbley

15. Derek Crumbley serves as a licensed private investigator that was hired by Commissioner Harmon to monitor Shadow Room on March 6, 2014. Id. at 159-60. He observed the establishment's front entrance from 10:00 p.m. to 3:00 a.m. Id. at 160. Before beginning his assignment, he reviewed a flyer advertising an event hosted by Urbanstan.com and DT Nation. Id. at 162-63; *Protestant's Exhibit No. 1*.

16. During his assignment, Mr. Crumbley made a video recording his observations of Shadow Room's front entrance. *Tr.*, 3/12/14 at 165-66. At the time Mr. Crumbly made the video, he was standing on the service roadway in a parking space outside of the main entrance, approximately 35 feet from the main entrance. Id. at 173.

17. Mr. Crumbley observed 150 to 200 people enter the establishment during the evening. Id. at 180. At close, he observed a crowd of people waiting approximately twenty to twenty-five minutes to have their cars retrieved by the valet. Id. at 182-83. Occasional traffic jams occurred on the service road as the valet retrieved vehicles. Id. at 180, 183. He observed only two to three traffic jams that lasted one to two minutes. Id. at 206. Nevertheless, based on the location of the garage behind the building, a valet

attendant bringing back a vehicle would not observe an emergency vehicle attempting to traverse the one lane alley. Id. at 204, 207

18. Around 2:10 a.m., a large group of patrons exited the establishment. Id. at 181. The video shows patrons begin pushing and shoving each other. *Protestant's Exhibit No. 2*, 2:08:59-2:09:02. The video shows one member of security restrain an individual in a white shirt in a bear hug; however, the altercation continues. Id. at 2:08:34-2:09:34. Mr. Crumbley recalled observing one of the patrons getting struck in the back of the head. *Tr.*, 3/12/14 at 181, 219. Three to four patrons then move into the street, including the patron previously restrained by security. Id.; *Protestant's Exhibit No. 2*, 2:09:35-2:09:39; *Tr.*, 3/12/14 at 220-21, 223. Two patrons then begin throwing punches at one another. Id. at 2:09:35-2:09:45. Mr. Crumbley observed the establishment's security attempt to restrain individuals; however, this did not occur immediately. *Tr.*, 3/12/14 at 181, 213. He also observed that the patrons were yelling at each other loudly during the fight. Id. at 209. Eventually, the Metropolitan Police Department arrived on the scene, but the patrons had already dispersed by the time they arrived. Id. at 182.

VII. Testimony of MPD Lieutenant Donald Craig

19. MPD Lieutenant Donald Craig has been assigned to the Second District for the past two years. Id. at 234. He reviewed a number of police reports generated by MPD. Id. at 236. On June 1, 2012, a female patron reported that her boyfriend punched her in the eye inside Shadow Room, which resulted in security escorting her outside the establishment. *Protestant's Exhibit No. 3*, Tab 1, Report Number 12082839, 2 (See Narrative). On March 2, 2013, MPD reports that two individuals near Shadow Room fought each other, which resulted with one individual receiving a laceration under his right eye that required the individual to be sent to the hospital. Id., Tab 1, Report Number 13027267, 2 (See Narrative). MPD also reports that on March 2, 2013, a verbal altercation began between two groups inside the establishment. Id. at Tab 1, Report Number 13027263, at 2 (See Narrative). The report then states that one of the patrons struck another in the face with a brandy glass, which broke two of the victim's teeth, as well as causing injuries to the victim's face and mouth. Id. Finally, on March 22, 2013, MPD reported responding to a verbal altercation that led to several fights in front of Shadow Room. Id., at Tab 1, Case Summary Report 13036905 (See Notes/Narratives).

20. Lt. Craig noted that the majority of citizen complaints he has received against licensed establishments in the neighborhood involve the Shadow Room. Id. at 248. He noted that Look is located to the east of Shadow Room; whereas, the majority of the noise complaints he has received come from the residential area to the west of Shadow Room. Id. at 248-49. Furthermore, McFadden's, another licensed establishment, is located to the west of Shadow Room, across Washington Circle. Id.

21. Lt. Craig noted that his police service area requires additional resources to manage the club closing time in the neighborhood. Id. at 260-62. During closing time, officers from police service areas 201, 202, 203, and 204 are dispatched to Lt. Craig's police service area. Id. at 262.

VIII. Testimony of Steven Mendelbaum

22. Steven Mendelbaum lives in the West End Place condominiums located at 1099 22nd Street, N.W. Id. at 304-05. His condominium faces Shadow Room's backdoor and his bedroom faces the alley running by the establishment. Id. at 307.

