

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

In the Matter of:	)	
	)	
The New Brookland Café	)	License No.: 083121
t/a The Brookland Café	)	Case No.: 09-081P
	)	Order No.: 2012-061
Application for a New	)	
Retailer's Class CR License	)	
at premises	)	
3740 12 th Street, N.E.	)	
Washington, D.C. 20017	)	

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

**ALSO PRESENT:** The New Brookland Café, t/a The Brookland Café  
  
Don Padou, Esq., on behalf of A Group of Five or More Individuals  
  
Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

**ORDER DENYING APPLICANT'S MOTION FOR RECONSIDERATION**

The New Brookland Café, t/a The Brookland Café, (Applicant) filed an Application for a new Retailer's Class CR License (Application) at premises 3740 12th Street, N.E., Washington, D.C. A Group of Five or More Individuals (Protestants), represented by Don Padou, Esq., and Sunday Abraham, filed a timely protest against the Application. The Application initially came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on December 7, 2009. The Board held the Protest Status Hearing in this matter on January 27, 2010. The Protest Hearing for this matter occurred on March 3, 2010, and May 5, 2010. On June 23, 2011, the Board found in favor of the Applicant in Board Order No. 2010-370. Subsequently, the Protestants appealed the Board's ruling. On August 26, 2011, the District of Columbia Court of Appeals remanded the matter back to the Board for further consideration. Don Padou and Abigail Padou v. District of Columbia Alcoholic Beverage Control Bd., No. 10-AA-793, 7 (D.C. 2011).

In accordance with the opinion of the District of Columbia Court of Appeals, the Board held a Remand Hearing on October 12, 2011. As required by the Court of Appeals, the Board further examined whether the Application complied with District of Columbia Official Code §§ 25-301, 25-338, and 25-761. *Id.* at 3. On November 9, 2011, the Board affirmed its decision, but required the Applicant to keep the door between the establishment and the neighboring hotel “closed and locked at all times; except in the case of an emergency . . . .” The New Brookland Café, t/a Brookland Café, Board Order No. 2011-468, 10 (Nov. 9, 2011).

On November 19, 2011, the Applicant filed a Motion for Reconsideration that requested that the Board allow its employees to use the door. *Motion for Reconsideration*, 1. The Protestants filed a reply that opposed this request. *Protestants' Opposition to Applicant's Motion for Reconsideration*, 1-2. The Board scheduled a Motion Hearing on February 1, 2012, in order to hear the arguments of the parties.

On February 1, 2012, the Applicant, without explanation, failed to appear at the Motion Hearing. For this reason, we dismiss the Motion for Reconsideration for want of prosecution. Hinton v. Sealander Brokerage Co., 917 A.2d 95, 100 n. 3 (D.C. 2007).

### ORDER

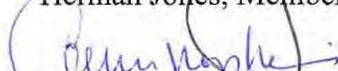
Based on the foregoing, the Board, on this 8th day of February 2012, **DENIES** the Motion for Reconsideration filed by The New Brookland Café, t/a The Brookland Café. The Alcoholic Beverage Regulation Administration shall deliver copies of this Order to the Protestants and the Applicant.

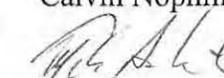
District of Columbia  
Alcoholic Beverage Control Board

  
\_\_\_\_\_  
Nick Alberti, Member

  
\_\_\_\_\_  
Donald Brooks, Member

  
\_\_\_\_\_  
Herman Jones, Member

  
\_\_\_\_\_  
Calvin Nophlin, Member

  
\_\_\_\_\_  
Mike Silverstein, Member

I abstain from deciding this matter, because I did not participate in the proceedings that lead to the Motion for Reconsideration filed by the Applicant.

  
\_\_\_\_\_  
Ruthanne Miller, Chairperson

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).