

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

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In the Matter of:	)	
	)	
Cornerstone Bar Group, LLC	)	Case No.: 19-PRO-00095
t/a The Pub and the People	)	License No: ABRA-094089
	)	Order No: 2019-902
Application for a Substantial Change to a	)	
Retailer's Class CT License	)	
	)	
at premises	)	
1648 North Capitol Street, N.W.	)	
Washington, D.C. 20002	)	

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**BEFORE:** Donovan Anderson, Chairperson  
James Short, Member  
Bobby Cato, Member  
Rema Wahabzadah, Member  
Rafi Aliya Crockett, Member

**ALSO PRESENT:** Cornerstone Bar Group, LLC, t/a The Pub and the People, Applicant

Karla M. Lewis, Designated Representative, on behalf of Advisory  
Neighborhood Commission 5E, Protestant

Rodney Powell, Designated Representative, on behalf of Sukmohinder  
Mutneja, Abutting Property Owner, Protestant

Rodney Powell, Designated Representatives, on behalf of Five or More  
Residents and Property Owners, Protestants

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND ORDER**

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## INTRODUCTION

The Alcoholic Beverage Control Board (Board) approves the Application for a Substantial Change to a Retailer's Class CT License filed by Cornerstone Bar Group, LLC, t/a The Pub and the People, (hereinafter "Applicant" or "TPP") subject to the condition that live entertainment shall be limited to the basement, the maximum occupancy of the first floor shall remain at 84 persons, and the establishment shall comply with other requirements related to noise set by the Board. The Board advises TPP that it is obligated to comply with the terms of its settlement agreement, including provisions related to noise and trash disposal. The Board further advises the Protestants that they have an obligation to follow and trigger the notice and cure provisions of the settlement agreement and file appropriate complaints if they expect any enforcement of the agreement, which is required by the terms of the agreement, and already addresses many of the issues raised by the Protestants during the hearing.

### *Procedural Background*

The Notice of Public Hearing advertising TPP's Application was posted on June 28, 2019, and informed the public that objections to the Application could be filed on or before August 12, 2019. *ABRA Protest File No. 19-PRO-00095*, Notice of Public Hearing [*Notice of Public Hearing*]. The records of the Alcoholic Beverage Regulation Administration (ABRA) indicate that Advisory Neighborhood Commission (ANC) 5E, Abutting Property Owner Sukmohinder Mutneja, and a Group of Five or More Residents and Property Owners (hereinafter collectively the "Protestants") have filed a protest against the Application. *ABRA Protest File No. 19-PRO-00095*, Roll Call Hearing Results.

The parties came before the Board's Agent for a Roll Call Hearing on August 26, 2019, where all of the above-mentioned objectors were granted standing to protest the Application. On September 25, 2019, the parties came before the Board for a Protest Status Hearing. Finally, the Protest Hearing in this matter occurred on November 6, 2019.

The Board recognizes that an ANC's properly adopted written recommendations are entitled to great weight from the Board. D.C. Code §§ 1-309.10(d), 25-609; *Foggy Bottom Ass'n v. District of Columbia Alcoholic Beverage Control Bd.*, 445 A.2d 643, 646 (D.C. 1982). Accordingly, the Board "must elaborate, with precision, its response to the ANC[s] issues and concerns." *Foggy Bottom Ass'n*, 445 A.2d at 646. The Board notes that it received a properly adopted written recommendation from ANC 5E, which indicated that its protest is based on concerns regarding TPP's impact on peace, order, and quiet; residential parking and vehicular and pedestrian safety; and real property values. The ANC's issues and concerns shall be addressed by the Board in its Conclusions of Law below.

Based on the issues raised by the Protestants, the Board may only grant the Application if the request will not have an adverse impact on the peace, order, and quiet; residential parking and vehicular and pedestrian safety; and real property values of the area located within 1,200 feet of the establishment. D.C. Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2019).

