

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

_____)	
In the Matter of:)	
)	
Young Hwa Corporation)	License Number: ABRA-079255
t/a Pennsylvania Avenue Market)	Case Number: 11-PRO-00083
)	Order Number: 2012-281
Application to Renew a)	
Retailer's Class B License)	
)	
at premises)	
1501 Pennsylvania Avenue, S.E.)	
Washington, D.C. 20003)	
_____)	

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

ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION

Young Hwa Corporation, t/a Pennsylvania Avenue Market, (Applicant) submitted an Application to Renew its Retailer's Class B License (Application) at premises 1501 Pennsylvania Avenue, S.E., Washington, D.C. The Application was protested by Advisory Neighborhood Commission (ANC) 6B and T. Carlton Richardson.

The Board dismissed Mr. Richardson from the protest on January 11, 2012, because he is not an abutting property owner under District of Columbia Official Code § 25-601(1), and thus, lacked standing to protest the Application. In re Young Hwa Corporation, t/a Pennsylvania Avenue Market, Board Order No. 2012-007, 1-3 (D.C.A.B.C.B. Jan 11, 2012). Mr. Richardson then filed a Motion for Reconsideration that requested that we reinstate his protest, which the Board denied. In re Young Hwa Corporation, t/a Pennsylvania Avenue Market, Board Order No. 2012-084 (D.C.A.B.C.B. Mar. 7, 2012).

Mr. Richardson then came before the Board again, requesting leave to intervene in the Board's consideration of the Voluntary Agreement submitted by the licensee and ANC 6B. We denied this request. In re Young Hwa Corporation, t/a Pennsylvania Avenue Market, Board Order No. 2012-151, 1-3 (D.C.A.B.C.B. May 8, 2012).

Mr. Richardson now comes before the Board, requesting that we reconsider our denial of his request. In his Motion for Reconsideration (Motion), he claims that ANC 6B failed to follow its own bylaws and procedures in approving the Voluntary Agreement.

We find this claim irrelevant to the question of whether we should grant Mr. Richardson leave to intervene. If ANC 6B erred, then the remedy would be for the parties to resubmit the Voluntary Agreement or proceed to a protest. None of these possibilities includes granting Mr. Richardson leave to intervene in the protest. As a result, the question raised by Mr. Richardson in his Motion does not address the issue of intervention—one way or the other.

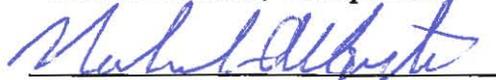
Therefore, we affirm our denial of Mr. Richardson’s request for leave to intervene in the present matter.

ORDER

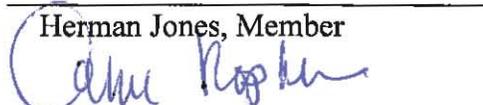
Based on the foregoing, the Board, on this 13th day of June 2012, hereby **DENIES** the Petitioner’s Motion for Reconsideration filed by Mr. Richardson. The Alcoholic Beverage Regulation Administration shall deliver copies of this Order to the Applicant, ANC 6B, and Mr. Richardson.

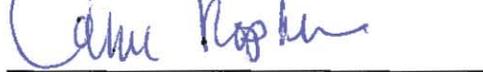
District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson


Nick Alberti, Member


Donald Brooks, Member


Herman Jones, Member


Calvin Nophlin, Member


Mike Silverstein, Member

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).