

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

**In the Matter of:** )

Jvlhc, LLC )  
t/a Jimmy Valentine's Lonely Hearts Club )

Application for Renewal of a )  
Retailer's Class CT License )

at premises )  
1103 Bladensburg Road, N.E. )  
Washington, D.C. 20002 )

Case No. 11-PRO-00066  
License No. ABRA-076330  
Order No. 2012-070

Jvlhc, LLC, t/a Jimmy Valentine's Lonely Hearts Club (Applicant)

India A. Henderson and Kathy Henderson, on behalf of A Group of Five or More  
Individuals

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

**ORDER DENYING A GROUP OF FIVE OR MORE INDIVIDUALS' REQUEST  
FOR REINSTATEMENT**

The Application filed by Jvlhc, LLC, t/a Jimmy Valentine's Lonely Hearts Club, for renewal of its Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on November 28, 2011, and a Protest Status Hearing on January 18, 2012, in accordance with D.C. Official Code § 25-601 (2001).

On January 18, 2012, pursuant to Title 23 of the District of Columbia Municipal Regulations (23 DCMR) § 1602.3 (2004), the Board dismissed the Protest of the Group of Five or More Individuals for failure to appear at the Protest Status Hearing.

Kathy Henderson, on behalf of A Group of Five or More Individuals, filed a letter, dated January 23, 2012, requesting reinstatement, indicating that she and India Henderson did not appear at Protest Status Hearing, because her mother was hospitalized in New York, underscoring a family emergency, and India Henderson accompanied her to assist

during what was a very stressful time. The individuals with the Group of Five did not realize that they missed the Protest Status Hearing until January 20, 2012. In addition, Kathy Henderson stated that she attended mediation on January 10, 2012, and she participated in good faith. However, the Applicant was not interested in resolving this matter, because he was waiting for the Board's decision regarding his Motion to Dismiss Untimely Protest.

On February 1, 2012, the Applicant filed an Opposition to Request for Reinstatement, indicating that the Group of Five or More Individuals failed to demonstrate good cause for failing to appear at the Protest Status Hearing. Also, Kathy Henderson's letter, dated January 23, 2012, misleadingly implied that she and her daughter, India Henderson, were in New York at the time of the Protest Status Hearing, but a close reading of the letter demonstrates that Kathy Henderson did not actually claim to have been in New York, and Mark Thorp contemporaneously reported that Kathy Henderson was in the District of Columbia shortly after the Protest Status Hearing. In addition, Kathy Henderson failed to explain why she somehow did not realize that the Group of Five or More Individuals missed the Protest Status Hearing and to demonstrate any circumstances that prevented her from rescheduling the Protest Status Hearing or giving advance notice of her inability to appear. She made no explanation for the three other individuals' absence.

Based upon the above, the Board does not find good cause to reinstate the Group of Five or More Individuals, because the Group of Five or More Individuals did not demonstrate an effort to send another representative or notify the Board or its administrative personnel of India A. Henderson and Kathy Henderson's inability to attend the Protest Status Hearing. Kathy Henderson's explanation does not constitute good cause under 23 DCMR § 1602.3. Therefore, the Group of Five or More Individuals' request for reinstatement is denied for failure to appear at the Protest Status Hearing held on January 18, 2012.

### **ORDER**

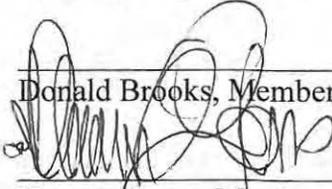
The Board does hereby, this 15th day of February, 2012, **DENY** the reinstatement of the Group of Five or More Individuals. Copies of this Order shall be sent to the Applicant and India A. Henderson and Kathy Henderson, on behalf of A Group of Five or More Individuals.

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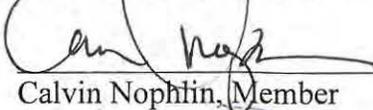
District of Columbia  
Alcoholic Beverage Control Board

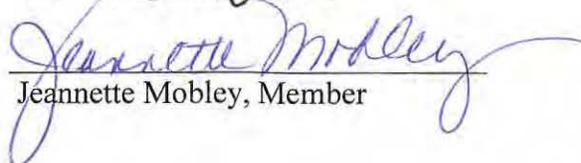
  
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Ruthanne Miller, Chairperson

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Nick Alberti, Member

  
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Donald Brooks, Member

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Herman Jones, Member

  
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Calvin Nophlin, Member

  
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Jeannette Mobley, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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 14<sup>th</sup> Street, N.W., Suite 400S, Washington, D.C. 20009.