

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

In the Matter of:)
)
Zodiac Restaurant Group, Inc.)
t/a Scion Restaurant)
)
Application for Substantial Change to a)
Retailer’s Class CR License)
)
at premises)
2100 P Street, N.W.)
Washington, D.C. 20037)
_____)

Case No. 10-PRO-00107
License No. 082174
Order No. 2010-502

Zodiac Restaurant Group, Inc., t/a Scion Restaurant (“Applicant”)

Will Stephens, on behalf of Advisory Neighborhood Commission (ANC) 2B (“Protestant”)

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

ORDER ON DISMISSAL OF PROTEST

The Application filed by Zodiac Restaurant Group, Inc., t/a Scion Restaurant, Applicant, for a Substantial Change to a Retailer’s Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on August 23, 2010, and a Status Hearing on September 29, 2010 in accordance with D.C. Official Code § 25-601 (2001).

ANC 2B filed a timely protest, by letter dated July 15, 2010, designating Commissioner Bhvana Patel as the Commission’s representative in this matter. However, Commissioner Patel failed to appear at the Roll Call Hearing. Instead, Commissioner Michael Feldstein, who was actually only present for another matter, entered his appearance for ANC 2B.

Subsequently, the matter was scheduled for Mediation on September 20, 2010. Neither Commissioners Patel or Feldstein nor any other representative from ANC 2B appeared for Mediation.

On September 24, 2010, the Applicant filed a Motion to Dismiss the Protest of ANC 2B for failure to appear at the Roll Call Hearing and Mediation. During the Status Hearing, the Board heard oral arguments from both parties on the Motion to Dismiss.

On September 29, 2010, the Board dismissed the Protest because the designated representative for the Protestant failed to appear at the Roll Call Hearing and Status Hearing. The Board also dismissed the Protest, because the Protestant failed to appear at Mediation. The Protestant 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 6th day of October 2010, **DISMISS** the Protestant. Copies of this Order shall be sent to the Applicant and to the Protestant.

District of Columbia
Alcoholic Beverage Control Board

Charles Brodsky, Chairperson



Mital M. Gandhi, Member



Donald Brooks, Member

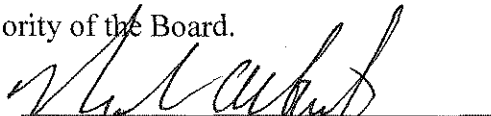


Herman Jones, Member



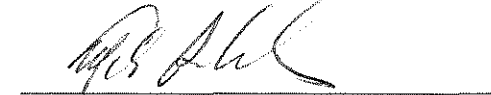
Calvin Nophlin, Member

I dissent from the position taken by the majority of the Board.



Nick Alberti, Member

I recuse myself from this matter.



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, N.W., Third Floor, Washington, D.C. 20009.