

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

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**In the Matter of:**

Spo-dee-o-dee, LLC  
t/a The Showtime

Applicant for Renewal of a  
Retailer's Class CT License

at premises  
113 Rhode Island Avenue, N.W.  
Washington, D.C. 20002

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Case No.: 16-PRO-00105  
License No.: ABRA-089186  
Order No.: 2017-334

**BEFORE:** Donovan Anderson, Chairperson  
Nick Alberti, Member  
Mike Silverstein, Member  
James Short, Member  
Jake Perry, Member  
Donald Isaac, Sr., Member

**ALSO PRESENT:** Spo-dee-o-dee, LLC, t/a The Showtime, Applicant  
  
Andrew Kline, Counsel, on behalf of the Applicant  
  
Dr. Paul L. Collins, Abutting Property Owner, Protestant  
  
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**

Spo-dee-o-dee, LLC, t/a The Showtime (hereinafter "Applicant" or "The Showtime"), has demonstrated to the satisfaction of the Alcoholic Beverage Control Board (Board) that its operations are not having a negative impact on the community and that the Applicant has taken

reasonable steps to alleviate any negative impacts that may be caused by its operations at 113 Rhode Island Avenue, N.W., Washington D.C. Therefore, the Board approves the Application to Renew a Retailer's Class CT License filed by The Showtime.

### ***Background***

This matter comes to the Board as a renewal of a Retailer's Class CT license, located on 113 Rhode Island Avenue, N.W. This CT license was issued to the Applicant on May 28, 2013. Because there have been no fewer than nine (9) protest related hearings in the short four (4) years the Applicant has been operating, the Board finds that a review of the history of the license and the operations of the establishment is warranted.

The Applicant applied for a new Retailer's CT License on March 29, 2012. The Application was supported by the Advisory Neighborhood Commission (ANC) 5C by letter dated May 18, 2012. The Application was opposed by the Abutting Property Owner, the Rev. Dr. Paul L. Collins, of the Nazarene Outpost Ministries, by letter dated May 11, 2012, pursuant to D.C. Official Code § 25-601(1). *ABRA Protest File, Case No. 12-PRO-00040.*

On August 6, 2012, the Applicant and the Protestant entered into a Settlement Agreement that was approved by the Board on October 10, 2012. The Settlement Agreement set forth general terms regarding the operations of the licensed establishment such as cleanliness, trash pick-up and vermin control. *See ABC Board Order No. 2012-381.*

On September 17, 2014, the Applicant applied for a Substantial Change to his license to permit the use of a Sidewalk Café with an occupancy of six (6) seats. This application was protested by the Rev. Dr. Collins on November 24, 2014. *ABRA Protest File, Case No. 14-PRO-00095.* The matter proceeded to a protest hearing on March 11, 2015. The Board issued its Order on May 20, 2015, granting the sidewalk café and prohibiting smoking within 25' of the café. *See Board Order No. 2015-273.*

The Applicant sought reconsideration of the Board's Order, questioning the authority of the Board to prohibit smoking in the public space. The Board then amended its Order by limiting the prohibition of smoking to the sidewalk café. *See Board Order No. 2015-447.*

On March 8, 2016, the Applicant applied for a Substantial Change to his license to increase its occupancy load to 78 patrons with 46 seats. This Application was protested on May 16, 2016 by eight (8) neighbors forming a Group of Five or More Individuals pursuant to D.C. Official Code § 25-601(2). The Rev. Dr. Collins was a member of the Group of Five or More Protestants, and did not file a separate protest as an Abutting Property Owner. *ABRA Protest File, Case No. 16-PRO-00038.*

The Applicant and Protestant Group resolved the protest by entering into a new Settlement Agreement on August 3, 2016 which allowed for smoking on the sidewalk café during the café's hours of operation, and when the patrons are seated. The Board approved this Agreement by Board Order No. 2016-654, dated November 16, 2016. *See Board Order No. 2016-654.*

On August 26, 2016, the Applicant applied to renew his license and notwithstanding the 2016 Settlement Agreement, the Application was protested by the Rev. Dr. Collins which brings the Board to the contested matter at hand.

