

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

<b>In the Matter of:</b>	)	
	)	
Sunshine Bar & Lounge, LLC	)	
t/a Sunshine Bar & Lounge	)	
	)	
Application for Renewal of a	)	Case No. 13-PRO-00022
Retailer's Class CR License	)	License No. ABRA-085239
	)	Order No. 2013-262
at premises	)	
7331 Georgia Avenue, N.W.	)	
Washington, D.C. 20012	)	

Sunshine Bar & Lounge, LLC, t/a Sunshine Bar & Lounge (Applicant)

Sarah Green, Commissioner, Advisory Neighborhood Commission (ANC) 4B

Andre Carley, on behalf of A Group of Five or More Individuals (Approximately 15 Individuals)

Andre Carley, on behalf of Concerned Neighbors, Inc. (CNI)

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

**ORDER ON DISMISSAL OF PROTESTS**

The Application filed by Sunshine Bar & Lounge, LLC, t/a Sunshine Bar & Lounge, for renewal of its Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 3, 2013, in accordance with D.C. Official Code § 25-601 (2001).

On June 3, 2013, pursuant to Title 23 of the District of Columbia Municipal Regulations (23 DCMR) § 1602.3 (2004), the Board dismissed the Protests of the Group of Five or More Individuals and CNI, because their protest claim falls outside the possible grounds outlined in Title 25 of the District of Columbia Official Code and Title 23 of the District of Columbia Municipal Regulations.

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23 DCMR § 1605.2 requires the Protestants to state “why the matter being objected to is inappropriate under one (1) or more of the appropriateness standards set out in D.C. Official Code §§ 25-313 and 25-314 and § 400 of this title.” As determined by statute, the appropriate grounds to file a protest are: (1) effect on peace, order, and quiet; (2) effect on real property values; (3) effect on residential parking needs and vehicular and pedestrian safety; (4) proximity and effect on schools, recreation centers, day care centers, and public libraries; (5) ability to attract school-age children before, during, and after school; or (6) creation of an overconcentration of licensed establishments. D.C. Code § 25-313 (2004); D.C. Code § 25-314 (2007), 23 DCMR § 400 (2008).

Instead, the Group of Five or More Individuals and CNI filed their protest based on the Applicant’s investigative history indicating that the Applicant’s history of serious violations also portends the occurrence of similar conduct in the future. The protest letters did not discuss existing violations.

Also, the Board dismissed the ANC 4B, because neither a signed resolution nor a protest letter was filed by ANC 4B.

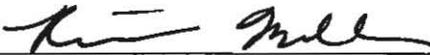
The Group of Five or More Individuals, CNI, and ANC 4B may file a Request for Reinstatement with the Board within ten (10) days from the date of this Order.

## **ORDER**

The Board does hereby, this 5<sup>th</sup> day of June, 2013, **DISMISS** the Protests of the Group of Five or More Individuals, CNI, and ANC 4B. Copies of this Order shall be sent to the Applicant, ANC 4B, and Andre Carley, on behalf of the Group of Five or More Individuals and CNI.

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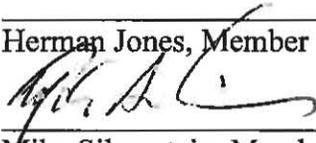
District of Columbia  
Alcoholic Beverage Control Board

  
Ruthanne Miller, Chairperson

Nick Alberti, Member

  
Donald Brooks, Member

Herman Jones, Member

  
Mike Silverstein, Member

Pursuant to D.C. Official Code § 25-433, 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.