

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

In the Matter of:)	
Eagle N Exile, LLC)	License Number: 093984
t/a DC Eagle)	Case Number: N/A
Application to Transfer a)	Order Number: 2014-426
Retailer's Class CT License)	
at premises)	
3701 Benning Road, N.E.)	
Washington, D.C. 20010)	

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

ALSO PRESENT: Eagle N Exile, LLC, t/a DC Eagle, Applicant

Risa Hirao, Counsel, of the firm Pascal & Weiss, P.C., on behalf of
the Applicant

Celia Properties Limited Partnership, LLC, Petitioner

Roderic L. Woodson, Counsel, of the firm Holland & Knight, LLP,
on behalf of the Petitioner

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING PETITION FOR STAY

The Board denies request for a stay filed by Celia Limited Partnership, LLC (Petitioner). In considering the request for a stay, the Board considers four factors: "whether the movant was likely to succeed on the merits, whether denial of the stay would

cause irreparable injury, whether granting the stay would harm other parties, and whether the public interest favors granting a stay.” *Kufлом v. D.C. Bureau of Motor Vehicle Servs.*, 543 A.2d 340, 344 (D.C. 1988).

Petitioner’s request for a stay is not persuasive. First, the Board is not convinced that the Petitioner will likely succeed on the merits, because its arguments are based on a selective reading of the statute and regulations at issue. Second, granting the stay would cause irreparable injury to the Applicant, because it would delay the ability of the Applicant to begin operations for an unknown length of time, which could be fatal to the Applicant’s business. Third, the Board finds no harm to the public in denying the stay, because the license can always be rescinded should the court overturn the Board’s decision.

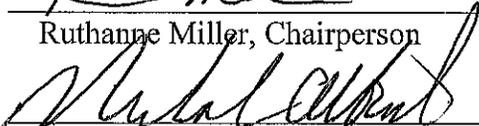
ORDER

Therefore, the Board, on this 15th day of October 2014, hereby **DENIES** the request for a stay filed by Celia Limited Partnership, LLC (Petitioner). Copies of this Order shall be delivered to the Petitioner and the Applicant.

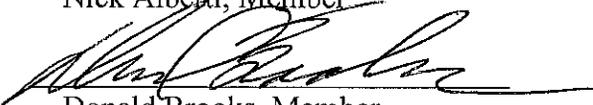
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson

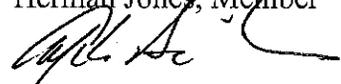


Nick Alberti, Member

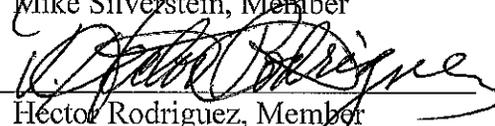


Donald Brooks, Member

Herman Jones, Member

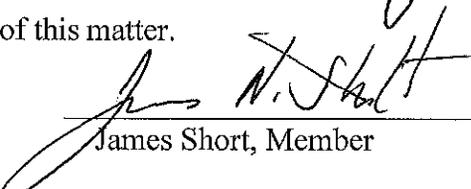


Mike Silverstein, Member



Hector Rodriguez, Member

I vote to abstain from the consideration of this matter.



James Short, Member

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 (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).