

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

In the Matter of:)	
)	
Dixie Liquors, Inc.)	
t/a Dixie Liquors)	License No. 77295
)	Order No. 2010-354
Application for Single Sales)	
Exception to a Retailer's)	
Class A License)	
at premises)	
3429 M Street, N.W.)	
Washington, D.C. 20007)	

Dixie Liquors, Inc., t/a Dixie Liquors, Applicant

Ron Lewis, Chair, Advisory Neighborhood Commission (ANC) 2E

BEFORE: Charles Brodsky, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Michael Silverstein, Member
Calvin Nophlin, Member

**ORDER ON APPLICATION FOR EXCEPTION
TO SINGLE SALE MORATORIUM AND MOTION FOR RECONSIDERATION**

On March 29, 2010, Dixie Liquors, Inc., t/a Dixie Liquors ("Licensee"), 3429 M Street, N.W., submitted an "Application for Exception to Single Sales Restrictions" ("Application") to the Alcoholic Beverage Regulation Administration ("ABRA") for an exception to the statutory single sale moratorium that currently exists in Ward 2.

On April 8, 2010 and April 9, 2010, ABRA advised ANC 2E of the Application and requested input in determining whether granting the exception is in the best interest of the community and Licensee. On March 29, 2010, and several other occasions, the Licensee also notified ANC 2E of the Application. ABRA nor the Licensee received a response from ANC 2E.

On April 21, 2010, the Alcoholic Beverage Control Board ("Board") approved the Application filed by the Licensee. The Board considered several factors in reaching its

decision. This included the petition in support of the Application that included signatures of the Licensee's patrons, the absence of any primary or secondary tier violations within 12 months preceding the date of the application, and evidence regarding adverse community impact and other supporting documentation comprising the Board's official file.

On April 23, 2010, ANC 2E filed a Motion for Reconsideration of Board Order No. 2010-311. On April 28, 2010, the Board considered the request and determined that a Fact Finding Hearing was necessary.

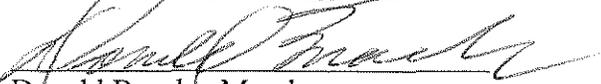
On May 12, 2010, the Board held a Fact Finding Hearing in this matter where the Applicant and ANC 2E were present. The Board considered the evidence, the testimony of witnesses, and the documents comprising the Board's official files. As indicated above, the Board also considered several other factors in reaching its decision. This included the petition in support of the Application that included signatures of the Licensee's patrons, the absence of any primary or secondary tier violations within 12 months preceding the date of the application, and evidence regarding adverse community impact.

Accordingly, the Board hereby, this 2nd day of June, 2010, **APPROVES** the Application filed by Dixie Liquors, Inc. t/a Dixie Liquors, 3429 M Street, N.W., Washington, D.C, for an exception to the single sale moratorium in Ward 2 and **DENIES** the ANC 2E's Motion for Reconsideration. Copies of this Order shall be sent to the Applicant and to ANC 2E.

District of Columbia
Alcoholic Beverage Control Board

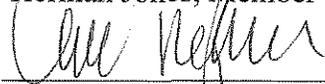


Charles Brodsky, Chairperson



Donald Brooks, Member

Herman Jones, Member

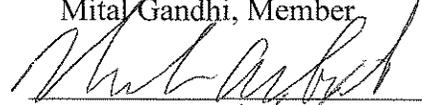


Calvin Nophlin, Member

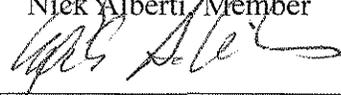
I dissent from the position taken by the majority of the Board.



Mital Gandhi, Member



Nick Alberti, Member



Michael Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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., Third Floor, Washington, D.C. 20009.