

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

<u>In the Matter of:</u>)	
)	
Top Shelf, LLC)	
t/a Penn Quarter Sports Tavern)	
)	
Applicant for Renewal of)	Case No. 10-PRO-00143
Retailer's Class CT License)	License No. ABRA-076039
)	Order No. 2011-139
at premises)	
639 Indiana Avenue, N.W.)	
Washington, D.C. 20004)	
)	

Top Shelf, LLC, t/a Penn Quarter Sports Tavern ("Applicant")

Dominick Cardella ("Protestant")

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

ORDER ON DISMISSAL OF PROTEST

The Application filed by Top Shelf, LLC, t/a Penn Quarter Sports Tavern, for renewal of its Retailer's Class CT License, having been protested by Dominick Cardella. The Roll Call Hearing was held on December 6, 2010, in accordance with D.C. Official Code § 25-601 (2001).

On October 27, 2010, Dominick Cardella filed a timely protest. On December 6, 2010, pursuant to Order No. 2010-596, dated December 8, 2010, the Board dismissed Dominick Cardella's Protest because he did not meet the standing requirements in D.C. Official Code § 25-601. On December 10, 2010, Dominick Cardella timely filed a Request for Standing, indicating that the request indicates in various ways how the peace and quiet of the neighborhood is adversely affected. On January 19, 2011, Dominick Cardella was granted standing as a protestant by the Board.

On February 16, 2011, pursuant to Title 23 of the District of Columbia Municipal Regulations ("23 DCMR") § 1602.3 (2004), the Board dismissed the Protest of Dominick

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Cardella because the Protestant failed to appear at the Protest Status Hearing. The Board also acknowledges that the Protestant submitted a letter on February 15, 2011, withdrawing its protest against the applicant. The Protestant may file a Request for Reinstatement within ten (10) days from the date of this Order.

ORDER

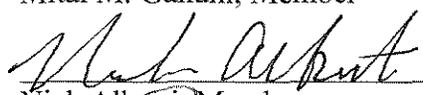
The Board does hereby, this 23th day of February, 2011, **DISMISS** the Protest of Dominick Cardella. Copies of this Order shall be sent to the Applicant and Dominick Cardella.

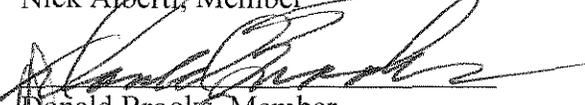
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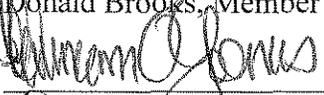
District of Columbia
Alcoholic Beverage Control Board

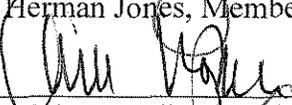

Charles Brodsky, Chairperson

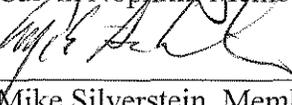

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Nick Alberti, Member


Donald Brooks, Member


Herman Jones, Member


Calvin Nophlin, Member


Mike Silverstein, 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, 1250 U Street, N.W., 3rd Floor, Washington, D.C. 20009.