

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

In the Matter of:)	
)	
Panutat, LLC)	License Number: 83267
t/a Sanctuary 21)	Case Number: 10-PRO-00003
)	Order Number: 2010-449
Applicant for a)	
Retailer's Class CN License)	
)	
at premises)	
2131 K Street, N.W.)	
Washington, D.C. 20037)	

BEFORE: Nick Alberti, Acting Chairperson
 Donald Brooks, Member
 Herman Jones, Member

**ORDER DENYING PROTESTANTS' MOTION FOR RECONSIDERATION AND
STAY OF BOARD ORDER**

On August 4, 2010, the Alcoholic Beverage Control Board ("Board") granted the Application submitted by Panutat, t/a Sanctuary 21 (Applicant), for a Retailer's Class CN License in Board Order No. 2010-418.

The Protestants subsequently filed a Motion for Reconsideration and requested that the Board stay Board Order No. 2010-418. The Applicant has filed a written brief in response, which incorrectly argued that the Motion was not filed in a timely manner. *See* 23 DCMR § 102.1 (2008). Nevertheless, the Board remains unconvinced by the Protestant's recycled arguments that the Board should deny the Application because the Applicant and the Shadow Room are the same entity and that the Shadow Room's license currently covers the basement space requested by the Applicant.

The Board has considered statements contained in Board Order No. 2007-072, Board Order No. 2008-282, and Board Order No. 2008-300. The Board recognizes that each of these Board Orders contain statements that indicate that the Applicant may have intended to occupy the basement space requested by the Applicant.

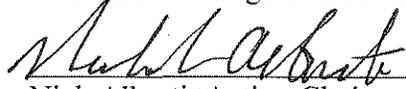
Nevertheless, as discussed in Board Order No. 2010-418, the document that determines the space an establishment may utilize to sell and serve alcohol is the ABC

license itself. *Board Order No. 2010-418, pg. 2.* Shadow Room's current license indicates that the Shadow Room does not occupy the basement space requested by the Applicant. *Board Order No. 2010-418, pg. 2.* Therefore, the Protestants arguments are incorrect.

As discussed in Board Order No. 2010-418, the Shadow Room's license indicates that it only covers the first floor. *Board Order No. 2010-418, pg. 2.* As such, the statements contained in the Board Orders presented by the Applicant are insufficient to prove that the basement space requested in the Application is actually covered by the Shadow Room's license.

Therefore, upon consideration of the Protestant's Motion and the entire record of this matter, the Board, on this 8th day of September, 2010, hereby **DENIES** Protestant's Motion.

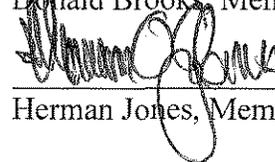
District of Columbia
Alcoholic Beverage Control Board



Nick Alberti, Acting Chairperson



Donald Brooks, Member



Herman Jones, Member

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 the service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington D.C. 20001.

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 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).