

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

**In the Matter of:** )

All Souls, LLC )  
t/a All Souls )

Applicant for a New )  
Retailer's Class CT License )

at premises )  
725 T Street, N.W. )  
Washington, D.C. 20001 )

Case No. 11-PRO-00090  
License No. ABRA-088179  
Order No. 2012-094

All Souls, LLC, t/a All Souls (Applicant)

Myla Moss, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 1B

Bertha Dudley, on behalf of A Group of Five or More Individuals (Bertha Dudley's Group) (Protestant)

Erica Hurtt, on behalf of A Group of Five or More Individuals (Erica Hurtt's Group) (Protestant)

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

**ORDER DENYING ANC 1B'S REQUEST FOR REINSTATEMENT**

The Application filed by All Souls, LLC, t/a All Souls, for a new Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on December 27, 2011, and a Protest Status Hearing on February 8, 2012, in accordance with D.C. Official Code § 25-601 (2001).

On December 27, 2011, the Board dismissed the Protest of ANC 1B, because ANC 1B failed to appear at the Roll Call Hearing.

ANC 1B submitted a letter, dated January 13, 2012, requesting to be reinstated, indicating that Jim Irwin, ANC 1B's designated representative, was unable to attend the

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Roll Call Hearing, due to significant health reasons that rendered him unable to perform his duties and led to his resignation. ANC 1B was informed of Mr. Irwin's health issues after the Roll Call Hearing.

The Board found that illness constituted good cause to reinstate ANC 1B as a Protestant pursuant to 23 D.C.M.R. 1602.3. Therefore, on February 1, 2012, the Board reinstated the Protest of ANC 1B.

On February 8, 2012, pursuant to Title 23 of the District of Columbia Municipal Regulations (23 DCMR) § 1602 (2004), the Board dismissed the Protest of ANC 1B, because ANC 1B failed to appear at the Protest Status Hearing.

On February 16, 2012, Chairperson Myla Moss, on behalf of ANC 1B, submitted a letter requesting to be reinstated, indicating that she was designated to continue representing ANC 1B. However, due to an unforeseeable professional emergency arising the morning of the hearing, she was unable to attend the Protest Status Hearing and could not designate someone to appear in her stead given the unfortunate timing. ANC 1B believes that ANC 1B's uncontrollable circumstance to appear at the Protest Status Hearing and its critical role in the current negotiations, satisfies the "good cause" requirement for reinstatement.

In addition, Chairperson Moss stated that ANC 1B has been negotiating a voluntary agreement with the Applicant in good faith for several months to address the community concerns, and without reinstatement, ANC 1B would lose standing to continue the negotiations.

The Board notes that ANC 1B does not lose "standing" to continue to negotiate a voluntary agreement with the Applicant. The Applicant may enter into a voluntary agreement with ANC 1B, with or without a pending protest, at any time.

Based upon the above, the Board does not find good cause to reinstate ANC 1B, because ANC 1B did not demonstrate an effort to send another representative or notify the Board or its administrative personnel of Chairperson Myla Moss's inability to attend the Protest Status Hearing. Further, Chairperson Myla Moss's professional emergency, without additional explanation, does not constitute good cause under 23 DCMR § 1602.3. Therefore, ANC 1B's request for reinstatement is denied for failure to appear at the Protest Status Hearing held on February 8, 2012.

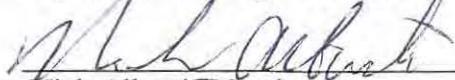
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**ORDER**

The Board does hereby, this 7th day of March, 2012, **DENY** the reinstatement of ANC 1B. Copies of this Order shall be sent to the Applicant; ANC 1B; Bertha Dudley, on behalf of A Group of Five or More Individuals; and Erica Hurtt, on behalf of A Group of Five or More Individuals.

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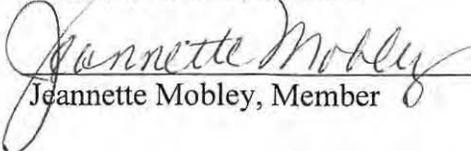
District of Columbia  
Alcoholic Beverage Control Board

  
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Nick Alberti, Member

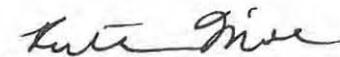
  
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Donald Brooks, Member

  
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Calvin Nophlin, Member

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Mike Silverstein, Member

  
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Jeannette Mobley, Member

I dissent from the Board's decision.

  
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Ruthanne Miller, Chairperson

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, D.C. 20009.