### ***Procedural History***

The Notice of Public Hearing advertising the renewal applications was posted on September 9, 2016, and informed the public that objections to the Application could be filed on or before November 21, 2016. *ABRA Protest File No. 16-PRO-00105*, Notice of Public Hearing. The Board received a timely protest petition from Abutting Property Owner, Paul Collins. *ABRA Protest File No. 16-PRO-00105*.

The parties came before the Board's Agent for a Roll Call Hearing on November 7, 2016, where the Protestant was granted standing to protest. On December 14, 2016, the parties came before the Board for a Protest Status Hearing. Finally, the Protest Hearing in this matter occurred on May 3, 2017.

Based on the issues raised by the Protestant, the Board may only grant the Application if the Board finds that the request will not have an adverse impact on the peace, order, and quiet of the area located within 1,200 feet of the establishment based on the establishment's impact on litter and trash management practices. D.C. Official Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2016).

### **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. License Information**

1. The Showtime holds a Retailer's Class CT License at 113 Rhode Island Avenue, N.W. *ABRA Licensing File No. ABRA-089186*. Hours of operation, sales and service are Monday through Thursday 10:00 a.m. to 2:00 a.m., Friday and Saturday 10:00 a.m. to 3:00 a.m., and Sunday 3:00 p.m. to 2:00 a.m. Occupancy is seventy-eight (78). *ABRA Licensing File No. ABRA-089186*.

2. The Applicant has two endorsements on the license. *ABRA Licensing File No. ABRA-089186*. The Entertainment Endorsement allows for live music Sunday through Thursday from 6:00 p.m. to 2:00 a.m., and Friday and Saturday from 6:00 p.m. to 3:00 a.m. *ABRA Licensing File No. ABRA-089186*. The Sidewalk Cafe Endorsement has an occupancy of six (6) seats and the hours of operation are Monday through Thursday 10:00 a.m. to 9:00 p.m., Friday and Saturday 10:00 a.m. to 10:00 p.m., and Sunday 3:00 p.m. to 9:30 p.m. *ABRA Licensing File No. ABRA-089186*.

## **II. ABRA Investigator Anthony Howze.**

3. ABRA Investigator Anthony Howze investigated the Application and prepared the Protest Report submitted to the Board. *ABRA Protest File No. 16-PRO-00105, Protest Report* (Mar. 2017).

4. The Applicant is located in a mixed use (MU-4) zone. *Protest Report*, at 3. As of January 9, 2017, there were fourteen (14) active licensed establishments operating within 1,200 feet of The Showtime. *Id.* Of the fourteen (14) licensed establishments, five (5) have sidewalk cafes, and two (2) of those sidewalk cafes are located across the street on the south side of Rhode Island Avenue, N.W. *Id.* at 4.

5. There are no schools, public libraries, recreation centers or day care centers located within 400 feet of The Showtime. *Id.*

6. ABRA investigators monitored the establishments on six (6) separate occasions, between January 4, 2017 and January 11, 2017. *Id.* at 21, 24. Inv. Howze observed patrons outside the establishment, either smoking or waiting for transportation. *Id.* at 25. He also noticed a lot of pedestrian traffic. *Id.* He did not hear much noise either in front of the establishment or in the alley behind the establishment. *Id.* On one particular occasion, he noted patrons standing and smoking to the west of the establishment's front door where the cigarette towers are located. *Id.* at 26. Nobody was smoking on the sidewalk café at the time of his observation. *Id.*

7. As a part of his investigation, Inv. Howze interviewed the Applicant and the Protestant. *Id.* at 16. The Protestant expressed concerns regarding secondhand smoke entering the church, noise from loud music, and trash, to include three abandoned mattresses in the alley. *Id.* at 16-18. Dr. Collins informed Inv. Howze that it was difficult for him to rent the apartments above the church due to the apartments' proximity to the tavern. *Id.*

8. Investigator Howze also interviewed the Applicant who stated that patrons are not permitted to smoke on the sidewalk café after the café is closed. *Id.* at 19-21. Once the café is closed, they smoke in front and to the west of the establishment where there is a cigarette tower for the disposal of butts. *Id.* at 19-21. The Applicant also informed Inv. Howze that he has the trash picked up three times a week, and that he believed the mattresses were left in the alley by Dr. Collins' vacating tenants. *Id.* at 20.

