

In the Matter of:)
)
)
Express Convenience Store, LLC) Case No.: 19-PRO-00085
t/a Express Convenience Store) License No: ABRA-113544
) Order No: 2019-884
Application for a New)
Retailer's Class B License)
)
at premises)
2031 Benning Road, N.E.)
Washington, D.C. 20002)
)

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member

ALSO PRESENT: Express Convenience Store, LLC, t/a Express Convenience Store,
Applicant

Tadele Bayeta, on behalf of the Applicant

Helina Mohammad, Certified Amharic Interpreter

Melissa Yeakley and William Knudsen, Designated Representatives, on
behalf of Friends of Kingman Park, Protestant

A. Sydelle Moore, Commissioner, Advisory Neighborhood Commission
(ANC) 5D, on behalf of the Langston Civic Association (LCA) and
Advisory Neighborhood Commission 5D, Protestants

Tamara Blair, Lora Nunn, Adrienne Wright, and Rick Tillery, Designated
Representatives, on behalf of a Group of Five or More Residents and
Property Owners, Protestants

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING MOTION FOR RECONSIDERATION

In Board Order No. 2019-700, the Alcoholic Beverage Control Board (Board) denied the Application for a New Retailer's Class B License (Application) filed by Express Convenience Store, LLC, t/a Express Convenience Store, (hereinafter "Applicant" or "Express") for 2031 Benning Road, N.E., Washington, D.C. *In re Express Convenience Store, LLC, t/a Express Convenience Store*, Case No. 19-PRO-00085, Board Order No. 2019-700, 2 (D.C.A.B.C.B. Oct. 23, 2019). The Board denied "the Application based on evidence that this part of Benning Road, N.E., currently suffers from ongoing activity related to crime, substance abuse, drug dealing, and alcohol related litter, which has required the Metropolitan Police Department (MPD) to provide additional police resources to the community." *Id.* Based on this finding, the Board was "persuaded that approving the Application would add fuel to the fire and exacerbate these ongoing issues." *Id.*

Subsequently, the Applicant has filed a motion for reconsideration asking the Board to reverse its decision. *Mot. for Recon.*, at 1. The basis for this is an argument that security cameras will improve security. *Id.* The Applicant further provides new evidence regarding litter and evidence regarding new construction in the neighborhood. The Protestants filed an objection to this request.

The Board denies the motion because no basis or good cause for accepting new evidence after the hearing has been provided. 23 DCMR § 1719.4 (West Supp. 2019). Moreover, the Board's prior findings are reasonable in light of the record.

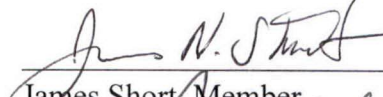
ORDER

Therefore, the Board, on this 20th day of November 2019, hereby **DENIES** the motion and **AFFIRMS** its prior Order. The ABRA shall deliver a copy of this order to the parties.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



James Short, Member



Bobby Cato, 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, 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. 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. 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) (2004).