

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

In the Matter of:)	
H2, LLC)	
t/a Satellite Room)	
Holder of a)	Case No.: 15-PRO-00005
Retailer's Class CT License)	License No.: 087296
at premises)	Order No.: 2015-251
2047 9th Street N.W.)	
Washington, D.C. 20001)	

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

ALSO PRESENT: Ian Hilton, Managing Member, H2, LLC t/a Satellite Room
(Applicant)

Candace Fitch, Esq., on behalf of H2, LLC t/a Satellite Room

Robb Hudson, Designated Representative, on behalf of the
Advisory Neighborhood Commission (ANC) 1B

Christen Glickman, Designated Representative, on behalf of the
Protestant Group of Five or More Individuals

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

**ORDER SUA SPONTE DENYING THE APPLICATION
AND CANCELLING THE PROTEST**

THIS MATTER is before the Alcoholic Beverage Control Board (Board) *sua sponte*.

The Board denies the Application for a Substantial Change filed by H2, LLC t/a Satellite Room (Applicant) because it is in conflict with the terms of the Applicant's Settlement Agreement, dated April 18, 2012, entered into with Advisory Neighborhood Commission (ANC) 1B.

The Applicant filed an Application for a Substantial Change to its Retailer's Class CR License which was officially noticed and posted on December 19, 2014. *Notice of Public Hearing*. The Applicant sought to extend its hours of operation for the inside premises to 24 hours a day, Sunday through Saturday. *Id.* Further, the Applicant sought to extend its Summer Garden hours of operation to 9:00 a.m. to 3:00 a.m. *Id.*

The Application was timely and properly protested by ANC 1B and the Group of Five or More Individuals. The Application came before the Alcoholic Beverage Regulation Administration ("ABRA") for a Roll Call Hearing on March 2, 2015 and a Status Hearing on April 1, 2015. The Applicant, ANC 1B and a Group of Five or More Individuals (collectively "Protestants") were present at the Roll Call and Status Hearings on the Substantial Change Application.

The Board takes administrative notice that the Applicant and ANC 1B entered into a Settlement Agreement that was approved by the Board on April 18, 2012. *H2, LLC t/a Satellite Pizza*, Board Order No. 2012-137, (D.C.A.B.C.B. Apr. 18, 2012).

The Applicant's Settlement Agreement, in relevant part states:

D. FOOD AND ALCOHOL SERVICE. Café and Summer Garden food and beverage service hours will not exceed 2:00 a.m. on weeknights and 3:00 a.m. on Friday and Saturday nights. Service hours will be extended one hour longer as permitted by DC Law.

Settlement Agreement, Page 1.

In the matter at hand, the Applicant seeks to extend its hours of operation to 24 hours a day. This request is in direct conflict with the terms set forth in the Applicant's Settlement Agreement, which limits its hours to 2:00 a.m. on weeknights and 3:00 a.m. on Friday and Saturday nights. Thus the Board finds that it cannot proceed with the merits of the Application or address the concerns of the Protestants. Accordingly, the Board dismisses the Application and cancels the Protest Hearing.

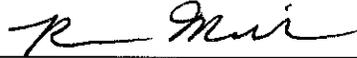
ORDER

Therefore, the Board, on this 6th day of May, 2015, *sua sponte* **DISMISSES** the Application filed by H2, LLC t/a Satellite Room, located at 2047 9th Street, N.W. Washington DC.

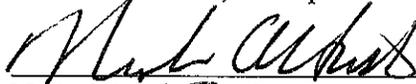
It is **FURTHER ORDERED** that the Protest Hearing for this matter is now **CANCELLED**.

A copy of this Order shall be sent to the Applicant, ANC and to the Group of Five or More Individuals.

District of Columbia
Alcoholic Beverage Control Board



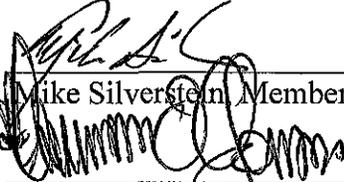
Ruthanne Miller, Chairperson



Nick Alberti, Member



Donald Brooks, Member



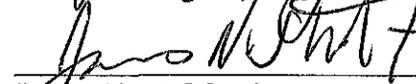
Mike Silverstein, Member



Herman Jones, Member



Hector Rodriguez, Member



James Short, Member

Pursuant to 23 DCMR § 1719.1 (2008), 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, 2000 14th Street, NW, 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, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 (2008) 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).