

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

In the Matter of:	)	
	)	
Ventura, LLC,	)	License Number: 077335
t/a Albert's Liquors	)	Case Number: 12-PRO-00043
	)	Order Number: 2012-357
Application to Renew a	)	
Retailer's Class A License	)	
	)	
at premises	)	
328 Kentucky Avenue, S.E.	)	
Washington, D.C. 20003	)	

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

**ALSO PRESENT:** Ventura, LLC, t/a Albert's Liquors, Applicant  
  
Jorge Ventura, Owner, on behalf of the Applicant  
  
Monica McKenzie, DCI Interpretation, Spanish Interpreter  
  
Carol Green, Commissioner, Advisory Neighborhood Commission (ANC) 6B, Protestant

**ORDER GRANTING APPLICANT'S MOTION TO DISMISS**

This matter concerns the Application to Renew a Retailer's Class A License (Application) filed by Ventura, LLC, t/a Albert's Liquors (Applicant). ANC 6B, represented by Commissioner Carol Green, filed a timely protest against the Application on the grounds of peace, order, and quiet. Letter from Commissioner Andrew Jared Critchfield, Chair, ANC 6B, to Ruthanne Miller, Chair, Alcoholic Beverage Control Board (May 9, 2012) [Letter ANC 6B]. The parties came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 15, 2012, and a Status Hearing on July 18, 2012.

Subsequently, the Applicant filed a Motion to Dismiss on June 19, 2012, which argued that the Board should dismiss the protest, because ANC 6B's representative admitted that it did not have an issue with the establishment's effect on peace, order, and

quiet. The parties came before the Alcoholic Beverage Control Board (Board) for a Motion Hearing on August 15, 2012.

We dismiss ANC 6B's protest, because its objection to the Application is not actually based on peace, order, and quiet grounds. We note that protest petitions must "... state, as grounds for the protest, why the matter being objected to is inappropriate under one . . . or more of the appropriateness standards set out in [District of Columbia (D.C.)] Official Code §§ 25-313 and 25-314 and § 400 of" Title 23 of the D.C. Municipal Regulations. 23 DCMR § 1605.2 (West Supp. 2012). Section 25-313 lists "the effect of the establishment on peace, order, and quiet" as a factor in determining the appropriateness of an establishment. D.C. Code § 25-313 (West Supp. 2012).

Here, ANC 6B's protest letter stated that it wished to protest the Application on the grounds of peace, order, and quiet without elaborating further. Letter ANC 6B, 1. Yet, during the Motion Hearing, ANC 6B's representative candidly acknowledged that it did not intend to submit evidence regarding the Applicant's impact on the neighborhood's peace, order, and quiet. *Transcript (Tr.)*, August 15, 2012 at 9. Instead, the ANC's sole goal is to pursue the ANC's desired policy of banning the sale of two and three-packs of small, individual containers of alcoholic beverages in the neighborhood, or have licensees apply for an exemption to the moratorium on the sale of small, individual containers of alcoholic beverages. *Tr.*, 8/15/12 at 10-11.

We note that under § 25-313 the statute emphasizes that the impact on peace, order, and quiet must derive from the operations of the establishment. Under this rule, then, we find that ANC 6B has failed to file a valid claim against the Application, because ANC 6B admitted that it did not intend to show that the Applicant had a negative impact on peace, order, and quiet, and solely protested the license to establish the ANC's desired policy.

### **ORDER**

Therefore, the Board does hereby, this 12th day of September 2012, **GRANT** the Applicant's Motion to Dismiss ANC 6B. Copies of this Order shall be sent to the Applicant and ANC 6B.

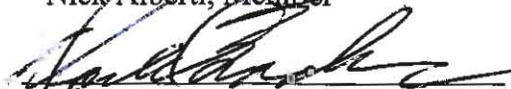
District of Columbia  
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson

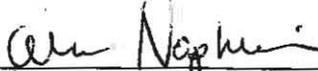


Nick Alberti, Member

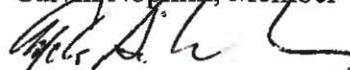


Donald Brooks, Member

Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (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).