

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

\_\_\_\_\_) )  
In the Matter of: ) )  
 ) )  
Ekho Events, Inc. ) License Number: 090250  
t/a Echostage ) Order Number: 2014-099  
 ) )  
Application to Renew a ) )  
Retailer's Class CN License ) )  
 ) )  
at premises ) )  
2135 Queens Chapel Road, N.E. ) )  
Washington, D.C. 20018 ) )  
\_\_\_\_\_)

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

**ORDER DENYING APPLICANT'S MOTION TO RECOGNIZE THE  
WITHDRAWAL OF ANC 5C**

Counsel for Ekho Events, Inc., t/a Echostage, (Applicant) has asked the Board to recognize the withdrawal of Advisory Neighborhood Commission 5C. *App. Mot.*, 1. The basis for this motion is an email submitted to ABRA by ANC 5C that forwarded a "community involvement" agreement with the message: "Per mediation, Echostage has submitted a community involvement agreement and ANC 5C residents withdraw its protest." *Id.* Nevertheless, the cover letter for the submission, *which was written on official ANC letterhead*, stated, "Upon review and approval of this agreement by the Board, ANC 5C and its residents withdraw its protest in this matter." *Id.*

The Board understands that the Applicant is thrilled with the possibility of resolving this matter with a nonbinding agreement that is unenforceable by the Board. D.C. Official Code § 25-446(b)(3) ("A settlement agreement not approved by the Board shall not be enforced by ABRA or the Board"). Nevertheless, based on the cover letter submitted by ANC 5C, it is clear that the ANC considers the agreement a settlement agreement; otherwise, the ANC would have not requested Board approval of the agreement under § 25-446. Consequently, the Board finds that ANC 5C has not manifested a clear intention to withdraw its protest.

If ANC 5C wants to withdraw, then it is more than capable of submitting a letter on its own letterhead to the Board that indicates its clear desire to withdraw from the protest

without a settlement agreement approved by the Board. Until then, the Protest Hearing scheduled for April 30, 2014 at 1:30 p.m. shall continue as scheduled.

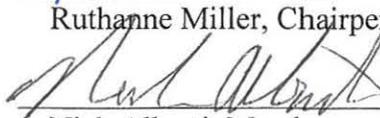
**ORDER**

Therefore, it is hereby **ORDERED** on this 26th day of March 2014, that the motion filed by Ekho Events, Inc., t/a Echostage, is hereby **DENIED**. A copy of this Order shall be delivered to the Applicant and ANC 5C.

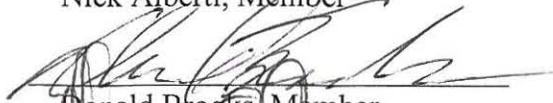
District of Columbia  
Alcoholic Beverage Control Board



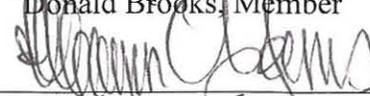
Ruthanne Miller, Chairperson



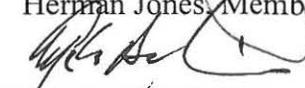
Nick Alberti, Member



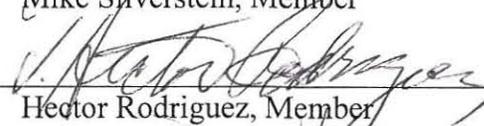
Donald Brooks, Member



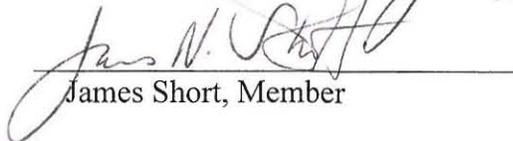
Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, 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, Reeves Center, 2000 14th Street, NW, 400S, 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).