

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

In the Matter of:)	
)	
DBGA, LLC)	Case No.: 17-PRO-00032
t/a Dacha Beer Garden)	License No.: ABRA-106040
)	Order No.: 2017-388
Applicant for a New)	
Retailer's Class CT License)	
)	
at premises)	
79 Potomac Avenue, SE)	
Washington, D.C. 20003)	

DBGA, LLC, t/a Dacha Beer Garden, Applicant

Sidon Yohannes, Counsel, on behalf of the Applicant

Andy Litsky and Dr. Coralie Farlee, on behalf of Advisory Neighborhood Commission (ANC) 6D, Protestant

Bill Stewart, Designated Representative, on behalf of Kristof Grina and Adam Porter, Abutting Property Owners and a Group of Five or More Residents and Property Owners, Protestants

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Jake Perry, Member
Donald Isaac, Sr., Member

ORDER DISMISSING PROTESTANTS AND GRANTING STANDING

The official records of the Alcoholic Beverage Control Board (Board) reflect that DBGA, LLC, t/a Dacha Beer Garden (Applicant), and ANC 6D entered into a Cooperative Agreement (Agreement), dated June 12, 2017, in accordance with D.C. Official Code § 25-446. The Board approved the agreement on June 14, 2017. *In re DBGA, LLC, t/a Dacha Beer Garden*, Case No. 17-PRO-00032, Board Order No. 2017-362, 1-2 (D.C.A.B.C.B. Jun. 14, 2017).

The Applicant and a group of residents and property owners and abutting property owners appeared at the Roll Call Hearing on July 10, 2017. *Roll Call Hearing Results*, 1-2 (Jul. 10, 2017). At the hearing, the Board's Agent dismissed the majority of the group and its

members for lacking common grounds and not qualifying as abutting property owners, but granted standing to Abutting Property Owners Kristof Grina and Adam Porter. *Id.*

Under § 25-602(b), the acceptance of a settlement agreement entered into by the Applicant and the affected ANC results in the dismissal of all groups protesting the Application. D.C. Code § 25-602(b). Therefore, group standing is no longer available to protestants in this case, and only the Abutting Property Owners recognized by the Board's Agent remain.

ORDER

Therefore, on this 12th day of July 2017, the Board **AFFIRMS** the decision of the Board's Agent at the Roll Call Hearing and **DISMISSES** the group from the protest for the reasons provided by the Board's Agent and in accordance with §25-602(b).

IT IS FURTHER ORDERED that Kristof Grina and Adam Porter shall be **GRANTED** standing solely as abutting property owners.

A copy of this Order shall be provided to the parties by ABRA.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson




Nick Alberti, Member



Mike Silverstein, Member



James Short, Member



Jake Perry, Member



Donald Isaac, Sr., 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).