9. Investigator Howze referenced several photographic exhibits depicting the establishment and the sidewalk café. *Id.* at 22-24.

## **III. Richard Lynch**

10. Richard Lynch is a neighbor who lives directly above The Showtime in Apartment #2. *Tr.*, 5/3/17 at 40. He has resided there since March 1997. *Id.* at 41. Prior to the opening of the establishment several years earlier, there were three barbershops located in that space. *Id.* at 41. Mr. Lynch has had no problems with the establishment. *Id.* at 41, 43. He did experience excessive guns and drugs when the barber shops occupied that same space. *Id.* at 42.

11. Mr. Lynch does not work for the establishment. *Id.* at 46. He is a member of a band that practices in his apartment, and on occasion plays at the establishment on Sunday evenings. *Id.* at 43. He sometimes sees the Protestant during the week, but he has not seen him during the hours the band is playing. *Id.* at 44.

12. Mr. Lynch is aware that people smoke in front of the establishment. *Id.* at 44-45. His observation is that smoking is heaviest during the morning hours when neighboring residents smoke at the bus stop. *Id.* These individuals are not patrons of the establishment given the hour of the day. *Id.* There are patrons who smoke in the evenings when the bar is open, but they do not smoke on the street. *Id.* at 50. Mr. Lynch is not a smoker, and he goes inside when people are smoking. *Id.* at 45-46. The smoking does not bother him, and the smoke does not go in his house. *Id.*

#### **IV. Paul Vivari**

13. Mr. Valvari owns the establishment. *Id.* at 47. He has been open and operating since May 2013. *Id.* at 48. He describes the tavern as a small neighborhood bar that offers drinks at reasonable prices. *Id.* Occasionally he offers live music in the form of a band on Sunday evenings. *Id.* The establishment is a low key, friendly bar where patrons can have a couple of drinks and unwind after work. *Id.* Most of his patrons come from the neighborhood on Sunday through Thursday nights. *Id.* 48-49. On the weekends, he has patrons who visit from other neighborhoods because of the appeal of several different bars and restaurants. *Id.*

14. The Showtime is the first licensed establishment Mr. Vivari has owned, and he has found it somewhat challenging. *Id.* The challenges have come from learning what the law and regulations permit, as well as ensuring that the establishment is a good fit for the neighborhood. *Id.* at 49-50. Mr. Vivari believes he has addressed concerns raised by the neighborhood in a very open and constructive way that has resulted in settlement agreements approved by the Board. *Id.* at 50. These agreements have led to a very healthy relationship with the neighborhood. *Id.*

15. Mr. Vivari admitted that he still has disagreements with his neighbor, Dr. Collins, the Protestant, over the issue of smoking. *Id.* at 50. Dr. Collins didn't originally like the idea of having a bar next to his property. *Id.* at 51, 53. He then became concerned about the use of the sidewalk café. *Id.* Dr. Collins believed the sidewalk café was encroaching on his property, notwithstanding Mr. Vivari's securing of the DCRA and DDOT approvals. *Id.* Additionally, the issue of the patrons' smoking remains a concern for the Protestant. *Id.* at 51. Mr. Vivari is confused by the Protestant's concern given that the two commercial properties don't operate at the same time. *Id.* at 52. Dr. Collins uses his property on Sunday mornings, and he is present there two or three days a week, leaving around 1:00 p.m. or 2:00 p.m. *Id.* 52. Mr. Vivari, on the other hand, does not open the bar until 3:00 p.m. *Id.*

16. Mr. Vivari lives on the third floor above the bar. *Id.* at 53. Dr. Collins has about ten (10) tenants who are students, and many are under the age of 21. *Id.* As a result, Mr. Vivari does not have much interaction with them. *Id.* at 53-54. Those tenants who are over the age of 21 have frequented his establishment. *Id.* at 54. Mr. Vivari testified that these tenants love the bar and enjoy hanging out there. *Id.* Mr. Vivari has not received a single complaint from anyone who

lives in Mr. Collins' building. *Id.* He is aware that Dr. Collins' tenants smoke in the back of their building and he has no concerns about their smoking. *Id.*

