

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

In the Matter of:)	
)	
Jasper Ventures, LLC)	License No.: 72225
t/a K Street)	Case Nos.: 10-CMP-00540
)	10-251-00282
)	Order No.: 2011-463
Holder of a Retailer's Class CN License)	
at premises)	
1301 K Street, N.W.)	
Washington, D.C. 20005)	

BEFORE: Nick Alberti, Interim Chairperson
 Donald Brooks, Member
 Mike Silverstein, Member

ALSO PRESENT: Jasper Ventures, LLC, t/a K Street, Respondent

 Andrew Kline, on behalf of the Respondent

 Michael Stern, Senior Assistant Attorney General,
 on behalf of the District of Columbia

 Martha Jenkins, General Counsel
 Alcoholic Beverage Regulation Administration

ORDER GRANTING RESPONDENT'S MOTION FOR STAY PENDING APPEAL

On January 14, 2011, the Alcoholic Beverage Control Board (Board) served a Notice of Status Hearing and Show Cause Hearing (Notice), dated January 5, 2011, on Jasper Ventures, LLC, t/a K Street (Respondent), at premises 1301 K Street, N.W., Washington, D.C., charging the Respondent, in Case No. 10-CMP-00540, with the following violation:

Charge I: The Respondent violated D.C. Official Code § 25-823(5) by delaying the entry of Alcoholic Beverage Regulation Administration (ABRA) investigators and Metropolitan Police Department (MPD) officers onto your premises while they were working in their official capacity and attempting to conduct identification checks at the

establishment, for which the Board may take the proposed action pursuant to D.C. Official Code § 25-823(1).

In addition, on March 19, 2011, the Board served a Notice, dated March 16, 2011, on the Respondent, charging the Respondent, in Case No. 10-251-00282, with the following violations:

- Charge I: The Respondent violated D.C. Official Code § 25-823(3) by failing to have an owner or ABC-licensed manager present while alcoholic beverages were being served at the establishment, for which the Board may take the proposed action pursuant to D.C. Official Code § 25-823(1).
- Charge II: The Respondent violated D.C. Official Code § 25-823(6) by failing to follow the establishment's security plan, for which the Board may take the proposed action pursuant to D.C. Official Code § 25-823(1).

The Show Cause Hearing related to the aforementioned charges occurred on June 22, 2011. On October 12, 2011, the Board issued Board Order No. 2011-403, which found that the Respondent violated § 25-823(5) and dismissed the charges found in Case No. 10-251-00282. Jasper Ventures, LLC, t/a K Street, Board Order No. 2011-403, 8 (D.C.A.B.C.B. Oct. 12, 2011). The Board then required the Respondent to pay a \$6,000.00 fine and suspended the Respondent's ABC-license for seven days; three days to be served and four days stayed for one year, provided that the Respondent does not commit any further violations. Id. The Order set the Respondent's suspension days to begin on October 27, 2011, and end on October 29, 2011. Id. at 9.

The Respondent has appealed the Board's decision and has filed a Motion for Stay Pending Appeal (Motion), dated October 18, 2011. The Motion is unopposed by the Government. We also note that the Government has filed a Motion for Reconsideration, which has not been resolved by the Board.

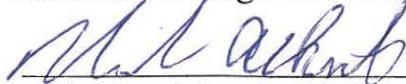
By statute, the Board shall grant a stay "only upon good cause, which shall consist of unusual or exceptional circumstances." D.C. Code § 25-433(d)(3) (2001). In determining whether to grant a stay, the Board shall consider "four factors: whether the [Respondent is] likely to succeed on the merits, whether denial of the stay would cause irreparable injury, whether granting the stay would harm other parties, and whether the public interest favors granting a stay." Kufлом v. District of Columbia Bureau of Motor Vehicle Services, 543 A.2d 340, 344 (D.C. 1988).

Based on our consideration of the factors, we find that there is good cause to grant the stay. We note that the record in this matter does not support a finding that the Respondent poses a threat to the public; the Respondent will be unable to recover the suspended days if the Respondent is successful on appeal; and the Respondent's legal claims are not frivolous. For these reasons, we grant the Motion.

ORDER

The Board, on this 2nd day of November 2011, hereby **GRANTS** the Respondent's Motion for Stay Pending Appeal. Copies of this Order shall be sent to the Government and the Respondent.

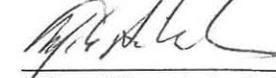
District of Columbia
Alcoholic Beverage Control Board



Nick Alberti, Interim Chairperson



Donald Brooks, Member



Mike Silverstein, Member

Pursuant to 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, pursuant to 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 pursuant to 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).