## FINDINGS OF FACT

The Board, having considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board's official file, makes the following findings:

### I. Background

1. TPP has submitted an Application for a Substantial Change to a Retailer's Class CT License at 1648 North Capitol Street, N.W., Washington, D.C. *Notice of Public Hearing*. The Applicant seeks to operate in its basement with 28 seats and a total occupancy of 46 persons. *Id.* Further, the Applicant seeks to raise the occupancy of the first floor from 84 persons to 96 persons. *Id.* If approved, the total occupancy of the entire premises would expand from 84 persons to 144 persons. *Id.*
2. ABRA Investigator Jeremy Zollarcoffer investigated the Application and prepared the Protest Report submitted to the Board. *ABRA Protest File No. 19-PRO-00095, Protest Report* (Oct. 2019) [*Protest Report*].
3. The proposed establishment is located in a MU-4 (Mixed Use) zone. *Protest Report*, at 4. Six licensed establishments are located within 1,200 feet of the proposed location. *Id.* There are no schools, recreation centers, public libraries, or day care centers located within 400 feet of the establishment. *Id.* at 5.
4. According to the public notice, the establishment's hours of operation are as follows: 8:00 a.m. to 2:00 a.m., Sunday through Thursday, and 8:00 a.m. to 3:00 a.m. on Friday and Saturday. *Id.* at 5-6. The establishment's proposed hours of alcoholic beverage sales, service, and consumption are the same. *Id.* at 6. The establishment's sidewalk café hours start at 8:00 a.m. seven days per week, end at 11:00 p.m., Sunday through Thursday, and end at midnight on Friday and Saturday. *Id.*
5. ABRA investigators visited the establishment on five occasions between October 6, 2019 and October 28, 2019. *Id.* They observed no violations or disturbances. *Id.*
6. The report discussed the neighborhood's public transportation resources. *Id.* at 7. First, the establishment is close to the Shaw-Howard University Metro Station and the NoMa-Gallaudet University Metro Station. *Id.* Second, there are bus stops located near the establishment. *Id.* Third, the report noted that there is minimal street parking and the area has a lot of traffic; nevertheless, there are two private parking lots located in the vicinity. *Id.* Fourth, investigators observed patrons use rideshare services to go to the establishment. *Transcript (Tr.)*, November 6, 2019 at 56.
7. ABRA's records indicate that only four complaints were filed against the establishment between October 10, 2018, and October 10, 2019. *Id.* at 7. Furthermore, ABRA only received one noise complaint in April 2019. *Id.* MPD reported no calls for service associated with TPP's address. *Id.* at Exhibit 30.

## II. Settlement Agreement

8. TPP is subject to a settlement agreement that has been in effect since 2014. *In re Cornerstone Bar Group, LLC, t/a The Pub and the People*, ABRA License No. 094089, Board Order No. 2014-261, Settlement Agreement, § 3 (D.C.A.B.C.B. Jun. 25, 2014).
9. Section 3 of the agreement requires trash pickup to occur between 8:00 a.m. and 5:00 p.m. *Id.* at § 3. It further requires that no bottles are deposited in the establishment's dumpsters between 10:00 p.m. and 8:00 a.m. *Id.*
10. Section 7 of the agreement requires that residents "not hear noise from the business within their homes." *Id.* at § 7. It further requires that music should not be heard outside the establishment. *Id.*
11. Section 11 provides TPP with the right to notice of all settlement agreement violations and an opportunity to cure within 10 days of proper notice. *Id.* at § 11. It appears that the agreement does not grant a 10 day cure period for cases involving noise; as a result, in the case of noise TPP should immediately cease the violation upon proper notice. *Id.*

