

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

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<i>In the Matter of:</i>)
)
A & A Restaurant Group, Inc.)
t/a Russia House)
)
Application for Renewal)
Retailer's Class CT License)
)
at premises)
1800 Connecticut Avenue, N.W.)
Washington, D.C. 20009)
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Case No.: 16-PRO-00039
License No.: ABRA-080952
Order No.: 2016-487

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

Joumana Asso and John Dillon, on behalf of A Group of Five or More Individuals (Protestant)

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ORDER GRANTING REINSTATEMENT OF APPLICATION

This matter comes before the Alcoholic Beverage Control Board (Board) on the Application to renew a Retailer's Class CR License (Application) filed by A & A Restaurant Group, Inc., t/a Russia House (Applicant). The Application was timely protested by A Group of Five or More Individuals (Group), represented by Joumana Asso and John Dillon.

The Roll Call Hearing occurred on June 6, 2016, and the Protest Status Hearing occurred on July 20, 2016. At the Protest Status Hearing, the Board, dismissed the Application because the Applicant failed to appear. *Order on Dismissal on Dismissal of Application*, July 27, 2016.

Pursuant to the Order, the Applicant, by letter to ABRA dated July 28, 2016, requested reinstatement of the Application. The Applicant indicated that it did not appear at the Protest Status Hearing because it believed that the matter was resolved at the parties' mediation session held on July 7, 2016. The Applicant mistakenly understood at the mediation that the Protestants

were withdrawing their protest, and that there would be no further hearings. The Protestants have not withdrawn their protest and indeed, appeared at the Protest Status Hearing.

The failure to appear in person or through a designated representative at the Protest Status Hearing may result in denial of the license application or dismissal of a protest, unless, in the discretion of the Board, good cause is shown.

Having reviewed the Request for Reinstatement and the record, the Board, in its discretion, finds that the Applicant's reason for failing to attend the Protest Status Hearing constitutes good cause.

Here the Applicant believed in good faith that the matter had resolved at mediation and he did not understand that he needed to appear at the next stage of the process, the Protest Status Hearing. Upon learning of his mistake, he immediately filed his Motion for Reinstatement in order to retain standing. While the Board, in this proceeding, is willing to give the Applicant the benefit of the doubt, the Board advises the parties that only the Board can cancel hearings.

ORDER

Therefore, based on the foregoing findings, the Board, on this 7th day of September 2016, **GRANTS** the Applicant's Motion for Reinstatement.

IT IS FURTHER ORDERED that the second Protest Status Hearing is set for October 5, 2016 at 9:30 A.M. and the Protest Hearing is set for November 30, 2016 at 1:30 P.M.

ABRA shall deliver copies of this Order to the Applicant and to the Protestant.

District of Columbia
Alcoholic Beverage Control Board



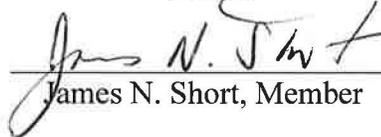
Donoyan Anderson, Chair



Mike Silverstein, Member



Ruthanne Miller, Member



James N. Short, Member

I respectfully dissent from the position adopted by the Board in this matter. The Applicant is a long-term licensee in the District of Columbia and he well knows that his attendance is required at hearings before this Board. Thus I do not find that good cause exists to reinstate his application.



Nick Alberti, 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).