

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

In the Matter of:)	
)	
Charles Lucas Everett, Jr.)	
t/a Variety Market)	
)	
Application for Renewal of a)	Case No. 12-PRO-00002
Retailer's Class B License)	License No. ABRA-001111
)	Order No. 2012-058
at premises)	
1511 7 th Street, N.W.)	
Washington, D.C. 20001)	

Charles Lucas Everett, Jr., t/a Variety Market (Applicant)

Alexander M. Padro, Chairperson, Advisory Neighborhood Commission (ANC) 2C

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member
Jeannette Mobley, Member

ORDER ON DISMISSAL OF PROTEST OF ANC 2C

The Application filed by Charles Lucas Everett, Jr., t/a Variety Market, for renewal of his Retailer's Class B License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on January 30, 2012, in accordance with D.C. Official Code § 25-601 (2001).

On January 30, 2012, pursuant to Title 23 of the District of Columbia Municipal Regulations (23 DCMR) § 1602.3 (2004), the Board dismissed the Protest of ANC 2C, because its 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.

23 DCMR § 1605.2 requires the Protestant 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

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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, ANC 2C filed a protest based on the following: the Applicant obtained an Exemption to the Ward 2 Single Sales Ban as a result of the failure on the part of the Commission to receive and review correspondence sent by Alcoholic Beverage Regulation Administration (ABRA) regarding the Applicant's request for an exemption; and ANC 2C will require that the Applicant enter into a Voluntary Agreement.

ANC 2C 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 1st day of February, 2012, **DISMISS** the Protest of ANC 2C. Copies of this Order shall be sent to the Applicant and ANC 2C.

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District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson

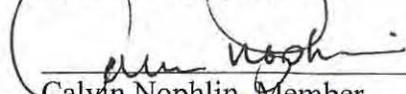
Nick Alberti, Member



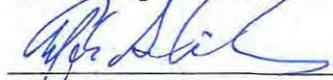
Donald Brooks, Member



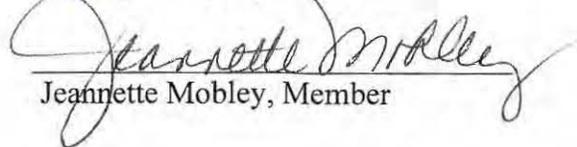
Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member



Jeannette Mobley, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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 14th Street, N.W., Suite 400S, Washington, D.C. 20009.