

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

<u>In the Matter of:</u>)	
)	
Sula, LLC)	
t/a Masa 14)	
)	
Application for Substantial Change to)	
a Retailer's Class CR License)	Case No. 10-PRO-00007
)	License No. 81469
at premises)	Order No. 2010-322
1825 14 th Street, N.W.)	
Washington, D.C. 20009)	
)	

Sula, LLC, t/a Masa 14, Applicant

Peter Raia, Chairperson, Advisory Neighborhood Commission (ANC) 1B

Kuk-Ja Kim, Ralph Beyer, and Lincoln Leibner, on behalf of A Group of Five or More Individuals ("Group of 75+")

Ramon Estrada, on behalf of A Group of Five or More Individuals ("Group of Five")

BEFORE: Charles Brodsky, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member

ORDER ON DISMISSAL OF PROTEST

The Application filed by Sula, LLC, t/a Masa 14, for a Substantial Change to its Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Regulation Administration (ABRA) for a Roll Call Hearing on March 1, 2010, and for a Status Hearing before the Alcoholic Beverage Control Board (Board) on April 7, 2010, in accordance with D.C. Official Code § 25-601 (2001).

On April 7, 2010, 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 because three additional protestants from this Group of Five failed to appear at the Status Hearing. Because only two of the protestants from the Group of Five appeared at the Roll Call Hearing, the other three were required to appear at the Status Hearing. In addition, ABRA's Office of General Counsel contacted Ramon Estrada on April 16, 2010

simply to remind Mr. Estrada that the other three protestants from the Group of Five needed to appear at the Status Hearing on April 7, 2010.

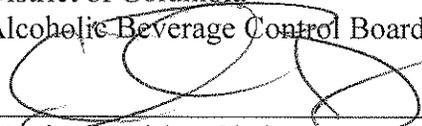
It is also important to note that the Group of Five consists of five Commissioners from ANC 2B. Nevertheless, ANC 2B was never a protestant in this matter because ANC 2B did not file a timely protest. Instead, Commissioner Mike Silverstein, by letter dated March 2, 2010, requested that ANC 2B be allowed to “represent the interests of those five protesting Commissioners.” This letter was not and cannot be interpreted by the Board as a request to be seated as a protestant. Such a request would have been denied by the Board because a timely protest was not filed by ANC 2B. As a courtesy, ABRA’s Office of General Counsel contacted Mr. Estrada on April 1, 2010 to inform him that the Board approved ANC 2B’s request to “represent” the Group of Five and to remind him of the Status Hearing on April 7, 2010.

The Protestants may file a Request for Reinstatement with the Board within ten (10) days from the date of this Order.

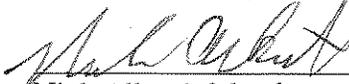
ORDER

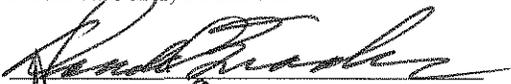
The Board does hereby, this 14th day of April, 2010, **DISMISS** the Protest of the Group of Five for this Application. Copies of this Order shall be sent to the Applicant, Group of Five, ANC 1B, and Group of 75+.

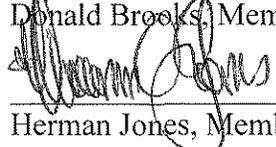
District of Columbia
Alcoholic Beverage Control Board



Charles Brodsky, Chairperson

Mital M. Gandhi, Member

Nick Alberti, Member

Donald Brooks, Member

Herman Jones, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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, 1250 U Street, N.W., 3rd Floor, Washington, D.C. 20009.