

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

<b>In the Matter of:</b>	)	
	)	
AKA, Inc.	)	Case No. 10-PRO-00182
t/a Club AKA 555	)	License No. 084241
	)	Order No. 2011-134
Application to Renew a	)	
Retailer's Class CN License	)	
	)	
at premises	)	
2046 West Virginia Avenue, N.E.	)	
Washington, D.C. 20001	)	

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

**ORDER GRANTING MOTION TO WAIVE MEDIATION**

AKA, Inc., t/a Club AKA 555 (Applicant), at premises 2046 West Virginia Avenue, N.E., Washington, D.C., filed an Application to renew a Retailer's Class CN License (Application). The Application was timely protested by A Group of Five or More Individuals (Protestant), represented by Don Padou, and the Arboretum Neighborhood Association, represented by Bleik Pickett on December 20, 2010, and January 7, 2011, respectively. The Roll Call Hearing was held on January 18, 2011 in accordance with D.C. Code § 25-601 (2001). The Arboretum Neighborhood Association was dismissed for failing to appear at the Roll Call Hearing. The Status Hearing is scheduled for February 23, 2011, and the Protest Hearing is scheduled for April 6, 2011.

The Applicant has requested that the Board waive the mediation requirement. The Board notes that "[a]t the request of all parties, and if a settlement conference would be unlikely to succeed, the Board may waive the parties' obligation to attend a settlement conference." D.C. Code § 25-432(b)(2)(C) (2001). The parties, here, unsuccessfully engaged in mediation on August 26, 2010. Furthermore, although the Applicant allegedly failed to serve their motion on the Protestant, the Protestant agreed to waive mediation at the Roll Call Hearing, which was held on January 18, 2011. Therefore, the Board grants the Applicant's request to waive mediation.

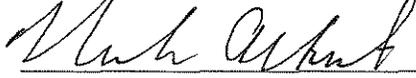
**ORDER**

The Board does hereby, this 16th day of February 2011, **GRANT** the Motion to Waive Mediation filed by AKA, Inc., t/a Club AKA 555. Copies of this Order shall be sent to the Applicant and the Protestant.

District of Columbia  
Alcoholic Beverage Control Board

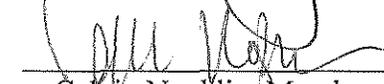
  
\_\_\_\_\_  
Charles Brodsky, Chairperson

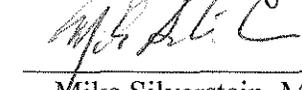
  
\_\_\_\_\_  
Mital M. Gandhi, Member

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

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

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

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

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

Pursuant to 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, 1250 U Street, N.W., 3<sup>rd</sup> Floor, Washington, D.C. 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. 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).