

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

In the Matter of:)

8th Street, LLC)

t/a 8th Street Bar and Grill)

Applicant for a New)

Retailer's Class CT License)

at premises)

727 8th Street, S.E.)

Washington, D.C. 20003)

Case No. 10-PRO-00175

License No. ABRA-083552

Order No. 2011-011

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

ORDER DENYING STANDING

The Application for new Retailer's Class CT License, filed by 8th Street, LLC, t/a 8th Street Bar and Grill ("Applicant"), at 727 8th Street, S.E., Washington, D.C., was protested by David Garrison, on behalf of ANC 6B, and Barbara Charles and Margot Kelly, on behalf of A Group of Five or More Individuals. The Roll Call Hearing was held on December 27, 2010, Mediation will be held on February 1, 2011, and the Protest Status Hearing will be held on February 9, 2011.

The Notice of Application was posted on October 29, 2010, and the Petition Deadline was December 13, 2010. On December 13, 2010, Martin Smith, on behalf of Barracks Row Main Street, filed a timely protest. On December 21, 2010, the Alcoholic Beverage Regulation Administration (ABRA) denied the protest of Barracks Row Main Street indicating that the Protest was not timely according to D.C. Official Code § 25-602. On January 3, 2011, Martin Smith, on behalf of Barracks Row Main Street, timely filed a Request for Standing indicating that a timely protest letter was sent via-email on December 13, 2010. Upon consideration of this Request for Standing, the Board finds that Barracks Row Main Street filed a timely protest; nevertheless, Barracks Row Main Street is not a "citizens association incorporated under the

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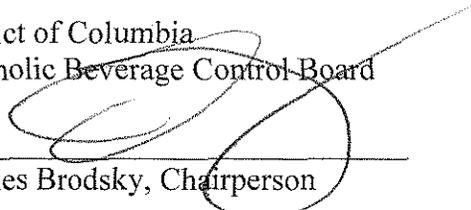
laws of the District of Columbia located within the affected area” in accordance with D.C. Official Code § 25-601(3), and cannot be granted standing as a protestant.

ORDER

For these reasons, the Board does hereby, this 12th day of January, 2011, **DENY** the Barracks Row Main Street’s Request for Standing. Copies of this Order shall be sent to the Applicant and Martin Smith, on behalf of Barracks Row Main Street.

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District of Columbia
Alcoholic Beverage Control Board


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Mital M. Gandhi, Member



Nick Alberti, Member



Donald Brooks, Member



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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, 1250 U Street, N.W., 3rd Floor, Washington, D.C. 20009.