

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

In the Matter of:)	
)	
Pezzo Forte, Inc.)	
t/a Tuscana West)	
)	
Application for Renewal of a)	Case No. 13-PRO-00039
Retailer's Class CR License)	License No. ABRA-082284
)	Order No. 2013-276
at premises)	
1350 I Street, N.W.)	
Washington, D.C. 20005)	
)	

Pezzo Forte, Inc., t/a Tuscana West (Applicant)

Matthew M. Moore, Esq., on behalf of 3501 I Street Associates, LP (Landlord)

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member

ORDER ON DISMISSAL OF PROTEST OF 3501 I STREET ASSOCIATES, LP

The Application filed by Pezzo Forte, Inc., t/a Tuscana West, for renewal of its Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 3, 2013, in accordance with D.C. Official Code § 25-601 (2001).

On June 3, 2013, pursuant to Title 23 of the District of Columbia Municipal Regulations (23 DCMR) § 1602.3 (2004), the Board dismissed the Protest of 3501 I Street Associates, LP, (Landlord), 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.

23 DCMR § 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." As 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

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libraries; (5) ability to attract school-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 Landlord filed its protest based on issues in dispute with the Applicant, who is also the tenant.

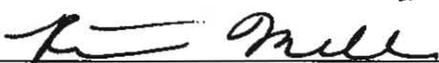
3501 I Street Associates, LP may file a Request for Reinstatement with the Board within ten (10) days from the date of this Order.

ORDER

The Board does hereby, this 5th day of June, 2013, **DISMISS** the Protest of 3501 I Street Associates, LP. Copies of this Order shall be sent to the Applicant and Matthew M. Moore, Esq., on behalf of 3501 I Street Associates, LP.

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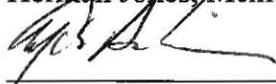
Ruthanne Miller, Chairperson

Nick Alberti, Member



Donald Brooks, Member

Herman Jones, Member



Mike Silverstein, Member

Pursuant to D.C. Official Code § 25-433, 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 14th Street, N.W., Suite 400S, Washington, D.C. 20009.