

Hearing on March 24, 2014 that ANC 8A did not formally vote to protest the license or submit a formal recommendation during the protest period. *Transcript (Tr.)*, March 24, 2014 at 6-7.

The Board notes that an ANC—not an SMD—is entitled to standing under § 25-601(4). D.C. Official Code § 25-601(4). In order to obtain standing, an ANC must file their protest “within the protest period” under § 25-602. D.C. Official Code § 25-602(a).

Here, the protest petition filed by Chair Clark does not constitute a formal action by ANC 8A; therefore, the petition received by the Board is insufficient under the law. In addition, there is no basis in the record for granting SMD 8A02 standing on alternative grounds (e.g., as a group of five or more residents or property owners).

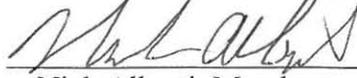
ORDER

Therefore, based on the foregoing, the Board, on this 23rd day of April 2014, **DISMISSES** the protest filed by Chair Clark. ABRA shall deliver copies of this Order to the Applicant and Chair Clark.

District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member

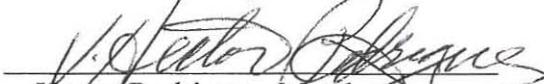


Donald Brooks, Member

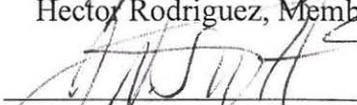


Herman Jones, Member

Mike Silverstein, Member



Hector Rodriguez, Member



James Short, Member

Pursuant to 23 DCMR § 1719.1 (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, 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 (April 2004) 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).