23. Mr. Mendelbaum reports hearing noise from the alley in his bedroom between midnight and 1:00 a.m. on multiple occasions. Id. at 308-10, 312, 315, 320-21. Specifically, he has heard music and yelling coming from people in the alley. Id. Mr. Mendelbaum notes that the only business in operation in the immediate area after midnight is Shadow Room. Id. at 309. He noted that noise is particularly bad at Shadow Room on Thursdays and Fridays. Id. at 317-18.

IX. Testimony of Trevor Neve

24. Trevor Neve lives at the West End Place condominiums located at 1099 22nd Street, N.W. Id. at 324. Mr. Neve currently serves as the President of the West End Place homeowners association. Id. at 325. His condominium faces 22nd Street, N.W., and he has a good view of K Street, N.W., and L Street, N.W. Id. Mr. Neve has been personally disturbed by noise outside his window on multiple occasions. Id. at 327-28, 337. He noted that the presence of disturbing noise in the neighborhood consistently coincides with when Shadow Room closes. Id. at 330. Individuals making noise can be observed coming from the direction of Shadow Room. Id.

25. He also noted that the other licensed establishments in the neighborhood are not located near his residence. Id. at 331. The Look Club is a fifteen minute walk from his residence and people going to McFaddens have to cross several streets and Washington Circle to walk by his residence. Id. As a result, he can infer that the people he observes are coming from Shadow Room. Id.

X. Testimony of Chris Labas

26. Chris Labas lives at the West End Place condominiums located at 1099 22nd Street, N.W. Id. at 345. Mr. Labas serves as the property manager of the West End Place Condominium Association. Id. at 346.

27. The neighborhood has a number of residences in the area. Id. at 347. There are a number of multi-family townhouses near Schneider Triangle. Id. There are also a number of residences at the Savoy, the Carriage House, the Ritz Carlton, and the Winston. Id. at 347-48.

28. In his capacity as property manager, Mr. Labas has received numerous noise complaints from residents about events at Shadow Room. Id. at 349-50. Specifically, he has received complaints regarding public urination, sexual activity in public, yelling, screaming, and fighting. Id. at 355.

29. Mr. Labas recorded a video of a fight he observed on K Street, N.W., on July 5, 2013, involving patrons of the Shadow Room. Id. at 351-54, 357. He recorded the video from his balcony around 2:36 a.m. Id. at 352, 357-59.

30. The video begins with a man dancing in the sidewalk to music blasting from a car. *Protestant's Exhibit No. 5*, 00:00-00:13 (See IMG_2932). The video then shows a black car stopped in the middle of a lane with its doors opened. *Id.* at 00:06 (See July 4th SHADOW ROOM INCIDENTS 009). A man in a grey and black shirt and a man with a red shirt are standing on either side of the vehicle in the middle of the street. *Id.* A group of patrons can be heard yelling at the two men. *Id.* The group of patrons stops on the sidewalk next to the vehicle and a verbal altercation ensues. *Id.* at 00:09-00:13. During the argument, one of the male patrons with the group can be observed restraining a number of female patrons. *Id.* at 01:03. As the argument continues, some of the female patrons begin pulling other patrons' clothing. *Id.* at 1:03-01:14. The video also shows that some of the patrons are loudly screaming. *Id.* at 01:12-01:30. Patrons are then observed getting in their vehicle and driving away. *Id.* at 01:30-01:54.

31. In Mr. Labas' experience, the activity observed on the video is typical and occurs two to three times per month. *Id.* at 361-62. He also noted that there have been worse nights where people engaged in fighting all over the block. *Id.* at 362, 370. Finally, he has also seen people hit each other and fight in the streets on various occasions. *Id.* at 370.

XI. Testimony of ANC Commissioner Florence Harmon

32. ANC 2A Commissioner Florence Harmon discussed the establishment's settlement agreement. *Id.* at 375-76. Provision 5 of the agreement states,

... if more than 100 patrons are expected to stay past 1 A.M., Shadow Room agrees to have an ABRA recognizes certified security detail (2) present to monitor the exterior of the premises, in particular, the conduct of incoming and outgoing patrons in order to maintain peace, order, and quiet. Shadow Room will make best efforts to monitor its front area, side and back alleys, and the corner of K Street and 22nd Street, NW.

In re Acott Ventures, LLC t/a Shadow Room, ABRA License No. 75871, Board Order No. 2008-300, *Settlement Agreement*, § 5 (D.C.A.B.C.B. Nov. 12, 2008) (Amended Order on Voluntary Agreement). Commissioner Harmon attributed violence outside the West End Place to Shadow Room not complying with Provision 5 of its settlement agreement. *Id.* at 376.

