

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

<u>In the Matter of:</u>	)	
	)	
Connect Corporation	)	
t/a M & S Market	)	
	)	
Application for Renewal of a	)	Case No. 12-PRO-00028
Retailer's Class A License	)	License No. ABRA-079795
	)	Order No. 2012-174
at premises	)	
213 Upshur Street, N.W.	)	
Washington, D.C. 20011	)	
	)	

Connect Corporation, t/a M & S Market (Applicant)

Joseph Vaughn, Chairperson, Advisory Neighborhood Commission (ANC) 4C

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

**ORDER ON DISMISSAL OF PROTEST OF ANC 4C**

The Application filed by Connect Corporation, t/a M & S Market, for renewal of its Retailer's Class A License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on May 7, 2012, in accordance with D.C. Official Code § 25-601 (2001).

On May 7, 2012, pursuant to Title 23 of the District of Columbia Municipal Regulations (23 DCMR) § 1602.3 (2004), the Board dismissed the Protest of ANC 4C, because its protest was untimely filed and its 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.

The protest petition deadline was April 23, 2012, and ANC 4C's protest was received by Alcoholic Beverage Regulation Administration (ABRA) on April 25, 2012.

**Connect Corporation**  
**t/a M & S Market**  
**Case No. 12-PRO-00028**  
**License No. ABRA-079795**  
**Page 2**

23 DCMR § 1605.2 requires the Protester 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 4C filed a protest based on the following: ANC 4C did not receive proper notice when the Applicant submitted, on 2010, its Application for a new Retailer’s Class A License, according to D.C. Code § 25-42; ANC 4C passed a resolution on November 9, 2010, declaring ABRA’s failure to issue proper notice for the Applicant’s Application for a new Retailer’s Class A License; and the residential character of the neighborhood is not compatible with the selling of hard liquor products.

ANC 4C 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 9<sup>th</sup> day of May, 2012, **DISMISS** the Protest of ANC 4C. Copies of this Order shall be sent to the Applicant and ANC 4C.

District of Columbia  
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



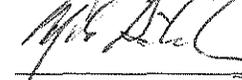
Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member



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.