

On April 4, 2012, the Board approved the Voluntary Agreement entered into by the Applicant and ANC 6B, and approved the Application. In re Young Hwa Corporation, t/a Pennsylvania Avenue Market, Board Order No. 2012-116 (D.C.A.B.C.B. Apr. 4, 2012).

Mr. Richardson now comes before the Board, requesting that we grant him leave to intervene in the present matter. Pet. Mot. for Leave to Intervene, 2, 5-6 (Mar. 29, 2012). Under our regulations, “The Board may, in its discretion, permit interested persons other than parties, as defined in this chapter, to intervene in a proceeding for such general or limited purpose as the Board may specify. 23 DCMR § 1701.4 (West Supp. 2012).” We deny Mr. Richardson’s request, because he is merely seeking “a second bite of the apple,” having previously been denied standing to participate as a protestant. We also deny his request, because his interests as a resident are adequately represented by the duly elected members of ANC 6B. If Mr. Richardson is upset at how ANC 6B has conducted itself, then he must take up these issues with ANC 6B—not the Board.

Mr. Richardson has also requested that the Board grant him leave to act as a witness under § 1701.6, which we also deny. Section 1701.6 states,

At any proceeding before the Board on an application for issuance or renewal of a license, or transfer of a license to a new person or location, the Board shall hear as witnesses all persons residing within and without the neighborhood who desire to be heard; provided that such testimony is not irrelevant or duly repetitious.

23 DCMR 1701.6 (West Supp. 2012).

On April 4, 2012, the Board considered the parties’ request to approve the Voluntary Agreement that they negotiated. The determination of whether the Voluntary Agreement was valid was a technical matter that required no factual testimony; therefore, any testimony that Mr. Richardson could provide as a witness was irrelevant in accordance with § 1701.6. See also D.C. Code § 25-446(c) (West Supp. 2012). Furthermore, there is no proceeding where Mr. Richardson may act as a witness: the Board has approved the Voluntary Agreement, ANC 6B withdrew from the protest, and no further proceedings will be held in this matter. As such, we deny Mr. Richardson’s request to act as a witness.

Finally, in light of the above, we see no reason or utility in holding oral arguments on these matters. Therefore, we deny the Motion.

ORDER

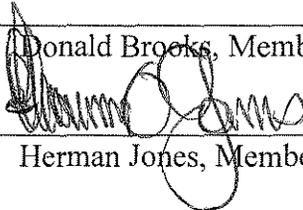
Therefore, the Board, on this 25th day of April 2012, hereby **DENIES** the Petitioner’s Motion to Intervene filed by Mr. Richardson. The Alcoholic Beverage Regulation Administration shall deliver copies of this Order to the Applicant, ANC 6B, and Mr. Richardson.

District of Columbia
Alcoholic Beverage Control Board

Ruthanne Miller, Chairperson

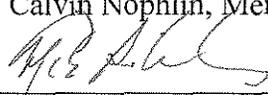
Nick Alberti, Member

Donald Brooks, Member

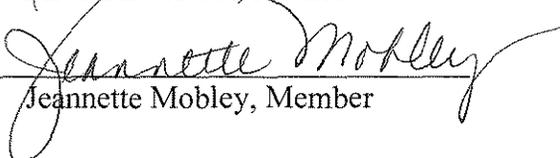


Herman Jones, Member

Calvin Nophlin, Member



Mike Silverstein, Member



Jeannette Mobley, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any party adversely affected 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, N.W., 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, District of Columbia 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 (April 2004) 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).