

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

<b>In the Matter of:</b>	)	
	)	
A&A Restaurant Group, Inc.	)	
t/a Russia House	)	
	)	
Application for Renewal of	)	
a Retailer's Class CR License	)	Case No. 10-PRO-00071
	)	License No. 80952
at premises	)	Order No. 2010-393
1800 Connecticut Ave., N.W.	)	
Washington, D.C. 20009	)	
	)	

A&A Restaurant Group, Inc., t/a Russia House, Applicant

Ruth Horn, on behalf of a Group of Five or More Individuals, Protestants

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

**ORDER GRANTING REQUEST FOR REINSTATEMENT**

The Application filed by A&A Restaurant Group, Inc., t/a Russia House, for a Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Regulation Administration (ABRA) for a Roll Call Hearing on June 21, 2010 and a Status Hearing on July 7, 2010, in accordance with D.C. Official Code § 25-601 (2001).

On July 7, 2010, pursuant to Title 23 of the District of Columbia Municipal Regulations ("23 DCMR") § 1602.3 (2004), the Alcoholic Beverage Control Board (Board) dismissed the Application because the Applicant failed to appear at the Status Hearing. The Protestants filed a request for reinstatement with the Board, explaining the reasons for not appearing. Subsequently, the Applicant filed a written response opposing reinstatement of the Protestants.

The Board has broad discretion to determine whether the Protestants had good cause for failing to appear under 23 DCMR § 1601.6. Furthermore, the District of Columbia Municipal Regulations are clear that a designated representative may appear on behalf of a Protest group. Indeed, 23 DCMR § 1602.2 states that: "Each applicant, and each person submitting a protest shall attend the roll call hearing in person or appear through a designated representative." In addition, 23 DCMR § 1603.3 states

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that: "Failure to appear in person or through a designated representative may result in denial of the license application or dismissal of a protest. . . ." As such, the Protestants were permitted to designate Ms. Horn as their representative.

As such, the Applicant's arguments opposing the Request for Reinstatement lack merit. First, the Applicant misinterprets D.C. Code § 25-444(c) (2001), which is limited to giving the Board the discretion to mandate that protestants designate a representative at the Protest Hearing and nothing more. The plain meaning of D.C. Code § 25-444(c) does not prevent protestants from choosing a designated representative before a hearing. Second, the definition in 23 DCMR § 199.1 (2008) of a "Roll Call Hearing," does not preclude the applicant and protestants from being introduced to each other through their designated representative. Finally, the Applicant does not address the language contained in both 23 DCMR § 1602.2 and 23 DCMR § 1603.3.

Therefore, upon consideration of this request to reinstate the Protestants and the Applicant's arguments, the Board finds good cause to reinstate the Protestants pursuant to 23 DCMR § 1602.3.

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**ORDER**

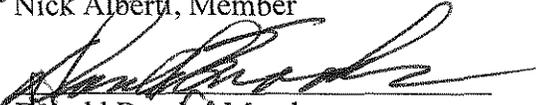
For these reasons, the Board does hereby, this 21st day of July, 2010,  
**REINSTATE** the Protest filed by Protestants against A&A Restaurant Group, Inc., t/a  
Russia House, for renewal of a Retailer's Class CR License. Copies of this Order shall be  
sent to the Protestant and the Applicant.

District of Columbia  
Alcoholic Beverage Control Board

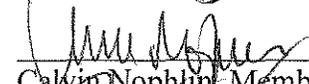
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Charles Brodsky, Chairperson

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Mital M. Gandhi, Member

  
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Nick Alberti, Member

  
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Donald Brooks, Member

  
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Herman Jones, Member

  
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Calvin Nophlin, Member

  
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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, 1250 U Street, NW, Third Floor,  
Washington, D.C. 20009.