CONCLUSIONS OF LAW

33. The Board may approve an Application to Renew a Retailer's Class CN License if the Applicant demonstrates that the proposed establishment will not have an adverse impact on the area located within 1,200 feet of the establishment. D.C. Code §§ 25-104, 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2014). Specifically, the issue in this case is whether the Application will have a negative impact on peace, order, and quiet; residential parking needs; pedestrian and vehicular safety; and real property values.

I. SHADOW ROOM IS HAVING A NEGATIVE IMPACT ON PEACE, ORDER, AND QUIET AND VEHICULAR AND PEDESTRIAN SAFETY.

34. The Board agrees with the protestants that the establishment is creating a negative impact on the establishment's neighbors due to its deleterious impact on peace, order, and quiet and vehicular and pedestrian safety.

35. When considering appropriateness, the Board considers the effect of the establishment on peace, order, and quiet and vehicular and pedestrian safety. § 25-313(b)(2)-(3).

36. Here, the protestants established that Shadow Room's patrons frequently engage in fighting, disturb nearby residents through yelling and screaming, and engage in other forms of anti-social behavior. *Supra*, at ¶¶ 17-18, 23-24, 28. In addition, the protestants demonstrated two instances where altercations spilled directly out into the street. *Supra*, at ¶¶ 17-18, 30. The Board further credits testimony that this behavior occurs on a regular basis. *Supra*, at ¶¶ 19-20, 31. Based on this evidence, the Board concludes that the establishment is having a negative impact on peace, order, and quiet, and vehicular and pedestrian safety.²

II. SHADOW ROOM IS NOT HAVING A NEGATIVE IMPACT ON RESIDENTIAL PARKING.

37. Under the law, the Board must consider whether the establishment is having a negative impact on residential parking. D.C. Official Code § 25-313(b)(3). Here, the establishment provides valet parking and up to seventy-five parking spaces for customers utilizing the valet parking. *Supra*, at ¶ 11. The protestants did not provide sufficient evidence that the valet parking provided by Shadow Room is insufficient. Consequently, because the establishment is engaging in commercially reasonable means to address the parking needs of its customers, the Board concludes that Shadow Room is not having a detrimental impact on residential parking.

III. SHADOW ROOM IS NOT HAVING A NEGATIVE IMPACT ON PROPERTY VALUES.

38. Under the law, the Board must consider whether the establishment is having a negative impact on real property values. D.C. Official Code § 25-313(b)(1). Here, property values in the neighborhood continue to increase. *Supra*, at ¶ 13. The protestants did not provide sufficient evidence that contradicts this showing or demonstrates that Shadow Room is having a negative impact on property values. Therefore, the Board has no basis to conclude that the establishment is having a negative impact on property values.

² The Applicant attempts to argue that it cannot be forced to prove a negative and that the protestants have the burden to show a negative impact. *Applicant's Proposed Findings of Fact and Conclusions of Law*, 12. Nevertheless, while the Board questions this attempt at burden shifting, the protestants have shown specific evidence that ties disorder in the neighborhood to the operations of the establishment. *Supra*, at ¶¶ 36.

IV. REQUIRING THE ESTABLISHMENT TO HIRE THE MPD REIMBURSABLE DETAIL ALLOWS THE ESTABLISHMENT TO REMAIN APPROPRIATE AND CONTINUE OPERATIONS.

39. D.C. Official Code § 25-104(e) permits the Board to impose conditions on a licensee if the Board “. . . determines that the inclusion of the conditions will be in the best interest of the locality, section, or portion of the District where the licensed establishment is to be located.” D.C. Official Code § 25-104(e).

40. The Board determines that the establishment may remain appropriate if it hires the MPD Reimbursable Detail whenever it is in operation. In the case of a renewal, the Board shall consider a licensee’s compliance with the alcoholic beverage control laws, applicable Board Orders, and the establishment’s Voluntary Agreement. D.C. Official Code § 25-315(b). The Board considered whether to revoke the Respondent’s license as recommended by the ANC, but determined that this result was too harsh based on the establishment’s history of violations. *Supra*, at ¶ 6. Finally, this condition will alleviate the specific concerns raised by the Protestants regarding the conduct of patrons outside their residences by providing a dedicated police presence. Therefore, there is no need to revoke Shadow Room’s license at this time.³

