

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

**In the Matter of:**

Safeway, Inc.  
t/a Safeway

Applicant for a New  
Retailer's Class B License

at premises  
3830 Georgia Avenue, N.W.  
Washington, D.C. 20011

Case No. 14-PRO-00034  
License No. ABRA-093822  
Order No. 2014-224

Safeway, Inc., t/a Safeway (Applicant)

A Group of Five or More Individuals (Approximately Fourteen Individuals)

**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Mike Silverstein, Member  
Hector Rodriguez, Member  
James Short, Member

**ORDER ON DISMISSAL OF PROTEST OF  
A GROUP OF FIVE OR MORE INDIVIDUALS**

The Application filed by Safeway, Inc., t/a Safeway, for a new Retailer's Class B License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on May 19, 2014, in accordance with D.C. Official Code § 25-601 (2001).

On May 19, 2014, pursuant to Title 23 of the District of Columbia Municipal Regulations (23 DCMR) § 1602.3, the Board dismissed the Group of Five or More Individuals for lack of standing. Only three individuals appeared at the Roll Call Hearing. One of the three individuals who appeared, Harry Kinani, signed the protest letter. The other two individuals, James E. Clayton and Yalelawork Beyeh, merely printed their names, but did not sign the Protest, as is required by Title 23 of the District of Columbia Municipal Regulations (DCMR) § 1801.2(f).

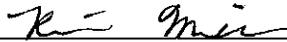
Even if James E. Clayton and Yalelawork Beyeh had signed the protest letter, the protest would still have been dismissed because there was no Designated Representative appearing on behalf of the remaining individuals needed to meet the requisite number to form A Group of Five or More Individuals.

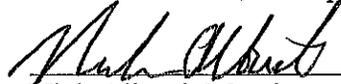
The Protestants may file a Request for Reinstatement with the Board within ten (10) days from the date of this Order.

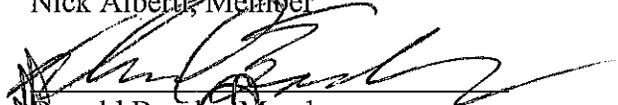
### **ORDER**

The Board does hereby, this 21<sup>st</sup> day of May, 2014, **DISMISS** the Protest of the Group of Five or More Individuals. Copies of this Order shall be sent to the Applicant, Harry Kinani, James E. Clayton and Yalelawork Beyeh.

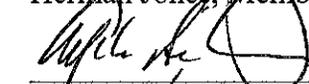
District of Columbia  
Alcoholic Beverage Control Board

  
Ruthanne Miller, Chairperson

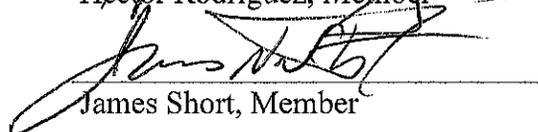
  
Nick Alberti, Member

  
Donald Brooks, Member

  
Herman Jones, Member

  
Mike Silverstein, Member

  
Hector Rodriguez, Member

  
James Short, 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, 2000 14<sup>th</sup> Street, N.W., Suite 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, D.C. 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 D.C. Official Code § 25-433, 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).