17. When Mr. Viari opened his sidewalk café in 2015, the Board initially prohibited smoking on the café and within 25 feet from the café. *Id.* at 55. This created problems for many of Mr. Vivari's neighbors because the smoking patrons would move down the sidewalk and smoke in front of private residences. *Id.* at 56. The neighbors thought it would be better to have the patrons smoke on the sidewalk café where the environment was controlled by the use of stanchions, ashtrays and cigarette towers for butt disposal. *Id.* 56. This led to the adoption by the neighbors of a settlement agreement in 2015 regarding allowing smoking on the sidewalk café. *Id.* at 57.

18. Mr. Vivari felt strongly that he needed to enter into a new agreement in 2015 with the neighbors as opposed to keeping the old agreement with just Dr. Collins because there were more of the new neighbors and they were directly affected by the wandering smokers. *Id.* at 57-58. The neighbors came together and struck an agreement that Mr. Vivari believes has put a better system in place. *Id.* at 58. Mr. Vivari believes the new arrangement is working well and he hasn't received any complaints from the neighbors since its implementation. *Id.* at 48-59.

19. Mr. Vivari described the arrangement which permits smoking on the sidewalk café only when the cafe is in operation. *Id.* at 58. When the sidewalk café is closed, patrons are directed to an areas west of the front door so that they are not directly in front of the entrance or under the tenants' windows. *Id.* 58-59. Additionally, because Mr. Vivari also lives in the building, he constantly checks with his neighbors to ensure that they are not bothered by the operations of his establishment. *Id.* at 59.

20. Mr. Vivari has arranged for the trash to be collected four times a week. *Id.* at 60. He has two large trash bins and another bin for recycling. *Id.* at 61. Mr. Vivari did not own or place the mattresses in the alley, but he ensured that they were properly disposed of. *Id.* at 60. He assumed they belonged to Dr. Collins' tenants or perhaps had been left there by contractors who were renovating another house on the block. *Id.*

21. With regard to noise, Mr. Vivari makes an effort to remind departing patrons to respect the neighbors by keeping noise levels to a minimum. *Id.* at 61. He also will approach people and warn them when they are speaking too loudly, even if those people are not on the establishment's premises. *Id.* 61-62. He also provides his cell number to the neighbors so that when he gets a text message about the volume of voices, he can step outside and speak to the patrons right then. *Id.* at 62. He is always available to the neighbors and they know where he lives if they have any complaints. *Id.* at 62.

22. Most of the complaints that Mr. Vivari receives come from Dr. Collins and they concern the property line between the two commercial properties. *Id.* at 63. Dr. Collins believes that the sidewalk café encroaches on his property. *Id.* Mr. Vivari pointed out to Dr. Collins that everything was legal and that three different District of Columbia agencies had approved the use and location of the sidewalk café. *Id.* at 63-64. Mr. Vivari explained to Dr. Collins that smoking



was now permitted on the sidewalk café until the café closes at 9:00 pm during the week and 10:00 pm on weekends. *Id.* at 69-70.

## **V. The Reverend Dr. Paul Collins**

23. Dr. Paul Collins owns the building adjacent to the establishment, located at 111 Rhode Island Avenue N.W. *Id.* at 78-79. He initially entered into a Settlement Agreement as a result of a protest with Mr. Vivari in 2012 when the business first opened. *Id.* at 72-73, 106. He believed that Mr. Vivari intended to conduct his business entirely inside the establishment. *Id.* at 73. Mr. Vivari then applied for a sidewalk café and Dr. Collins protested again. *Id.* Though the Board entered an Order on the protest, Dr. Collins did not believe that the Board's Order replaced the initial Settlement Agreement. *Id.* at 73-75. The Board's 2015 Order placed limits on patrons' ability to smoke outside the establishment. *Id.* at 78. Dr. Collins also believes that the Board's 2015 Order is still in effect. *Id.* at 96.

