

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

In the Matter of:)	
)	
Mendelsohn Hospitality Group, t/a)	
Beárnaise)	Case Nos.: 16-PRO-00023
313-315 Pennsylvania Ave., S.E.)	16-PRO-00024
Washington, D.C. 20003)	16-PRO-00029
)	
Kookoovaya, Inc., t/a)	
We, The Pizza)	License Nos.: ABRA-089622
305-307 Pennsylvania Ave., S.E.)	ABRA-082062
Washington, D.C. 20003)	ABRA-078027
)	
Sunnyside Group, LLC, t/a)	Order No.: 2016-541
Good Stuff Eatery)	
303 Pennsylvania Ave., S.E.)	
Washington, D.C. 20003)	
)	
)	
Application for Renewal of a)	
Retailer's Class DR and CR Licenses)	

Andrew Kline, Counsel, of the Veritas Law Firm, on behalf of Mendelsoshn Hospitality Group, t/a Beárnaise; Kookoovaya, Inc., t/a We, The Pizza; and Sunnyside Group, LLC, t/a Good Stuff Eatery, Licensees

Chander Jayaraman, Chairman, ABC Committee, Advisory Neighborhood Commission (ANC) 6B, Petitioner

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ORDER DENYING MOTION TO CONTINUE PROTEST HEARINGS

The matter comes before the Alcoholic Beverage Control Board (Board) on a Motion to Continue to Protest Hearings filed by Mendelsohn Hospitality Group, t/a Beárnaise, Kookoovaya, Inc., t/a We, The Pizza, and Sunnyside Group, LLC, t/a Good

Stuff Eatery (collectively referred to as "Licensees") on September 27, 2016. Advisory Neighborhood Commission (ANC) 6B filed a timely opposition to the Licensees' motion.

On September 15, 2016, the Petitioner filed a Motion to Consolidate the Protest Hearings and to schedule the protest hearings for October 5, 2016, at 1:30 p.m. *ABRA Protest Files, Case Nos. 16-PRO-00023; 16-PRO-00024; and 16-PRO-00029 [PROTEST FILES]*. The Licensees did not oppose the ANC's motion to consolidate. *See Id.* On September 21, 2016, the Board granted the Motion to Consolidate the Protest Hearings. *See In the Matter of Mendelsohn Hospitality Group, t/a Bearnaise, Kookoovaya, Inc., t/a We, The Pizza, and Sunnyside Group, LLC, t/a Good Stuff Eatery, Case Nos. 16-PRO-00023; 16-PRO-00024; and 16-PRO-00029, Board Order No. 2-16-518 (D.C.A.B.C.B. September 21, 2016).*

The Licensees now come before this Board to request that it continue the Protest Hearing from October 5, 2016, at 1:30 p.m., because their attorney is presently on vacation and does not return until September 28, 2016; the day in which the Parties are required to submit their Protest Information Forms (PIF) and Exhibit Forms to each other and the Board.

The Board does not find that the Licensees have presented a good cause reason pursuant to 23 DCMR § 1705 which would justify continuing the protest hearing. First, and as duly noted by ANC 6B in their opposition, the Licensees did not object to ANC 6B's Motion to Continue the Protests which clearly requested that the Board schedule the Protest Hearing for October 5, 2016. The Licensees were aware of the new Protest Hearing date ANC 6B was seeking as it was stated in their motion. Further, Licensees' Counsel, who has practiced before this Board for years, should have known that by changing the Protest Hearing date the deadline for filing the PIFs and Exhibit Forms would change, and that the new filing deadline would be a seven (7) days before the Protest Hearing.

The Board also agrees with the other arguments raised by ANC 6B in their opposition to the Licensees' Motion to Continue the Protest Hearings. ANC 6B's witnesses, some of whom may work or have other obligations, have rearranged their schedules so that they can attend the Protest Hearing on October 5, 2016. It would be unfair to those individuals to require them to rearrange their schedules a second time so that they can attend a Protest Hearing on another date.

Additionally, ANC 6B, residents of the neighborhood, and the District have expended time, money, and resources to prepare for the October 5 Protest Hearing. Continuing the hearing date may result in the expenditure of additional time, money, and resources.

Lastly, the Board does not believe retaining the October 5 Protest Hearing date would be unduly burdensome to the Licensees. As mentioned in the Board's Order consolidating the three Protest Hearings, the cases involve the same parties and issues. Assuming the Board had not granted the Motion to Consolidate, Counsel for the

Licensees would have needed to submit a PIF and Exhibit Form for the Protest Hearing involving Bearnaise, which was previously scheduled for October 5, 2016, at 1:30 p.m. The Board consolidated the three Protest Hearings because the parties involved and the issues raised are the same. Thus, changing the Protest Hearing date for the three cases to October 5, 2016, is not burdensome to the Licensees because they are the same issues.

Notwithstanding the Board's denying the Licensees' Motion to Continue the Protest Hearings, it is sympathetic to the challenge their attorney faces with having to submit his PIFs and Exhibit Forms by September 28, 2016; the same day he returns from vacation. As such, the Board will grant a two (2) day extension of the filing deadline. The Parties will have until Friday, September 30, 2016, to submit their PIFs and Exhibit Forms.

ORDER

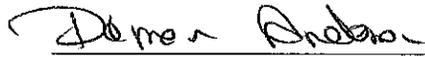
Therefore, the Board, on this 28th day of September 2016, **DENIES** the Motion to Continue Protest Hearings.

IT IS FURTHER ORDERED that the PIF and Exhibit Form filing deadline is extended until September 30, 2016.

IT IS FURTHER ORDERED that the Protest Hearing will be held on October 5, 2016, at 1:30 p.m.

Copies of this Order shall be sent to the Andrew Kline, on behalf of the Licensees, and ANC 6B.

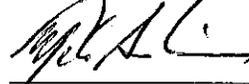
District of Columbia
Alcoholic Beverage Control Board



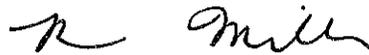
Donovan Anderson, Chairperson



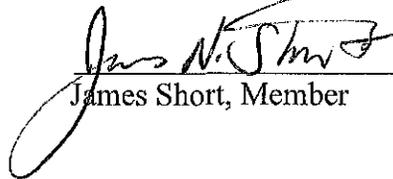
Nick Alberti, Member



Mike Silverstein, Member



Ruthanne Miller, Member



James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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, 2000 14th Street, N.W., Suite 400S, Washington, DC 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, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). 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).