

Subsequently, the Swarthmore requested reconsideration based on the importance of the issue to the Swarthmore and the Board's power to extend the protest period. *Swarthmore Motion for Reconsideration*, at 1.

Section 25-602 states in full,

- (a) Any person objecting, under § 25-601, to the approval of an application shall notify the Board in writing of his or her intention to object and the grounds for the objection *within the protest period*.
- (b) If the Board has reason to believe that the applicant *did not comply fully with the notice requirements* set forth in subchapter II of Chapter 4, it shall extend the protest period as needed to ensure that the public has been given notice and has had adequate opportunity to respond.

D.C. Official Code § 25-602 (emphasis added).

Section 25-602 requires that the Board receive all protest letters "within the protest period." § 25-602(a). The statute then states that the Board may only extend the protest period when "the applicant did not comply fully with the notice requirements" Swarthmore has presented no legal or factual basis for permitting it to late-file its protest or to justify an extension of the protest period.

ORDER

Therefore, the Board, on this 5th day of February 2014, hereby **DENIES** the Motion for Reconsideration filed by the Swarthmore. The ABRA shall distribute copies of this Order to the Applicant, the Swarthmore, and the Protestants.

District of Columbia
Alcoholic Beverage Control Board



Nick Alberti, Member



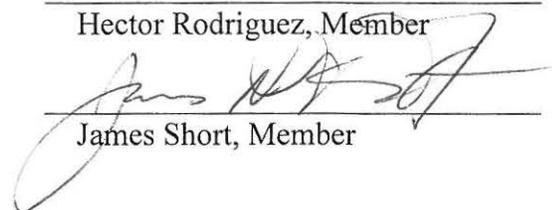
Donald Brooks, Member

Herman Jones, Member



Mike Silverstein, Member

Hector Rodriguez, Member



James Short, Member

Under 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, under 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 under 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).