

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

In the Matter of:)	
)	
BJ Enterprises, Inc.)	
t/a JP's)	
)	
Application for Renewal of a)	Case No. 13-PRO-00107
Retailer's Class CN License)	License No. ABRA-008511
)	Order No. 2013-406
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

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

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

ORDER ON DISMISSAL OF PROTESTS OF ANC 3B AND GPCA

The Application filed by BJ Enterprises, Inc., t/a JP's, for renewal 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, in accordance with D.C. Official Code § 25-601 (2001).

On September 9, 2013, pursuant to Title 23 of the District of Columbia Municipal Regulations (23 DCMR) § 1602.3 (2004), the Board dismissed the Protests of ANC 3B and GPCA, because their protest claim falls outside the possible grounds outlined in Title 25 of the District of Columbia Official Code and Title 23 of the District of Columbia Municipal Regulations.

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23 DCMR § 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.” 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).

Instead, ANC 3B and GPCA filed their Protest based on concerns about the “true and actual owner of the establishment” and the Applicant’s fitness for licensure.

ANC 3B and GPCA may file a Request for Reinstatement with the Board within ten (10) days from the date of this Order.

ORDER

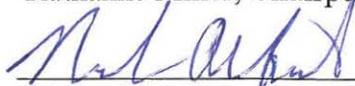
The Board does hereby, this 18th day of September, 2013, **DISMISS** the Protests of ANC 3B and GPCA. Copies of this Order shall be sent to the Applicant, ANC 3B and GPCA.

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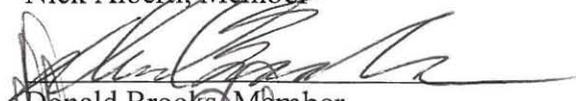
District of Columbia
Alcoholic Beverage Control Board



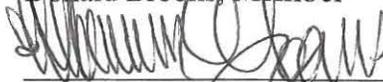
Ruthanne Miller, Chairperson



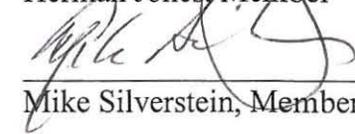
Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, Member

Pursuant to D.C. Official Code § 25-433, 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.