V. THE BOARD HAS THE AUTHORITY TO IMPOSE A MPD REIMBURSABLE DETAIL.

41. Shadow Room argues that the Board cannot impose a reimbursable detail on the establishment under 23 DCMR § 718.5. *Tr.*, 3/12/2014 at 8-9. This line of argument has been explicitly rejected by the Board and the United States District Court. *In re Beg Investments, LLC, t/a Twelve Restaurant & Lounge*, Case No. 12-CMP-00431, Board Order No. 2014-087, ¶¶ 19-21 (D.C.A.B.C.B. Apr. 24, 2014) (saying, “. . . 23 DCMR §§ 718.1 to 718.5 only describes the procedures for receiving reimbursement under the reimbursable detail subsidy program” and “. . . does not limit the Board’s authority to impose a reimbursable detail on a licensee.”); *BEG Investments, LLC v. Alberti*, 13-CV-182 (RC), 2014 WL 1280261 (D.D.C. Mar. 31, 2014) (“Plaintiff cannot point to any controlling authority, or even a single interpretation of D.C. Code § 25–104(a), that limits

³ Counsel attempts to argue that the protestants have a discriminatory motivation and that such motivation is sufficient to deny their protest. *Applicant’s Proposed Findings of Fact and Conclusions of Law*, 23. Based on our review of the record and the portions of the transcript cited by counsel, the Board finds these assertions unsubstantiated and conclusory. *Id.* at 23. As a result, the Board finds no basis to conclude that the protestants are motivated by a discriminatory purpose.

Counsel further argues in his Proposed Findings of Fact and Conclusions of Law that “[t]he Board has previously crossed this line prohibiting certain persons or musical groups from performing within an establishment” and then cites to the licensing file for MPAC, LLC. *Applicant’s Proposed Findings of Fact and Conclusions of Law*, 26. The Board questions the relevance of this assertion to the protestants’ request that the Board impose an MPD Reimbursable Detail on the Applicant; especially, when such a condition has no relation to the type of entertainment offered by the Applicant or the type of person seeking admittance into the establishment. The Board further notes that counsel has not cited a decision issued by a court of law showing that the Board engaged in unlawful discrimination in the case of MPAC, LLC, or any other establishment for that matter. Therefore, this specific assertion by counsel appears conclusory, unsupported by fact, and irrelevant to the present proceedings.

the ABC Board's authority to impose a Reimbursable Detail.”) Consequently, there is no authority supporting Shadow Room’s position.

XII. THE BOARD RENEWS SHADOW ROOM’S LICENSE.

42. The Board is not required to make findings of fact related to any other issues. See Craig v. District of Columbia Alcoholic Beverage Control Bd., 721 A.2d 584, 590 (D.C. 1998) (“The Board's regulations require findings only on contested issues of fact.”); 23 DCMR § 1718.2 (West Supp. 2014). Therefore, based on our review of the Application and the record, the Board finds that the Applicant is fit for licensure, and has satisfied all remaining requirements imposed by Title 25 of the District of Columbia Official Code and Title 23 of the District of Columbia Municipal Regulations that the Board has not expressly discussed in this Order.

ORDER

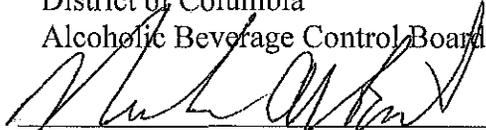
Therefore, it is hereby **ORDERED**, on this 16th day of July 2014, that the Application to Renew a Retailer’s Class CN License filed by Acott Ventures, LLC, t/a Shadow Room, at premises 2131 K Street, N.W., is hereby **GRANTED**, subject to the following conditions:

- (1) The Applicant shall hire the Metropolitan Police Department Reimbursable Detail whenever the establishment is in operation. The detail shall be hired for at least four hours and shall be hired for at least one hour after the close of the establishment.

IT IS FURTHER ORDERED that the Motion to Consolidate filed by ANC 2A is denied, because the Board deems it untimely at this stage in the proceedings.

Copies of this Order shall be delivered to the Applicant and the Protestants.

District of Columbia
Alcoholic Beverage Control Board



Nick Alberti, Member



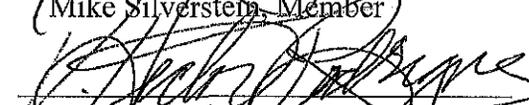
Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, Member

I concur with the decision of the majority of the Board to renew the Applicant's license and to require the Applicant to hire the Metropolitan Police Department Reimbursable Detail, but I would only require the Detail for Thursday nights/Friday mornings when Instant Chaos events take place.



Ruthanne Miller, Chairperson

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, N.W., 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, District of Columbia 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).