

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

In the Matter of:)
)
DRS Creative, LLC)
t/a VeraCruz)
)
Applicant for a New)
Retailer's Class CX Multipurpose Facility)
)
at premises)
2106-2108 Vermont Avenue, N.W., 2nd Floor)
Washington, D.C. 20001)
)

Case No. 12-PRO-00068
License No. ABRA-089601
Order No. 2012-360

DRS Creative, LLC, t/a VeraCruz (Applicant)

Christopher Scott Patterson, abutting property owner (Protestant)

Lorraine J. White, abutting property owner

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

ORDER DENYING LORRAINE J. WHITE'S REQUEST FOR REINSTATEMENT

The Application filed by DRS Creative, LLC, t/a VeraCruz, for a new Retailer's Class CX Multipurpose Facility License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on August 6, 2012, in accordance with D.C. Official Code § 25-601 (2001).

On August 6, 2012, the Board dismissed the Protest of Lorraine J. White, because neither Ms. White nor Stanley J. Mayes, Ms. White's Designated Representative, were present at the Roll Call Hearing. See Order No. 2012-335, dated August 8, 2012.

On August 20, 2012, Mr. Mayes, on behalf of Ms. White, requested that Ms. White's Protest be reinstated, indicating that due to a misreading of the posted notice at night, the White family thought that the Roll Call Hearing was scheduled for August 16, 2012.

On August 31, 2012, the Applicant filed a Motion in opposition to Ms. White's request for reinstatement, stating the following:

1. Ms. White's reason for failing to attend the Roll Call Hearing does not qualify as good cause pursuant to Title 23 of the District of Columbia Municipal Regulations (23 DCMR) § 1602.3.
2. The Alcoholic Beverage Regulation Administration (ABRA) staff provided Ms. White and Mr. Mayes with ample notification that the Roll Call Hearing was scheduled for Monday, August 6, 2012.
3. The Hearing Date is published below the Petition Date on the placards, which Mr. Mayes and Ms. White clearly understood to be the last day to file a protest against the license.
4. Mr. Mayes claims to have visited ABRA offices on August 16, 2012, to make clear that they were prepared to attend on that date, even after he received an email from ABRA staff on August 10, notifying Mr. Mayes that Ms. White's protest was dismissed on August 8, 2012.

ABRA records shows that ABRA staff mailed Ms. White a letter, dated July 24, 2012, stating that the Roll Call Hearing was scheduled for August 6, 2012 at 10:00 a.m.

Based upon the above, the Board finds that Lorraine J. White was notified of the Roll Call Hearing's date and does not find good cause to reinstate Ms. White. Further, Mr. Mayes's explanation does not constitute good cause under 23 DCMR § 1602.3. Therefore, Ms. White's request for reinstatement is denied for failure to appear at the Roll Call Hearing on August 6, 2012.

ORDER

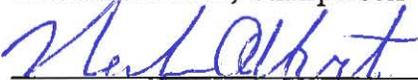
The Board does hereby, this 19th day of September, 2012, **DENY** the reinstatement of Lorraine J. White. Copies of this Order shall be sent to the Applicant, Christopher Scott Patterson, Lorraine J. White, and Stanley J. Mayes.

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District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson

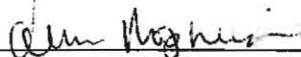


Nick Alberti, Member

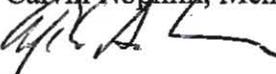


Donald Brooks, Member

Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.