24. There is now a new Agreement, dated August 3, 2016, which resolved a protest filed by several neighbors. *Id.* at 73-74, 79, 86. According to Dr. Collins, the neighbors complained about noise, the large crowds, the inability to sleep at night and secondhand smoke. *Id.* at 74, 100. Although Dr. Collins did not personally sign the new Agreement, he was a member of the group of neighbors who negotiated and entered into it. *Id.* 79-80, 87, 94. Dr. Collins did not sign the Agreement because he did not agree with the terms his neighbors negotiated. *Id.* 95-96. Dr. Collins did not file a separate protest as an abutting property owner. *Id.* at 87-88.

25. The new Agreement conflicts with the provision regarding the prohibition against smoking within 25' of the establishment. *Id.* at 81, 87. The new Agreement allows patrons to smoke on the sidewalk café only during sidewalk café hours and when patrons are seated. *Id.* 83-85, 99. Dr. Collins acknowledges that the Board approved the new Agreement. *Id.* at 81.

26. Dr. Collins testified that the adjacent neighbor to the west of the establishment, Mr. and Mrs. DeZino, sold their house due to the conditions created by the patrons and the sidewalk café. *Id.* at 81, 104. Dr. Collins has also had a difficult time renting the apartments above his office, but he uses a management company to assist in the renting. *Id.* at 75, 88-90.

27. Dr. Collins is asking the Board to not renew the sidewalk café and to prohibit smoking within 25' of the establishment. *Id.* at 76. He would prefer that there be no smoking at all and that the establishment would follow the Board's 2015 Order. *Id.* 92-93. He also has a concern that the sidewalk café is on his property line. *Id.* at 77-78.

## **VI. Paul Vivari – Rebuttal**

28. Mr. Vivari testified on rebuttal that his understanding of the 2016 Settlement Agreement is that patron smoking is permitted within the sidewalk café during café hours and while the patrons are seated. *Id.* at 111, 114. The sidewalk café occupies the area to the east of the front door of the establishment. *Id.* at 111-112, 123-125. This area is cordoned off by purple rope. *Id.* at 112.

29. Once the sidewalk café closes, Mr. Vivari ropes off the entire area so that patrons cannot utilize it. *Id.* Patrons who want to smoke after the sidewalk café closes must stand to the west of the front door of the establishment. *Id.* at 112, 115-116. This restriction resulted from the neighbors' concern about how late patrons would be smoking on the sidewalk café. *Id.* at 116.

30. Mr. Vivari makes every effort to ensure that his patrons don't wander off to smoke near or under other neighbors' windows. *Id.* at 112-113, 117, 122-123. This is required by the terms of the 2016 Settlement Agreement. *Id.* at 113-114. Mr. Vivari acknowledges that the law prohibits patrons from smoking inside the establishment but that the law does not prohibit them from smoking in public space. *Id.* at 116-117.

## CONCLUSIONS OF LAW

31. The Board may approve an application to renew a retailer's license when the proposed establishment will not have an adverse impact on the neighborhood. D.C. Official Code §§ 25-104, 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2016).

32. Under the appropriateness test, "the applicant shall bear the burden of proving to the satisfaction of the Board that the application for renewal is appropriate for the locality, section, or portion of the District where it is to be located . . ." D.C. Official 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. 2016). 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).

33. Specifically, the question in this matter is whether renewing the establishment's license will have a negative impact on the peace, order, and quiet of the area located within 1,200 feet of the establishment. D.C. Official Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2016). The Board finds that it does not.

### I. The Establishment is Appropriate for the Neighborhood

34. The Board finds that Showtime satisfies § 25-313(b)(2). "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. Official Code § 25-313(b)(2); see also D.C. Official 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. 2014).

35. Further under the appropriateness test, the Board may consider an applicant's efforts to address or alleviate operational concerns. *Donnelly v. District of Columbia Alcoholic Beverage Control Board*, 452 A.2d 364, 369 (D.C. 1982); *Upper Georgia Ave. Planning Comm. v. Alcoholic Beverage Control Bd.*, 500 A.2d 987, 992 (D.C. 1985).



