

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

<b>In the Matter of:</b>	)	
	)	
MZI Trading, LLC	)	
t/a Capitol Food Mart	)	
	)	
Applicant for a Transfer of a	)	Case No. 11-PRO-00013
Retailer's Class B License	)	License No. ABRA-086246
	)	Order No. 2011-167
at premises	)	
1634 North Capitol Street, N.W.	)	
Washington, D.C. 20002	)	

MZI Trading, LLC, t/a Capitol Food Mart ("Applicant")

Ronnie Edwards, Chairperson, Advisory Neighborhood Commission (ANC) 5C

Sergey Guryakov, on behalf of A Group of Five or More Individuals

Lisa Vaughn, on behalf of A Group of Five or More Individuals

Steve M. May, on behalf of 1626 Fire Station, LLC, and NC Firehouse, LLC

**BEFORE:** Charles Brodsky, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Calvin Nophlin, Member  
Mike Silverstein, Member

**ORDER ON DISMISSAL OF PROTESTS**

The Application filed by MZI Trading, LLC, t/a Capitol Food Mart, for a transfer to a new location of a Retailer's Class B License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on March 28, 2011, in accordance with D.C. Official Code § 25-601 (2001).

On March 28, 2011, pursuant to Title 23 of the District of Columbia Municipal Regulations ("23 DCMR") § 1602.3 (2004), the Board dismissed the protest of ANC 5C, because ANC 5C failed to file a timely protest. Even if ANC 5C had filed a timely protest, the protest letter did not include any of the appropriateness standards in D.C. Official Code § 25-313.

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Further, ANC 5C failed to appear at the Roll Call Hearing. The Board recognizes that ANC 5C requested an extension of the deadline to submit its comments regarding the Applicant. The Board did not grant ANC 5C an extension to file a protest; however, under D.C. Official Code § 25-609, ANC 5C may notify the Board in writing of its recommendations, not less than 7 calendar days before the date of the hearing.

The Board also dismissed the protest of Steve M. May, on behalf of 1626 Fire Station, LLC, and NC Firehouse, LLC, for failure to meet the standing requirements under D.C. Official Code § 25-601.

Finally, the Board dismissed the protest of Lisa Vaughn, on behalf of A Group of Five or More Individuals, because the protest was untimely filed and for failure to appear at the Roll Call Hearing.

The Group of Five or More Individuals, represented by Sergey Guryakov, was granted conditional standing at the Roll Call Hearing and is the only remaining Protestant. One additional person must appear at the Status Hearing.

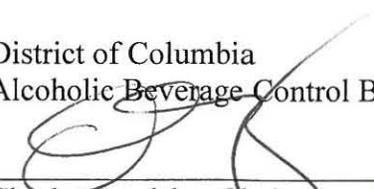
The Parties may file a Request for Reinstatement with the Board within ten (10) days from the date of this Order.

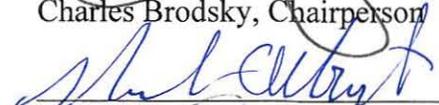
### **ORDER**

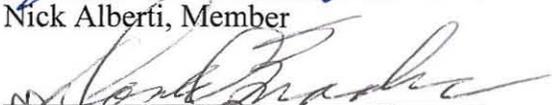
The Board does hereby, this 30<sup>th</sup> day of March, 2011, **DISMISS** the Protests of ANC 5C; Steve M. May, on behalf of 1626 Fire Station, LLC, and NC Firehouse, LLC; and Lisa Vaughn, on behalf of A Group of Five or More Individuals. Copies of this Order shall be sent to the Applicant; ANC 5C; Sergey Guryakov, on behalf of A Group of Five or More Individuals; Lisa Vaughn, on behalf of A Group of Five or More Individuals; and Steve M. May, on behalf of 1626 Fire Station, LLC, and NC Firehouse, LLC.

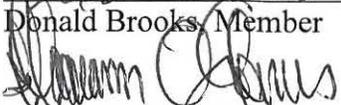
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District of Columbia  
Alcoholic Beverage Control Board

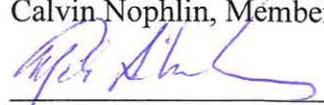
  
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Charles Brodsky, Chairperson

  
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Nick Alberti, Member

  
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Donald Brooks, Member

  
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Herman Jones, Member

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Calvin Nophlin, Member

  
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Mike Silverstein, Member

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>, N.W., Suite 400S, Washington, D.C. 20009.