

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

In the Matter of:)
)
Taste Group, Inc.)
t/a Hush Restaurant & Lounge)
)
Application for a New)
Retailer's Class CT License)
)
at premises)
2121 New York Avenue, N.E.)
Washington, D.C. 20002)
)

Case Number: 12-PRO-00059
License Number: 89332
Order Number: 2012-299

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Calvin Nophlin, Member

ALSO PRESENT: Taste Group, Inc., t/a Hush Restaurant & Lounge, Applicant

Vaughn Bennet, Commissioner, Advisory Neighborhood
Commission (ANC) 5B, Protestant

Don Padou, on behalf of A Group of Five or More Individuals,
Protestants

Randall Chandler, Arboretum Neighborhood Association (ANA),
Protestant

Christopher Collins, Esq., on behalf of A Second Group of Five or
More Individuals, Protestants

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

**ORDER DENYING A GROUP OF FIVE OR MORE'S MOTION TO WAIVE
PERSONAL APPEARANCE REQUIREMENT**

Under § 1605.4, the Alcoholic Beverage Control Board (Board) is requiring at least five members of both Groups of Five or More to appear at either the Roll Call Hearing or Status Hearing in the protest of the Application for a New Retailer's Class CT License filed by Taste Group, Inc., t/a Hush Restaurant & Lounge (Applicant). 23 DCMR §

1605.4 (West Supp. 2012). The Group of Five or More, represented by Don Padou, has requested that the Board waive the personal appearance requirement for his group. We voted to deny this request at our June 13, 2012, meeting. *Notice of Meeting, Supplemental Agenda* (June 13, 2012).

Mr. Padou argues that the Board should grant the request, because the Group of Five or More that he represents will appear at a hearing for Club Illusions, an entity that is not under the control of the Applicant. *Motion to Waive Personal Appearance*, 1. He further argues that it will be a “hardship” on his members to require “them to take time off from work twice.” *Id.*

We deny this request, because it is the longstanding practice of the Board to require Groups of Five or More to appear in accordance with § 1605.4, which has been affirmed by the District of Columbia Court of Appeals. See Don Padou and Abigail Padou v. District of Columbia Alcoholic Beverage Control Board, No. 10-AA-1298 (Mar 20, 2012). In addition, we note that the Applicant has no relationship to the Club Illusions Application, which is an entirely separate matter. As a result, it would be prejudicial to the Applicant to apply occurrences at a separate hearing to the present matter. Finally, the Board is not convinced that the inconvenience of taking off from work is sufficient reason to waive our appearance requirement.

ORDER

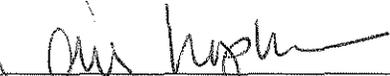
Therefore, the Board, on this 27th day of June 2012, hereby **ORDERS** that the Group of Five or More’s Motion to Waive Personal Appearance Requirement is **DENIED**. The Alcoholic Beverage Regulation Administration shall distribute copies of this Order to the Applicant and the Protestants.

District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson


Nick Alberti, Member


Donald Brooks, Member


Calvin Nophlin, Member

Under 23 DCMR § 1719.1 (2008), 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, under 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 under 23 DCMR § 1719.1 (2008) 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).