

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

**In the Matter of:** )  
)  
PGS, LLC )  
t/a The Guitar Bar )  
)  
Applicant for a New )  
Retailer’s Class CR License )  
)  
at premises )  
1216 18<sup>th</sup> Street, N.W. )  
Washington, D.C. 20036 )  
)

Case No. 11-PRO-00023  
License No. ABRA-086803  
Order No. 2011-284

PGS, LLC, t/a The Guitar Bar (Applicant)

Will Stephens, Chairperson, Advisory Neighborhood Commission (ANC) 2B

A Group of Five or More Individuals

**BEFORE:** Nick Alberti, Interim Chairperson  
Donald Brooks, Member  
Herman Jones, Member  
Calvin Nophlin, Member  
Mike Silverstein, Member

**ORDER ON DISMISSAL OF PROTEST OF  
A GROUP OF FIVE OR MORE INDIVIDUALS**

The Application filed by PGS, LLC, t/a The Guitar Bar, for a new Retailer’s Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 6, 2011, in accordance with D.C. Official Code § 25-601 (2001).

On June 6, 2011, pursuant to Title 23 of the District of Columbia Municipal Regulations (“23 DCMR”) § 1602.3 (2004), the Board dismissed the Protest of the Group of Five or More Individuals 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.

Section 1605.2 requires the Protestant to state “why the matter being objected to is inappropriate under one (1) or more of the appropriateness standards set out in D.C. Official Code § 25-313 and § 25-314 and § 400 of this title.” 23 DCMR 1605.2 (2008). As

**PGS, LLC**  
**t/a The Guitar Bar**  
**Case No. 11-PRO-00023**  
**License No. ABRA-086803**  
**Page 2**

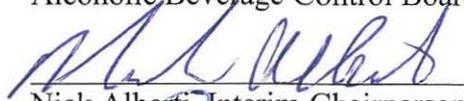
determined by statute, the appropriate grounds to file a protest are: (1) effect on peace, order, and quiet; (2) effect “on real property values;” (3) effect on “residential parking needs and vehicular and pedestrian safety;” (4) proximity and effect on “schools, recreation centers, day care centers, and public libraries;” (5) ability to attract schools-age children before, during, and after school; or (6) creation of an “overconcentration of licensed establishments.” D.C. Code § 25-313 (2004); D.C. Code § 25-314 (2007), 23 DCMR § 400 (2008). Instead, the members with the Group of Five or More Individuals acknowledged that they filed a protest so “The Guitar Shop” would continue to be located on the Applicant’s premises, which are not covered by the protest appropriateness standard. The Group of Five or More Individuals may file a Request for Reinstatement with the Board within ten (10) days from the date of this Order.

### **ORDER**

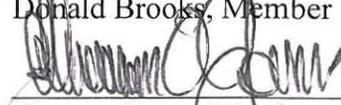
The Board does hereby, this 8th day of June, 2011, **DISMISS** the Protest of the Group of Five or More Individuals. Copies of this Order shall be sent to the Applicant, ANC 2B, and Carl Zebooker, William J. Combs, Clare Parmalee, Virginia Finch, Vera C. Sky, Joseph Craven, and Alison Cave, members of A Group of Five or More Individuals.

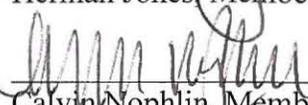
PGS, LLC  
t/a The Guitar Bar  
Case No. 11-PRO-00023  
License No. ABRA-086803  
Page 3

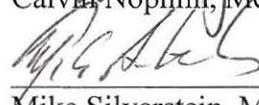
District of Columbia  
Alcoholic Beverage Control Board

  
\_\_\_\_\_  
Nick Alberti, Interim Chairperson

  
\_\_\_\_\_  
Donald Brooks, Member

  
\_\_\_\_\_  
Herman Jones, Member

  
\_\_\_\_\_  
Calvia Nophlin, Member

  
\_\_\_\_\_  
Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, D.C. 20009.