

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

In the Matter of:

The New Brookland Café
t/a B Café

Application for a Substantial Change for a
Retailer's Class CR License
at premises
2317 Calvert Street, N.W.
Washington, D.C. 20008

License No.: 083121
Case No.: N/A
Order No.: 2012-051

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

ALSO PRESENT: Don Padou, Esq., on behalf of A Group of Five or More Individuals

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

**ORDER GRANTING PROTESTANTS' MOTION TO CONTINUE ITS PRIOR
PROTEST**

On November 16, 2011, the Board dismissed the Application for a Substantial Change (Application) filed by The New Brookland Café, t/a Brookland Cafe, (Applicant) because the Applicant failed to file its Protest Information Form (PIF) as required by the Board. *Transcript (Tr.)*, November 16, 2011, 8 (11-PRO-00041). The Applicant resubmitted its Application on December 8, 2012.

In a letter, dated January 9, 2012, Don Padou, on behalf of A Group of Five or More Individuals (Protestants), requested that the Board continue the previous protest against the Applicant.

We grant the Protestants' request, on the condition that the Protestants resubmit their original protest petition during the protest period as required by law. See D.C. Code § 25-602(a) (West Supp. 2011). Furthermore, we excuse the Protestants, A Group of Five or More

Individuals, from personally appearing before the Board under 23 DCMR 1605.4. The Protestants may appear solely through their attorney or designated representative if they so choose, because their appearance during the prior matter convinces us that “a sufficient number of individuals exist to have standing pursuant to D.C. Official Code § 25-601.” 23 DCMR 1605.4 (2008).

ORDER

Based on the foregoing, the Board, on this 1st day of February 2012, **GRANTS** the Protestants’ Motion to Continue its Prior Protest on the condition that the Protestants resubmit their protest petition during the protest period. The Alcoholic Beverage Regulation Administration shall deliver copies of this Order to the Protestants and the Applicant.

District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson

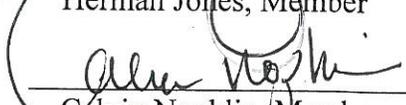
Nick Alberti, Member



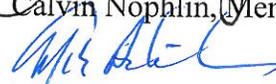
Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member

I recuse myself from this matter.



Jeannette Mobley, 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, Reeves Center, 2000 14th Street, N.W., 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, District of Columbia 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 (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).