

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

<b>In the Matter of:</b>	)	
	)	
2461 Corporation	)	Case No. 14-PRO-000007
t/a Madam's Organ	)	License No. ABRA-025273
	)	Order No. 2014-219
Petition to Terminate a	)	
Settlement Agreement	)	
	)	
at premises	)	
2461 18th Street, N.W.	)	
Washington, D.C. 20009	)	

**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Mike Silverstein, Member  
Hector Rodriguez, Member  
James Short, Member

**ALSO PRESENT:** 2461 Corporation, t/a Madam's Organ, Petitioner  
  
William Simpson, Chair, Advisory Neighborhood Commission (ANC) 1C  
  
Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

**ORDER GRANTING APPLICANT'S MOTION FOR REINSTATEMENT**

The Alcoholic Beverage Control Board (Board) dismissed the Petition for Termination in Board Order No. 2014-132, because 2461 Corporation, t/a Madam's Organ (Petitioner) failed to appear at the Protest Status Hearing.

Subsequently, counsel for the Petitioner duly filed for reinstatement. Counsel noted that the Petitioner's absence at the hearing was caused, in part, by his attendance at a hearing in District of Columbia Superior Court. Counsel also avers that he contacted ABRA's staff regarding the delay in his arrival.

In response, ANC 1C filed a motion opposing the request. The ANC provides a number of policy reasons for denying the request, but provides no facts showing that granting the request would result in prejudice to the ANC.

Under § 1603.3, “Failure to appear in person or through a designated representative may result in denial of the license application or dismissal of a protest, unless, in the discretion of the Board, good cause is shown for the failure to appear.” 23 DCMR § 1603.3 (West Supp. 2014).

The Board finds good cause to reinstate the Petitioner. The Board finds that counsel’s attendance at a hearing at D.C. Superior Court good cause for failing to appear. Furthermore, the Board is willing to excuse the absence at the hearing, because counsel made efforts to contact the agency regarding his delay and granting the request will not cause prejudice to ANC 1C.

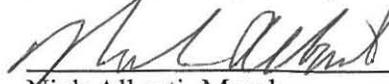
### **ORDER**

Therefore, on this 14 th day of May 2014, the Board hereby **REINSTATES** the Petition filed by 2461 Corporation, t/a Madam’s Organ. ABRA shall deliver copies of this Order to the Petitioner and ANC 1C.

District of Columbia  
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



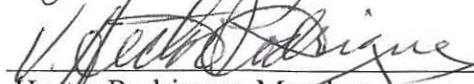
Donald Brooks, Member



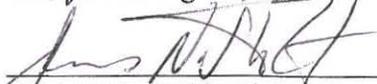
Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, 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.

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 D.C. Official Code § 25-433, 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).