## III. Nick Bernel

12. Nick Bernel serves as one of the owners of TPP. *Tr.*, 11/6/19 at 69. In addition to owning the establishment, Mr. Bernel was educated as an architect. *Id.* In the past 12 years, he has consistently held positions as an architect or engineer. *Id.* at 70. Based on this experience, he helped design TPP's expansion with a licensed architect and sound engineers. *Id.* at 70, 106, 108. The redesigned basement will be 30 feet by 14 feet. *Id.* at 91.
13. As part of the design plans, TPP considered sound mitigation. *Id.* at 71. First, the establishment lined three walls in the basement with Roxul Soundboard, which "absorb[s] bass frequency sounds." *Id.* at 83. Second, the establishment also installed Owens Corning soundproofing insulation, which absorbs treble sounds. *Id.* at 80, 83. Third, the only shared wall in the basement is lined with plywood, drywall, "Green Glue," and spray insulation that creates additional separation between the neighboring property and the basement. *Id.* at 84-87, 118, 140; *see also Applicant's Exhibit 8b* (Picture of spray foam installation). Fourth, the ceiling is separated from the floor above it. *Id.* at 87. Fifth, TPP installed a rubber pad where any wall, floor, ceiling, or bar touch in order to reduce vibration transmissions. *Id.* at 89. Sixth, chairs and tables have a rubber pad installed on their bottoms to prevent loud noises when these objects are moved. *Id.* at 90. Finally, the stairway exiting the establishment faces nonresidential North Capital Street, N.W. *Id.* at 91-92. As a result, the new construction should prevent sound from transferring from the basement to the abutting building. *Id.* at 86.
14. Mr. Bernel noted that the establishment previously conducted a noise test at the residence of their abutting neighbor at 4 R Street, N.W. *Id.* at 93, 100. During this test, no sound from TPP's stereo could be heard in the neighboring home. *Id.* Mr. Bernel further noted that the abutting property is now four stories tall, while TPP's building is only one story tall. *Id.* at 101.

15. Mr. Bernel noted that the first level has sound insulation on the ceiling. *Id.* at 132. Nevertheless, the walls of the first level do not have sound insulation. *Id.* at 132, 146. He admitted that the prior neighbor had sent his establishment noise complaints on occasion. *Id.* at 136. She also complained about the operation of a motorcycle and the movement of tables and chairs, which the establishment ceased. *Id.* at 137.

16. Mr. Bernel indicated that the establishment generally plans to have live entertainment in the basement. *Id.* at 133-34. He noted that the table and chairs on the first floor do not have rubber bottoms. *Id.* at 145. The establishment is also adding two single person bathrooms to the downstairs, in addition to the two existing bathrooms on the first floor. *Id.* at 142-43.

#### **IV. Felicia Lynch**

17. Felicia Lynch lives in a residence that borders the alley that runs by the establishment. *Id.* at 166-67. Based on the location of her residence, she can see the establishment's dumpsters. *Id.* at 167. The dumpsters are approximately 12 feet away from her residence. *Id.* at 169.

18. Ms. Lynch discussed her concerns regarding noise. *Id.* at 170. First, she complained that she hears a lot of noise between midnight and 3:00 a.m. when the establishment uses its dumpster. *Id.* at 170-71. She further regularly hears glass bottles being dumped at these times even though such activity is prohibited by § 3 of TPP's settlement agreement. *Id.* at 172-74, 177-78. She further complained that the establishment's trash service is picking up trash at 7:00 a.m. even though § 3 prohibits pickup before 8:00 a.m. *Id.* at 182.

#### **V. Jean Watkins**

19. Jean Watkins lives approximately seven houses away from the establishment. *Id.* at 201. On one occasion, she heard music coming from TPP's establishment into the street from an open door despite the prohibition contained in § 7 of the settlement agreement. *Id.* at 203-04. On another occasion, at an unidentified date and time, she has seen people loiter around the establishment and urinate in public. *Id.* at 215, 224.

#### **VI. Rodney Powell**

20. Rodney Powell lives in the neighborhood. *Id.* at 242. He indicated that he frequently observes people urinate on one of the establishment's exterior walls. *Id.* at 246. On another occasion, he heard drum sounds coming from the establishment into the street. *Id.* at 250-51. Mr. Powell admitted that he never sent an email or communication to the establishment regarding his concerns. *Id.* at 257.

#### **VII. Kathie Shahan**

21. Kathie Shahan lives in the neighborhood. *Id.* at 268. She noted that she has observed TPP's patrons gather outside to talk and smoke. *Id.* at 270, 274. On another occasion, she

observed a greasy stain coming out of the alley near the establishment that remained until it rained. *Id.* at 272.

