

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

<b>In the Matter of:</b>	)	
Taste Group, Inc.	)	
t/a Hush Restaurant and Lounge	)	
Applicant for a New	)	Case No. 12-PRO-00059
Retailer's Class CT License	)	License No. ABRA-089332
at premises	)	Order No. 2012-342
2121 New York Avenue, N.E.	)	
Washington, D.C. 20002	)	
	)	

Taste Group, Inc., t/a Hush Restaurant and Lounge (Applicant)

Jacqueline Manning and Vaughn Bennett, Commissioners, Advisory Neighborhood Commission (ANC) 5B (Protestant)

Vaughn Bennett and Don Padou, on behalf of A Group of Five or More Individuals (Approximately 78 Individuals) (Protestant)

Randall Chandler, on behalf of Arboretum Neighborhood Association (Protestant)

Christopher Collins, Esq., on behalf of The Schaeffers (Property Owners) (Protestant)

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

**ORDER GRANTING A GROUP OF FIVE OR MORE INDIVIDUALS' MOTION  
FOR RECONSIDERATION AND AMENDING ORDER NO. 2012-326**

The Application filed by Taste Group, Inc., t/a Hush Restaurant and Lounge, for a new Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 18, 2012, and a Protest Status Hearing on August 15, 2012, in accordance with D.C. Official Code § 25-601 (2001).

Before the Roll Call Hearing, the Alcoholic Beverage Regulation Administration's

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(ABRA) staff denied a Protest filed by The Salvation Army, because its protest was untimely filed. The protest petition deadline was June 4, 2012, and The Salvation Army's protest was received by ABRA on June 8, 2012.

On June 25, 2012, Don Padou, on behalf of the Group of Five or More Individuals, filed a Motion for Reinstatement for the National Capital Area Command of the Salvation Army (NCAC), as a property owner with the Group of Five or More Individuals, which the Board denied, because the Board found that NCAC's protest was untimely filed. *See* Board Order No. 2012-326, dated July 25, 2012.

On July 27, 2012, Don Padou, on behalf of the Group of Five or More Individuals, filed a Motion for Reconsideration, indicating the following reasons for the Board to reconsider the reinstatement of NCAC as property owner with the Group of Five or More Individuals:

1. On July 25, 2012, the Board granted reinstatement of NCAC as a member of the Group of Five or More Individuals, In re 2101 Ventures LLC, t/a Club Illusions, Board Order No. 2012-325; and denied the reinstatement of NCAC as property owner with the Group of Five or More Individuals, In re Taste Group, Inc., t/a Hush Restaurant and Lounge, Board Order No. 2012-326.
2. The material facts are the same regarding NCAC's motions to be reinstated as a protestant against Club Illusions and Hush Restaurant and Lounge. In both cases, NCAC joined a group of approximately 78 protestants concerned about negative impact each club will have, NCAC's Executive Director signed the appropriate protest petition on behalf of NCAC, and the Board's agent dismissed NCAC as a protestant at the Roll Call Hearing due to her finding that a corporate entity could not join with individuals in a protest group.
3. NCAC is a resident and a property owner of the District.
4. The Order No. 2012-326 recites dates (e.g. June 14, 2012) that apply to the Club Illusion's case. In the first paragraph under "ORDER", the Board refers to "2101 Ventures LLC, t/a Club Illusions" when the Board clearly meant to refer to Hush.
5. The Board ruled differently on NCAC's two motions for reinstatement and provided no explanation for its conflicting decisions.

On July 25, 2012, by Order No. 2012-326, the Board denied the Motion for Reinstatement filed by the Group of Five or More Individuals, which incorrectly states that the Group of Five and More Individuals filed a Motion for Reinstatement on June 14, 2012, and that the Board denied the reinstatement of NCAC, as a property owner with the

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Group of Five or More Individuals of the Application filed by 2101 Venture, LLC, t/a Club Illusions, for a new Retailer's Class CN License.

The Board seeks to amend Order No. 2012-326 to clarify that the Group of Five and More Individuals filed a Motion for Reinstatement on June 25, 2012, and the Board denied the reinstatement of NCAC as property owner with the Group of Five or More Individuals of the Application filed by Taste Group, Inc., t/a Hush Restaurant and Lounge, for a new Retailer's Class CT License.

Upon consideration of this request to reconsider the reinstatement of NCAC, the Board finds that on July 25, 2012, the Board incorrectly denied the Group of Five or More Individuals' request for reinstatement of NCAC; and on August 8, 2012, incorrectly denied its Motion for Reconsideration.

On August 15, 2012, a Protest Status Hearing was held and the Board finds that NCAC is a resident and a property owner in the District, and there is good cause to reinstate NCAC as a member of the Group of Five or More Individuals, pursuant to 23 D.C.M.R. 1602.3.

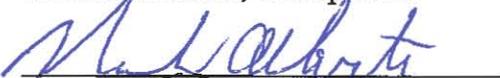
Accordingly, it is this 12<sup>th</sup> day of September, 2012, **ORDERED** that:

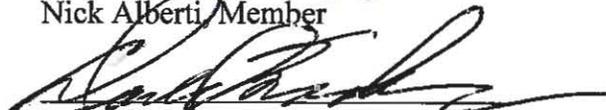
1. NCAC is **REINSTATED** as a member of the Group of Five or More Individuals of the Application filed by Taste Group, Inc., t/a Hush Restaurant and Lounge, for a new Retailer's Class CT License.
2. Board Order No. 2012-326 is **AMENDED** to state that the Group of Five and More Individuals filed a Motion for Reinstatement on June 25, 2012, and the Board denied the reinstatement of NCAC, as a property owner with the Group of Five or More Individuals of the Application filed by Taste Group, Inc., t/a Hush Restaurant and Lounge, for a new Retailer's Class CT License.
3. Copies of this Order shall be sent to the Applicant; ANC 5B; Vaughn Bennett and Don Padou, on behalf of A Group of Five or More Individuals; Randall Chandler, on behalf of Arboretum Neighborhood Association; and Christopher Collins, Esq., on behalf of The Schaeffers.

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Alcoholic Beverage Control Board

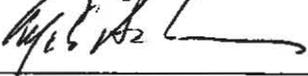
  
Ruthanne Miller, Chairperson

  
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 may file a Motion for Reconsideration of this decision 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, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. 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).