

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

In the Matter of:)	
)	
JVLHC, LLC)	Case Number: N/A
t/a Jimmy Valentine's Lonely Hearts Club)	License Number: 76339
)	Order Number: 2013-612
)	
Application to Renew a Retailer's Class CT License)	
)	
at premises)	
1103 Bladensburg Road, N.E.)	
Washington, D.C. 20002)	

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

ALSO PRESENT: JVLHC, LLC, t/a Jimmy Valentine's Lonely Hearts Club, Applicant

Kathy Henderson, on behalf of Advisory Neighborhood Commission (ANC) 5D, Protestant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING ANC 5D'S MOTION FOR REINSTATEMENT

JVLHC, LLC, t/a Jimmy Valentine's Lonely Hearts Club, (Applicant) filed an Application to Renew a Retailer's Class CT License (Application) with the Alcoholic Beverage Control Board (Board). Advisory Neighborhood Commission (ANC) 5D filed a protest letter that did not state a basis for the protest. For this reason, the Board dismissed ANC 5D's protest against the Application.

Subsequently, ANC 5D submitted a Motion for Reinstatement with the Board stating that the ANC intended to protest the license on the grounds of peace, order, and quiet. The Board cannot accept this after-the-fact amendment to the protest letter. Under § 25-602(a), "Any person objecting, under § 25-601, to the approval of an application shall notify the Board in writing of his or her intention to object and the grounds for the objection *within the protest period.*" D.C. Official Code § 25-602(a) (emphasis added). The failure of ANC 5D to include its reasoning in its initial protest letter violates § 25-602(a), and is fatal to ANC 5D's protest, because the reasoning was not provided during the protest period.

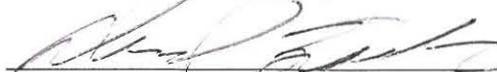
ORDER

Therefore, the Board, on this 18th day of December 2013, hereby **DENIES** the Motion for Reinstatement filed by ANC 5D. The ABRA shall distribute copies of this Order to the Applicant and the Protestant.

District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Donald Brooks, Member



Mike Silverstein, 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).