

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

In the Matter of:)	
)	
)	
Columbia Lodge #85/Joint Management)	Case No.: 16-PRO-00078
Team (IBPOEW), Inc., t/a Columbia)	License No.: ABRA-000237
Lodge #85 I.B.P.E.O. of Wo)	Order No.: 2016-504
)	
Application for Renewal of a)	
Retailer's Class CX Club License)	
)	
at premises)	
1844 3 rd St., N.W.)	
Washington, D.C. 20001)	

Columbia Lodge #85/Joint Management Team (IBPOEW), Inc., LLC, t/a Columbia Lodge #85 I.B.P.E.O. of Wo

Brian Footer, Commissioner, on behalf of Advisory Neighborhood Commission (ANC) 1B (Protestant)

Anita Norman, on behalf of A Group of Five or More Individuals (Protestant)

Anita Norman, on behalf of LeDroit Park Civic Association (LPCA)

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

ORDER DISMISSING THE GROUP OF FIVE OR MORE'S PROTEST

The Application filed by Columbia Lodge #85/Joint Management Team (IBPOEW), Inc., LLC, t/a Columbia Lodge #85 I.B.P.E.O. of Wo (Columbia Lodge), for renewal of its Retailer's Class CX Club License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on July 18, 2016, in accordance with D.C. Official Code § 25-601 (2001). *Transcript* at 1 [Tran.].

At the Roll Call Hearing, the Board granted conditional standing to the Group of Five or More (Group). *Tran.* at 20, 24, and 31-32. The Group consisted of persons who signed letters all dated in 2014 requesting the Board revoke the Columbia Lodge's liquor license for failing to comply with its settlement agreement and Notice to Cure. Four members of the Group attended the hearing, and as such, was granted conditional standing. *Tran.* at 21-22. It now appears to the Board that the Group should not have been granted standing.

At any point during the protest process, the Board may reevaluate the standing of parties. *See In re S&A Deli, Inc., t/a Good Hope Deli & Market*, Case No. 14-PRO-00018, Board Order No. 2014-222 (D.C.A.B.C.B. May 15, 2014) *citing In re Watergate Hotel Lessee, LLC, t/a Watergate Hotel*, Case No. 13-PRO-00005, Board Order No. 2013-417, 17 (D.C.A.B.C.B. Oct. 2, 2013). The Board may do this in response to a motion filed by a party or *sua sponte*. *Id.* In reviewing the standing of the Protestants in the present case, the Board finds that the Group does not have standing and that their protest shall be dismissed.

D.C. Official Code § 25-601 provides who has standing to file a protest. Specific to the present case, D.C. Official Code § 25-601(2) provides that “[a] group of no fewer than 5 residents or property owners of the District sharing common grounds for their protest” may file a protest with the Board challenging the issuance or renewal of a license, the approval of a substantial change in operations, or the transfer to a new location.

In the present case, the Group did not file a separate protest in response to Columbia Lodge's license renewal application. Rather, LPCA attached individual letters to the association's protest letter. *See* LeDroit Park Citizens Association's Protest Letter, dated June 15, 2016. At best, these letters should be treated as exhibits supporting LPCA's protest; not as individual protests.

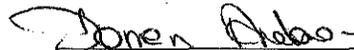
For all of the aforementioned reasons, the Group is denied standing and its protest is dismissed.

ORDER

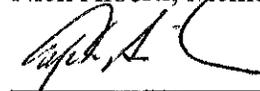
Therefore, the Board, on this 14th day of September 2016, **DISMISSES** the protest of the Group of Five or More. Copies of this Order shall be sent to the Applicant, ANC 1B, and Anita Norman on behalf of the Group of Five or More and LPCA.

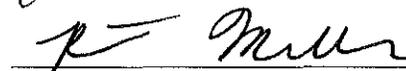
The Board advises the parties that ANC 1B remains as Protestant and that the Protest Hearing is scheduled for November 9, 2016, at 1:30 p.m.

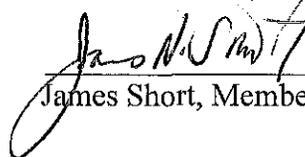
District of Columbia
Alcoholic Beverage Control Board


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).