

**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
	)	Order No. 2012-376
at premises	)	
1075 Thomas Jefferson Street, N.W.	)	
Washington, D.C. 20007	)	

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

Elliot J. Moulton, on behalf of 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 DENYING A GROUP OF FIVE OR MORE INDIVIDUALS' REQUEST  
FOR REINSTATEMENT**

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. *See* Order No. 2012-356, dated September 12, 2012.

On September 19, 2012, Elliot J. Moulton, on behalf of the Group of Five or More Individuals, requested that the Group of Five or More Individuals' Protest be reinstated. Mr. Moulton indicated that ABRA staff did not provide the Group of Five or More Individuals with the latest version of the ABRA document detailing the four categories

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of protests to be considered appropriate by the Board.

Section 1605.2 requires the Protestants 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, 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).

Based upon the above, the Board finds that the Group of Five or More Individuals failed to state on its protest letter one or more of the appropriateness standards to object to the Applicant’s Application. Further, Mr. Moulton explanation does not constitute good cause under 23 DCMR § 1602.3.

### **ORDER**

The Board does hereby, this 10th day of October, 2012, **DENY** the reinstatement of the Group of Five or More Individuals. Copies of this Order shall be sent to the Applicant and Elliot J. Moulton, on behalf of A Group of Five or More Individuals.

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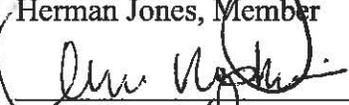
District of Columbia  
Alcoholic Beverage Control Board

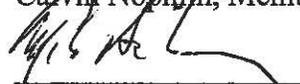
  
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Ruthanne Miller, Chairperson

  
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Nick Alberti, Member

  
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Donald Brooks, Member

  
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Herman Jones, Member

  
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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 14<sup>th</sup> Street, N.W., Suite 400S, Washington, D.C. 20009.