36. Here the Board finds that the record is replete with evidence regarding the Applicant's efforts to address the Protestant's concerns on peace, order and quiet. The Board credits the testimony of Mr. Viveri that he has taken a number of steps to ensure that the patron's smoking is limited to the area in front of the establishment and not adjacent to Dr. Collins' property or to the bus stop. Supra at ¶¶ 17.

37. The Applicant has also made efforts to minimize its impact on trash and litter by utilizing two large trash bins and another bin for recycling. Supra at ¶¶ 20. Specifically, the Board finds that the disposal of the trash four times a week is adequate to address any litter concerns raised by Dr. Collins. See also D.C. Official Code § 25-726 (requiring licensees to take reasonable steps to control litter around the establishment).

38. Furthermore, the Protestant has failed to make a showing that The Showtime's efforts to minimize its impact on peace, order, and quiet are insufficient. First, the record does not demonstrate that the neighborhood suffers from a noise problem, or that the noise experienced by the neighborhood relates to the live entertainment offered by The Showtime. Indeed as noted by Investigator Howze, noise does not emanate from the establishment. Supra at ¶¶ 6. Second, there is no evidence that the mattresses found in the alley by Dr. Collins resulted from the operation of The Showtime or otherwise establishes a pervasive litter problem in the neighborhood. Supra, at ¶¶ 20. Third, while residents may be disturbed by loud chatter of departing patrons, the Applicant has made sufficient efforts to deter patrons from being loud as they leave the establishment and enter into the residential area. Supra, at ¶¶ 21.

39. Thus, the Board finds insufficient evidence to support the Protestant's allegation that renewal of the license would be inappropriate for the neighborhood.

## **II. The Record Does Not Support the Imposition of Conditions**

40. Under § 25-104(e), "[t]he Board, in issuing licenses, may require that certain conditions be met if it determines that the inclusion of the conditions will be in the best interest of the [neighborhood] . . . where the licensed establishment is to be located." D.C. Official Code § 25-104(e). Among other purposes, the Board uses conditions to address ". . . valid concerns regarding appropriateness that may be fixed through the imposition of specific operation[al] limits or requirements on the license." In re Dos Ventures, LLC, t/a Riverfront at the Ball Park, Case No. 13-PRO-00088, Board Order No. 2013-512, ¶ 49 (D.C.A.B.C.B. Nov. 13, 2013).

41. In this case, the Protestant has requested the re-imposition of smoking restrictions placed on the license under Board Order No. 2015-273. The Board finds no need to consider this request. The Board notes the existence of a subsequent Board Order, dated October 20, 2016, approving a Settlement Agreement which was negotiated with several other abutting and neighboring residents to the satisfaction of all of those involved. Thus, based on a review of the evidence presented, the Board does not believe that the Protestant has proven through substantial evidence that any further conditions would alleviate any alleged inappropriate impact on the community. Therefore, the Board is not persuaded that there is a basis for imposing additional conditions on the license at this time.

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

42. Finally, the Board is only required to produce findings of fact and conclusions of law related to those matters raised by the Protestant in his 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. 2016). 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 7th day of June 2017, hereby **APPROVES** the renewal application filed by Spo-dee-o-dee, LLC, t/a The Showtime, located at 113 Rhode Island Avenue N.W., Washington, D.C. without any additional conditions.


The Board reminds the parties that there remains a valid, Board-approved Settlement Agreement, dated August 3, 2016, which sets forth additional terms and conditions on the license. The Board expects the parties’ continued compliance with the Settlement Agreement.

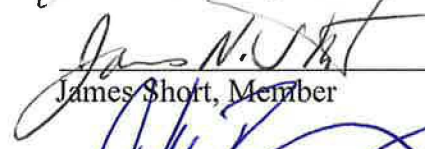
The ABRA shall deliver a copy of this order to the Applicant and to the Protestant.


District of Columbia  
Alcoholic Beverage Control Board


  
Donovan Anderson, Chairperson

  
Nick Alberti, Member

  
Mike Silverstein, Member

  
James Short, Member

  
Jake Perry, Member

  
Donald Isaac, Sr., 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, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 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) (2004).