

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

In the Matter of:)	
)	
B J Enterprises, Inc.)	
t/a JP's)	
)	
Application for Substantial Change)	Case No. 13-PRO-00108
to a Retailer's Class CN License)	License No. 008511
)	Order No. 2013-557
at premises)	
2412 Wisconsin Avenue, N.W.)	
Washington, D.C. 20007)	
)	

BJ Enterprises, Inc., t/a JP's (Applicant)

Jackie Blumenthal, Commissioner, on behalf of Advisory Neighborhood Commission (ANC) 3B (Protestant)

Sheila Meehan and Milton Grossman, on behalf of Glover Park Citizens Association (GPCA) (Protestant)

Pamela J. Bethel, Esq. and Carol L. O'Riordan, Esq., on behalf of A Group of Eight Property Owners (Protestant)

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

ORDER DENYING APPLICANT'S MOTION FOR REINSTATEMENT

The Application filed by BJ Enterprises, Inc., t/a JP's, for a Substantial Change to include two private alcoves, fully exposed, allowing for table dancing; and three tables for dancing on the second floor of its Retailer's Class CN License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on September 9, 2013, and a Protest Status Hearing on October 23, 2013, in accordance with D.C. Official Code § 25-601 (2001).

On October 23, 2013, the Board dismissed the Application, because the Applicant failed to timely appear at the Protest Status Hearing. On October 30, 2013, the Board received the Applicant's Motion for Reinstatement. In the motion, the Applicant explained that he missed the status hearing due to traffic caused by a road closure. Nevertheless, the Board does not deem this excuse sufficient, because the Applicant should have called the

agency from the road to request additional time to appear. 23 DCMR § 1603.3 (West Supp. 2013).

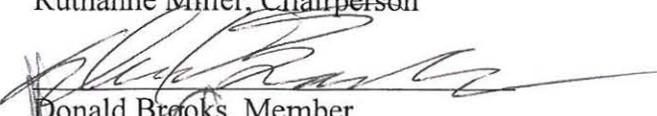
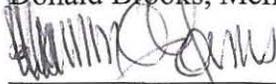
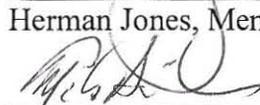
ORDER

Therefore, for the foregoing reasons, the Board does hereby, on this 20th day of October 2013, **DENY** the Motion for Reinstatement filed by the Applicant. The Board notes that this Order renders the motion filed by ANC 3B and the GPCA, as well as the motion filed by the Group of Eight, moot. Copies of this Order shall be sent to the Applicant; ANC 3B; Sheila Meehan and Milton Grossman; on behalf of GPCA; and Pamela J. Bethel, Esq. and Carol L. O’Riordan, Esq., on behalf of A Group of Eight Property Owners.

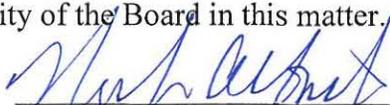
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson


Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member

I dissent from the position taken by the majority of the Board in this matter.


Nick Alberti, 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).