

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

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<b>In the Matter of:</b>	)	
	)	
YFE, LLC	)	Case No.: 21-PRO-00079
t/a Eighteenth Street Lounge	)	License No: ABRA-118846
	)	Order No: 2022-013
Application for a New	)	
Retailer's Class CT License	)	
	)	
at premises	)	
1230 9th Street, N.W.	)	
Washington, D.C. 20001	)	

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**BEFORE:** Donovan Anderson, Chairperson  
James Short, Member  
Bobby Cato, Member  
Rafi Aliya Crockett, Member  
Jeni Hansen, Member  
Edward S. Grandis, Member

**ALSO PRESENT:** YFE, LLC, t/a Eighteenth Street Lounge, Applicant

Andrew Kline, Counsel, on behalf of the Applicant

Robert Goldberg, Chair, Blagden Alley Naylor Court Association,  
Protestant

John Guggenmos, Chairperson, Advisory Neighborhood Commission  
(ANC) 2F, Protestant

Jelena Budjevac, Designated Representative, A Group of Five or More  
Residents and Property Owners, Protestants

Vincent Easley, Designated Representative, A Second Group of Five or  
More Residents and Property Owners, Protestants

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER RESCHEDULING PROTEST HEARING AND DENYING MOTIONS FOR  
CONTINUANCE**

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YFE, LLC, t/a Eighteenth Street Lounge, (Applicant) filed an Application for a New Retailer's Class CT License (Application) at 1230 9th Street, N.W., Washington, D.C. The Protest Hearing in this matter was scheduled for January 12, 2022, and various motions to continue were filed by the Protestants to continue the proceedings to allow for additional time to negotiate a settlement agreement. The Applicant does not consent to the long continuance proposed by the Protestants and has requested a hearing on the application. Under these circumstances, the Board finds no good cause to continue the hearing where further negotiations between the parties appears unproductive. 23 DCMR § 1705.1 (West Supp. 2022). Furthermore, such a long continuance request is inappropriate in light of the requirement that protest hearings for new licenses be scheduled "within 75 days of the end of the protest period . . ." D.C. Code § 25-432(b)(1). Nevertheless, given the number of motions filed by the parties so close to the protest hearing, the Board and the parties require additional time to prepare for the hearing. Therefore, the Board is rescheduling the protest hearing to January 19, 2022.

In light of the Board's decision to reschedule the hearing for one week, the Protestants' additional request to continue the protest hearing due to a conflict with a pending court hearing in another forum is now moot.

The Board further received a motion to strike the Blagden Alley Naylor Court Association's *Supplement to Motion for Continuance of Protest Hearing* from the Applicant because it contains information related to settlement negotiations which should remain confidential and has not been filed in accordance with the pleading schedule outlined in 23 DCMR § 1716. Because the Board agrees with the Applicant, the motion to strike is granted.

Finally, the Board is aware that the parties have included allegations of witness tampering by the Applicant or another on the Applicant's behalf pursuant to D.C. Official Code § 25-434. The Board notes that even if it occurred, there is no indication that the alleged behavior actually interfered with the proceedings, actually convinced a specific person to withhold testimony, evidence or refrain from filing a protest, or otherwise resulted in relevant information or evidence being withheld. Therefore, these allegations do not merit a pause in the proceedings. Instead, this specific matter will be referred to Enforcement for investigation and proceed on a separate track because the statute makes it a criminal matter. D.C. Code § 25-434(b).

## ORDER

Therefore, on this 12th day of January 2022, the Board **DENIES** all motions for a continuance. The Protest Hearing in this matter shall be held on January 19, 2022, at 10:00 a.m. All parties shall be prepared to argue their case on the merits at that time.

**IT IS FURTHER ORDERED** that the request for a continuance based on a pending court hearing is **MOOT**.

**IT IS FURTHER ORDERED** that the *Supplement to Motion for Continuance of Protest Hearing* is **STRUCK** for the reasons stated above.

**IT IS FURTHER ORDERED** that allegations related to a violation of D.C. Official Code § 25-434 shall be referred to the Enforcement Division for investigation.

A copy of this Order shall be provided to the Parties.

District of Columbia  
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
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Donovan Anderson, Chairperson

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*James Short*  
Key: 547ae373920d6ac8d1b3325d2948ec

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James Short, Member

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*Bobby Cato*  
Key: 258d3fca1f0e146d7f4b75bd7917d20d

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Bobby Cato, Member

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*Rafi Aliya Crockett, Member*  
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Rafi Crockett, Member

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*Jeni Hansen, Member*  
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Jeni Hansen, Member

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*Edward Grandis, Member*  
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Edward S. Grandis, Member

Pursuant to 23 DCMR § 1719.1, 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, Reeves Center, 2000 14th Street, N.W., 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, District of Columbia 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 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).

Finally, in the case of a summary suspension, “A person aggrieved by a final summary action may file an appeal in accordance with the procedures set forth in subchapter I of Chapter 5 of Title 2.” D.C. Code § 25-826(d).