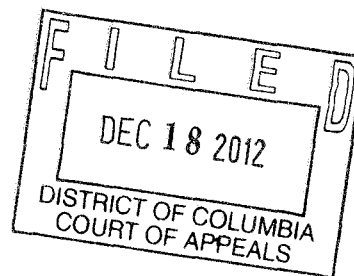


**District of Columbia
Court of Appeals**



No. 11-AA-786

ANDRE R. CARLEY, *ET AL.*,

Petitioners,

v.

PRO 149-10

DISTRICT OF COLUMBIA
ALCOHOL BEVERAGE AND
CONTROL BOARD,

Respondent.

BEFORE: Fisher and Thompson, Associate Judges, and Nebeker, Senior Judge.

J U D G M E N T

On consideration of respondent's motion for summary affirmance, petitioner's brief, and the record on appeal, it is

ORDERED that respondent's motion for summary affirmance is granted. *Oliver v. Carr Mgmt., Inc. v. Nat'l Delicatessen, Inc.*, 397 A.2d 914, 915 (D.C. 1979). Upon review of the record, the agency addressed the proper statutory elements and substantial evidence exists supporting its conclusions to transfer the Class CR license and modify its terms by extending the hours of operation, service of alcohol and musical entertainment. D.C. Code § 25-313 (2012 Supp.). Moreover, petitioners did not provide any specific conflicting evidence of Alcohol Beverage Regulation Administration violations or other negative impact upon the quiet and enjoyment of the neighborhood. *See 2461 Corp. v. Dist. of Columbia Alcoholic Beverage Control Bd.*, 950 A.2d 50, 52-53 (D.C. 2008) (stating that this court "reviews the factual findings of the Board with deference, reversing only if the findings are not based on substantial evidence in the record as a whole"). It is

FURTHER ORDERED and ADJUDGED that the order on appeal be and hereby is affirmed.

ENTERED BY DIRECTION OF THE COURT:

Julio A. Castillo
JULIO A. CASTILLO
Clerk of the Court

APPELLATE DIVISION

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