

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

In the Matter of:)	
)	
American Arab Communication & Translation Center t/a Zenobia Lounge)	Case No. 10-PRO-00120 License No. 085003 Order No. 2010-512
)	
Application for a New Retailer's Class CR License)	
)	
at premises 1025 31st, N.W. Washington, D.C. 20007)	
)	

American Arab Communication & Translation Center, t/a Zenobia Lounge, Applicant
Ron Lewis, Chairperson, Advisory Neighborhood Commission (ANC) 2E, Protestant

BEFORE: Charles Brodsky, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ORDER DENYING MOTION FOR RECONSIDERATION

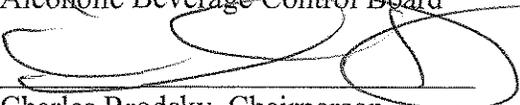
The Application filed by American Arab Communication & Translation Center, t/a Zenobia Lounge (Applicant), at premises 1025 31st, N.W., Washington, D.C., for a new Retailer's Class CR License, having been protested by ANC 2E, represented by Chairperson Ron Lewis, Commissioner Bill Starrels, and Commissioner Tom Birch, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on September 20, 2010. On September 20, 2010, ANC 2E was dismissed as a Protestant for failure to appear at the Roll Call Hearing. ANC 2E subsequently submitted a request for reinstatement, which was denied by the Board. *See Board Order No. 2010-500.*

ANC 2E now requests that the Board reconsider its decision to deny reinstatement. According to ANC 2E, the Board should reinstate the ANC because the ANC only missed the Roll Call Hearing because its representative misread the ANC's schedule and denying reinstatement interferes with the ANC's ability to enter into a voluntary agreement with the Applicant. The ANC also argues that the Board has a duty to give its views great weight.

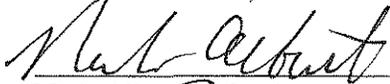
The Board denies ANC 2E's request for three reasons. First, under § 1601.1, a party who does not appear at an administrative review hearing will be dismissed unless good cause is shown for the failure to appear. 23 DCMR § 1601.1 (2008). Misreading one's schedule does not constitute good cause. Second, the parties may enter into a voluntary agreement at any time, regardless of whether or not there is a protest. Third, under § 25-609, an ANC's written recommendations will be given great weight by the Board regardless of whether the ANC is a party. D.C. Code § 25-609 (2007). Under § 25-609, then, ANC 2E's recommendations will receive great weight as long as it has submitted written recommendations under § 25-609. Therefore, there is neither good cause nor good reason to reinstate ANC 2E as a Protestant.

Accordingly, it is this 27th day of October 2010, hereby **ORDERED** that the Motion for Reconsideration filed by ANC 2E is **DENIED**. Copies of this Order shall be sent to the Applicant and ANC 2E.

District of Columbia
~~Alcoholic Beverage Control Board~~

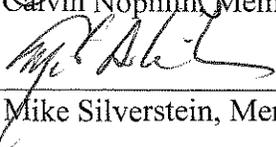

Charles Brodsky, Chairperson

Mital M. Gandhi, Member


Nick Alberti, Member


Donald Brooks, Member


Calvin Nophlin, Member


Mike Silverstein, Member

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 the 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 (April 2004) 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).