

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

In the Matter of:)	
MH Owner, LLC)	
t/a Hotel Monticello)	
Applicant for a New)	Case No. 12-PRO-00075
Retailer's Class CH License)	License No. ABRA-089867
at premises)	Order No. 2012-356
1075 Thomas Jefferson Street, N.W.)	
Washington, D.C. 20007)	

MH Owner, LLC, t/a Hotel Monticello (Applicant)

A Group of Five or More Individuals

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

**ORDER ON DISMISSAL OF PROTEST OF
A GROUP OF FIVE OR MORE INDIVIDUALS**

The Application filed by MH Owner, LLC, t/a Hotel Monticello, for a new Retailer's Class CH License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on September 10, 2012, in accordance with D.C. Official Code § 25-601 (2001).

On September 10, 2012, pursuant to Title 23 of the District of Columbia Municipal Regulations (23 DCMR) § 1602.3 (2004), the Board dismissed the Protest of the Group of Five or More Individuals, because its protest does not state a claim outlined in Title 25 of the District of Columbia Official Code and Title 23 of the District of Columbia Municipal Regulations.

Section 1605.2 requires the Protestant to state "why the matter being objected to is inappropriate under one (1) or more of the appropriateness standards set out in D.C. Official Code §§ 25-313 and 25-314 and § 400 of this title." 23 DCMR 1605.2 (2008). As determined by statute, the appropriate grounds to file a protest are: (1) effect on peace,

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order, and quiet; (2) effect on real property values; (3) effect on residential parking needs and vehicular and pedestrian safety; (4) proximity and effect on schools, recreation centers, day care centers, and public libraries; (5) ability to attract school-age children before, during, and after school; or (6) creation of an overconcentration of licensed establishments. D.C. Code § 25-313 (2004); D.C. Code § 25-314 (2007), 23 DCMR § 400 (2008).

The Group of Five or More Individuals may file a Request for Reinstatement with the Board within ten (10) days from the date of this Order.

ORDER

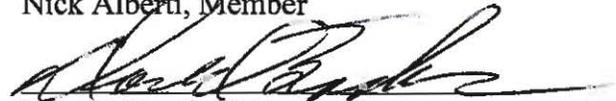
The Board does hereby, this 12th day of September, 2012, **DISMISS** the Protest of the Group of Five or More Individuals. Copies of this Order shall be sent to the Applicant, Donald H. Shannon, Thomas Flantry, E. Moulton, Judy Nueman, and U. Olmsted.

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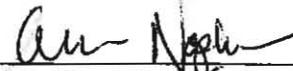
District of Columbia
Alcoholic Beverage Control Board

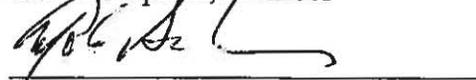

Ruthanne Miller, Chairperson


Nick Alberti, Member


Donald Brooks, Member

Herman Jones, Member


Calvin Nophlin, Member


Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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 14th Street, N.W., Suite 400S, Washington, D.C. 20009.