

The Board granted the renewal, subject to the following conditions:

- (1) the Applicant and its third-party promoters shall not use flyers to promote events at the establishment;
- (2) the Applicant shall hire the MPD Reimbursable Detail whenever the establishment provides any entertainment permitted by the establishment's entertainment endorsement

BEG Investment, LLC, t/a Twelve Restaurant & Lounge, Board Order No. 2011-289, 5 (D.C.A.B.C.B. Jun. 22, 2011).

Subsequently, claiming economic hardship, the Applicant filed a Motion for Reconsideration on July 6, 2011. The Applicant requested that the Board modify its Order to allow the Applicant to hand out flyers at the establishment and to only require the MPD Reimbursable Detail whenever the establishment provides live music or DJs, every Saturday night. The Applicant also requests that the Board revisit mandating that the Application utilize the MPD Reimbursable Detail in sixth months.

In reply, ANC 6A opposes the Applicant's Motion for Reconsideration. The ANC requests that the Board maintain the prohibition on flyers. The ANC also opposes only requiring that the Applicant obtain the MPD Reimbursable Detail for six months. The ANC asks that the MPD Reimbursable Detail be hired anytime the Applicant expects more than 50 people or from 10:00 p.m. until closing, Thursday through Saturday.

Board Order No. 2011-289 was properly decided and the conditions outlined in the Order were clear. Nevertheless, the Board is not opposed to modifying conditions where such conditions severely harm an establishment's viability as a business and can be modified in such a manner that will not harm the neighborhood's peace, order, and quiet. As such, we deny the Motion for Reconsideration but modify our previous Order to accommodate the Applicant's business needs and the neighborhood's entitlement to peace, order, and quiet.

On a final note, we do not address the ANC's complaint that the Applicant may have violated the Board's previous Order because such a matter is properly reserved for the normal enforcement process. We also do not address the ANC's complaints regarding the rooftop at this time because the matter falls outside the scope of this Application.

ORDER

Therefore, it is hereby **ORDERED**, on this 10th day of August 2011 that the Application for Renewal of its Retailer's Class CT License filed by BEG Investments, LLC, t/a Twelve Restaurant & Lounge at premises 1123-1125 H Street, N.E., is hereby **DENIED**. The Board hereby **MODIFIES** BEG Investment, LLC, t/a Twelve Restaurant & Lounge, Board Order No. 2011-289 (D.C.A.B.C.B. Jun. 22, 2011), by striking provisions 1 and 2, located on page 5 of Board Order No. 2011-289. The following conditions shall replace provisions 1 and 2 respectively:

- (1) the Applicant and its third-party promoters shall not distribute flyers that promote events at the establishment inside the establishment or within a half mile radius of the establishment; and
- (2) the Applicant shall hire the MPD Reimbursable Detail whenever the establishment provides any DJs or live music as entertainment at the establishment. The MPD Reimbursable Detail shall be hired for a minimum of four hours and shall end no sooner than one hour after closing.

All other terms and conditions of Board Order No. 2011-289 shall remain in full force and effect. Copies of this Order shall be delivered to the Applicant and the Protestants.

District of Columbia
Alcoholic Beverage Control Board



Nick Alberti, Interim Chairperson



Donald Brooks, Member

Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member

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, NW, 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, D.C. 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).