### **VIII. Sukmohinder Mutneja**

22. Sukmohinder Mutneja owns the abutting property, which is under construction. *Id.* at 280, 294. Mr. Mutneja is concerned about the sound and potential smell. *Id.* at 283-84. He requested that the establishment’s speakers be placed on the opposite side of the building away from residents and not connected to any shared walls. *Id.* at 287. He also wants a sound engineer to analyze the space. *Id.* at 291. He is also concerned about property values should any issue arise. *Id.* at 288, 308. Nevertheless, he admitted that he is currently converting the property to a multiunit premises and has added soundproofing features to his building. *Id.* at 295.

## **CONCLUSIONS OF LAW**

23. The Board may approve an Application for a Substantial Change to a Retailer's Class CT License when the proposed establishment will not have an adverse impact on the neighborhood. D.C. Code §§ 25-104, 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2019). Specifically, the question in this matter is whether the Application will have a negative impact on the peace, order, and quiet; residential parking and vehicular and pedestrian safety; and real property values of the area located within 1,200 feet of the establishment. D.C. Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2019).

### **I. The Substantial Change is Generally Appropriate for the Neighborhood Subject to Conditions.**

24. Under the appropriateness test, “the applicant shall bear the burden of proving to the satisfaction of the Board that the establishment for which the license is sought is appropriate for the locality, section, or portion of the District where it is to be located . . . .” D.C. Code § 25-311(a). The Board shall only rely on “reliable” and “probative evidence” and base its decision on the “substantial evidence” contained in the record. 23 DCMR § 1718.3 (West Supp. 2019). The substantial evidence standard requires the Board to rely on “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Clark v. D.C. Dep't of Employment Servs.*, 772 A.2d 198, 201 (D.C. 2001) *citing Children's Defense Fund v. District of Columbia Dep't of Employment Servs.*, 726 A.2d 1242, 1247 (D.C.1999).

25. In determining appropriateness, the Board must consider whether the applicant’s future operations will satisfy the reasonable expectations of residents to be free from disturbances and other nuisances—not just whether the Application complies with the minimum requirements of the law. D.C. Council, Bill 6-504, the “District of Columbia Alcoholic Beverage Control Act Reform Amendment Act of 1986,” Committee on Consumer and Regulatory Affairs, 38 (Nov. 12, 1986); *see Panutat, LLC v. D.C. Alcoholic Beverage Control Bd.*, 75 A.3d 269, 277 n. 12 (D.C. 2013) (“However, in mandating consideration of the effect on peace, order, and quiet, § 25-313(b)(2) does not limit the Board's consideration to the types of noises described in § 25-725.”). As part of its analysis, the Board should evaluate each “unique” location “according to

the particular circumstances involved” and attempt to determine the “prospective” effect of the establishment on the neighborhood. *Le Jimmy, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 433 A.2d 1090, 1093 (D.C. 1981). Furthermore, the analysis may also include the Applicant’s efforts to mitigate or alleviate operational concerns, the “character of the neighborhood,” the character of the establishment, and the license holder’s future plans. *Donnelly v. District of Columbia Alcoholic Beverage Control Board*, 452 A.2d 364, 369 (D.C. 1982) (saying that the Board could rely on testimony related to the licensee’s “past and future efforts” to control negative impacts of the operation); *Upper Georgia Ave. Planning Comm. v. Alcoholic Beverage Control Bd.*, 500 A.2d 987, 992 (D.C. 1985) (saying the Board may consider an applicant’s efforts to “alleviate” operational concerns); *Citizens Ass’n of Georgetown, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 410 A.2d 197, 200 (D.C. 1979); *Gerber v. D.C. Alcoholic Beverage Control Bd.*, 499 A.2d 1193, 1196 (D.C. 1985); *Sophia’s Inc. v. Alcoholic Beverage Control Bd.*, 268 A.2d 799, 800-801 (D.C. 1970).

