

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

<b>In the Matter of:</b>	)	
El Atardecer, LLC	)	
t/a El Atardecer Restaurant	)	
Applicant for a New	)	Case No. 13-PRO-00095
Retailer's Class DR License	)	License No. ABRA-092346
at premises	)	Order No. 2013-391
3475 14th Street, N.W.	)	
Washington, D.C. 20010	)	
Mailing address	)	
3539 Georgia Avenue, N.W.	)	
Washington, D.C. 20010	)	
	)	

El Atardecer, LLC, t/a El Atardecer Restaurant (Applicant)

Kent Boese, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 1A (Protestant)

Cara Ritacco, Chad Alan, David Dale, and Douglas Burnett, Abutting Property Owners (Protestants)

Chad Alan, on behalf of A Group of Five or More Individuals (Approximately 58 Individuals) (Protestant)

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

**ORDER GRANTING APPLICANT'S REQUEST FOR REINSTATEMENT**

The Application filed by El Atardecer, LLC, t/a El Atardecer Restaurant, for a new Retailer's Class DR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on August 5, 2013, in accordance with D.C. Official Code § 25-601 (2001).

**El Atardecer, LLC**  
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**Case No. 13-PRO-00095**  
**License No. ABRA-092346**  
**Page 2**

On August 5, 2013, the Board dismissed the Application because the Applicant failed to appear at the Roll Call Hearing. *See* Board Order No. 2013-364.

On August 13, 2013, the Applicant filed a request for reinstatement indicating that she did not receive written notice from the Alcoholic Beverage Regulation Administration (ABRA) regarding the Protest and the Roll Call Hearing. Moreover, there is no mail box assigned to her establishment for the receipt of mail. Lastly, the Applicant provided an alternative address on the ABRA Application due to her language limitations and the alternative address was not utilized by ABRA.

By electronic mail dated September 14, 2013, the ANC did not object to the Applicant's request for Reinstatement provided that the dates of the Roll Call Hearing, Mediation, and Protest Hearing are adjusted to permit the ANC to work with the immediate residents and the Applicant to come to an agreeable solution and reduce it to writing.

Upon consideration of this request to reinstate the Application, the Board finds it credible that the Applicant did not receive the notice of the Protest and the Roll Call Hearing. Therefore, the Board finds that the Applicant's explanation constitutes good cause to reinstate the Application pursuant to 23 DCMR 1602.

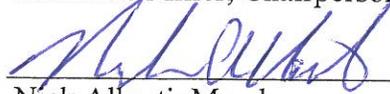
### **ORDER**

For these reasons, the Board does hereby, this 11<sup>th</sup> day of September, 2013, **REINSTATE** the Application filed by El Atardecer, LLC, t/a El Atardecer Restaurant, for a new Retailer's Class DR License. Copies of this Order shall be sent to the Applicant, ANC 1A, and Chad Alan, on behalf of the Abutting Property Owners and the Group of Five or More Individuals.

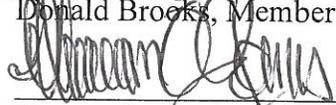
El Atardecer, LLC  
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Page 3

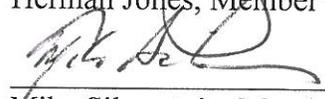
District of Columbia  
Alcoholic Beverage Control Board

  
\_\_\_\_\_  
Ruthanne Miller, Chairperson

  
\_\_\_\_\_  
Nick Alberti, Member

  
\_\_\_\_\_  
Donald Brooks, Member

  
\_\_\_\_\_  
Herman Jones, Member

  
\_\_\_\_\_  
Mike Silverstein, Member

Pursuant to D.C. Official Code § 25-433, any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, D.C. 20009.