

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

In the Matter of:)		
)		
Suns Cinema, Inc.)	Case No.:	N/A
t/a Suns Cinema)	License No:	098888
)	Order No:	2015-381
)		
Application for a New)		
Retailer's Class CT License)		
)		
at premises)		
3107 Mt. Pleasant Street, N.W.)		
Washington, D.C. 20010)		

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

ALSO PRESENT: Suns Cinema, Inc., t/a Suns Cinema (Applicant)

Andrew Kline, Counsel, of the Veritas Law Firm, on behalf of the Applicant

Bryce Pardo, on behalf of a Group of Five or More Residents and Property Owners, (Pardo Group) Protestant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER GRANTING PROTESTANT'S MOTION FOR REINSTATEMENT

The protest of the Pardo Group was previously dismissed by the Alcoholic Beverage Control Board (Board) for failing to file a timely protest. *Letter from Imani Moreland, Adjudication Specialist, ABRA, to George Fulginiti-Shakur, Designated Representative* (Jun. 13, 2015) [*Protest Letter*]. The group subsequently filed a motion for reinstatement, which was opposed by the Applicant.

The group indicates that it placed its protest letter in the mail on July 2, 2015, which was four days before the protest deadline of July 6, 2015. *Letter from Bryce Pardo, Designated Representative to Ruthanne Miller, Chairperson, ABC Board*, 1 (Jul. 17, 2015). According to ABRA's records, the protest letter was marked received on July 10, 2015. *Protest Letter*, 1 (see date stamp). In this case, because the Pardo Group made reasonable efforts to file a timely protest, which was untimely due to no fault of the group, and granting the motion would not be prejudicial to the Applicant, the Board grants the motion for reinstatement. For this reason, the Board also finds good cause to waive 23 DCMR § 1601.5 in the interest of justice and to prevent hardship to the Pardo Group pursuant to 23 DCMR § 1600.2.

ORDER

Therefore, on this 5th day of August 2015, the Board hereby **GRANTS** the motion for reinstatement. ABRA shall deliver this order to the Pardo Group and the Applicant.

District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Albertiz, Member



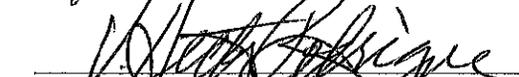
Donald Brooks, Member



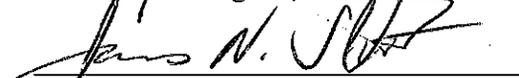
Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, Member

Pursuant to 23 DCMR § 1719.1, 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 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).