**a. The substantial change will not have a negative impact on residential parking needs and vehicular and pedestrian safety.**

26. “In determining the appropriateness of an establishment, the Board shall consider . . . [t]he effect of the establishment upon residential parking needs and vehicular and pedestrian safety . . .” D.C. Code § 25-313(b)(3); *see also* D.C. Code §§ 25-101(35A), 25-314(a)(4). Among other considerations, the Board is instructed to consider the availability of both private and public parking, any parking arrangements made by the establishment, whether “[t]he flow of traffic . . . will be of such pattern and volume as to . . . increase the [reasonable] likelihood of vehicular [or pedestrian] accidents . . .” 23 DCMR § 400.1(b), (c) (West Supp. 2019). In this case, it has been shown that TPP is located in a neighborhood with access to two metro stops and near various bus stops. *Supra*, at ¶ 6. The Protestants’ concerns regarding parking is too speculative to be credited. Therefore, the Board finds in favor of TPP on this issue.

**b. The substantial change will not have a negative impact on real property values.**

27. In determining whether an establishment is appropriate, the Board must examine whether the establishment is having a negative effect on real property values. D.C. Code § 25-313(b)(1). The Board has noted in the past that the presence of blight may have a negative impact on property values. *In re Historic Restaurants, Inc., t/a Washington Firehouse Restaurant, Washington Smokehouse*, Case No. 13-PRO-0031, Board Order No. 2014-107, ¶ 48 (D.C.A.B.C.B. Apr. 2, 2014) *citing In re Rail Station Lounge, LLC, t/a Rail Station Lounge*, Case No. 10-PRO-00153, Board Order No. 2011-216, ¶ 62 (D.C.A.B.C.B. Jun. 15, 2011). In this case, there is no evidence of blight and the Protestants’ concerns regarding property values are too speculative to be credited. *Supra*, at ¶ 22. Therefore, the Board finds in favor of TPP on this issue.

**a. The substantial change will not have a negative impact on peace, order, and quiet subject to the Board's conditions.**

28. “In determining the appropriateness of an establishment, the Board shall consider . . . [t]he effect of the establishment on peace, order, and quiet, including the noise and litter provisions set forth in §§ 25-725 and 25-726.” D.C. Code § 25-313(b)(2); *see also* D.C. Code §§ 25-101(35A), 25-314(a)(4). Among other considerations, the Board is instructed to consider “noise, rowdiness, loitering, litter, and criminal activity.” 23 DCMR § 400.1(a) (West Supp. 2019).

29. In this case, TPP’s proposed expansion in the basement includes extensive soundproofing that makes the basement an appropriate place for live entertainment and music. *Supra*, at ¶ 13. The Protestants’ concerns regarding noise coming from the basement are speculative and unreasonable in light of TPP’s efforts. *Id.* The Protestants complain about music coming out of the establishment into the streets in violation of the settlement agreement. *Supra*, at ¶ 19. Nevertheless, there is no indication that any member of the community has followed the notice and cure provisions related to the settlement agreement; as a result, the Board is not persuaded that the settlement agreement is in any way ineffective or not able to address the Protestants’ concerns if properly followed. *Supra*, at ¶ 20. As a result, TPP has adequately addressed the risk of noise leaking out of the basement.

30. The Protestants further complain about repeated public urination near the establishment. *Supra*, at ¶ 20. Nevertheless, TPP’s expansion includes the addition of two more bathrooms. *Supra*, at ¶ 16. As a result, TPP’s plans adequately address this concern.

31. The Protestants also complain that TPP is violating the provisions of its settlement agreement relating to the disposal of trash. *Supra*, at ¶ 18. Nevertheless, there is no indication that any member of the community has followed the notice and cure provisions related to the settlement agreement; as a result, the Board is not persuaded that the settlement agreement is in any way ineffective or not able to address the Protestants’ concerns if properly followed. The Protestants further complain about a grease stain near the property; however, this appears to be an isolated incident that does not impact the Board’s analysis. *Supra*, at ¶ 21. As a result, the Board is not persuaded that any issues related to trash and other unsanitary conditions are sufficient to deny TPP’s substantial change request.

32. Finally, the Protestants further complained about patrons loitering and smoking outside the establishment. *Supra*, at ¶ 21. The Board is mindful that individuals have a constitutional right to associate and assemble in public. *U.S. Const. amend. I* (“Congress shall make no law . . . abridging . . . the right of the people peaceably to assemble”). Moreover, there is no evidence that loitering patrons are continuously engaging in additional activity that may warrant action, such as violence, drug dealing, blocking traffic, or other antisocial behavior. In light of the extensive rights of citizens to gather in public, people merely talking or smoking is not sufficient to warrant further action on the part of the Board. Simply put, the District’s alcohol laws provide for orderly streets, not empty ones. Therefore, the Board generally finds in favor of TPP on the issue of peace, order, and, quiet.



## II. The Board Imposes Conditions on the License to Address Potential Issues Regarding Noise.

33. In light of the Board's findings regarding appropriateness, the Board finds it necessary to impose conditions on the Applicant's license. See *In re Dos Ventures, LLC, t/a Riverfront at the Ball Park*, Case No. 092040, Board Order No. 2014-512. ¶ 49 (D.C.A.B.C.B. Nov. 13, 2013) (saying "[i]n practice, the Board has imposed conditions when it is shown that there are valid concerns regarding appropriateness that may be fixed through the imposition of specific operational limits and requirements on the license"). Under § 25-104(e), the Board is granted the authority to impose conditions on a license when ". . . the inclusion of conditions will be in the best interest of the [neighborhood] . . . ." D.C. Code § 25-104(e).

34. In this case, the Board's approval is based on TPP's showing that it has adequately soundproofed the basement. *Supra*, at ¶¶ 13, 29. Nevertheless, TPP did not make the same showing for the other levels of the establishment or that these levels are properly soundproofed. Consequently, the Board is not persuaded that additional occupancy and live entertainment on other levels can occur without disturbing the peace and quiet of the community and TPP's neighbors. *Supra*, at ¶¶ 15, 19-20. Therefore, the Board will impose a condition limiting entertainment to the basement; requiring the closing of windows and doors when live entertainment is provided; and freezing the occupancy of the first level to 84 persons.

## III. The Application Satisfies All Remaining Requirements Imposed by Title 25.

35. Finally, the Board is only required to produce findings of fact and conclusions of law related to those matters raised by the Protestants in their initial protest. See *Craig v. District of Columbia Alcoholic Beverage Control Bd.*, 721 A.2d 584, 590 (D.C. 1998) ("The Board's regulations require findings only on contested issues of fact."); 23 DCMR § 1718.2 (West Supp. 2019). Accordingly, based on the Board's review of the Application and the record, the Applicant has satisfied all remaining requirements imposed by Title 25 of the D.C. Official Code and Title 23 of the D.C. Municipal Regulations.

## ORDER

Therefore, the Board, on this 4th day of December 2019, hereby **APPROVES** the Application for a Substantial Change to a Retailer's Class CT License at premises 1648 North Capitol Street, N.W., filed by TPP subject to the following **CONDITIONS**:

1. The license holder shall limit the provision of live entertainment to the basement;
2. All windows and doors shall remain closed except for the ingress and egress of patrons when the establishment is providing live entertainment; and
3. The occupancy of the first floor shall be limited to 84 persons.


**IT IS FURTHER ORDERED** that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed

invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision.


**IT IS FURTHER ORDERED** that ABRA refer the issue of the alleged smell coming from the establishment to the D.C. Fire and EMS Service's Office of the Fire Marshall. ABRA shall also refer the issue of whether the electrical service panel is appropriately placed to the D.C. Department of Consumer and Regulatory Affairs. The Board notes that these matters raised during the hearing fall outside the scope of the Board's review in this matter.

The ABRA shall deliver a copy of this order to the Parties.

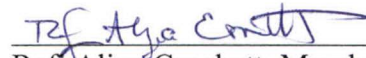
District of Columbia  
Alcoholic Beverage Control Board

  
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Donovan Anderson, Chairperson

  
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James Short, Member

  
\_\_\_\_\_  
Bobby Cato, Member

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Rema Wahabzadah, Member

  
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Raff Aliya Crockett, Member

Pursuant to D.C. Official Code § 25-433(d)(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, 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. 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. 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) (2004).