

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

In the Matter of:)
)
Mimi & D, LLC)
t/a Vita Restaurant and Lounge/Penthouse Nine)
)
Application for Renewal of a)
Retailer's Class CT License)
)
at premises)
1318 9th Street, N.W.)
Washington, D.C. 20001)
)

Case No. 13-PRO-00154
License No. ABRA-086037
Order No. 2014-042

Mimi & D, LLC, t/a Vita Restaurant and Lounge/Penthouse Nine (Applicant)
Matt Reymond, Chairperson, Advisory Neighborhood Commission (ANC) 2F
Martin Smith, on behalf of A Group of Five or More Individuals (Protestant)

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

ORDER ON DISMISSAL OF PROTEST OF ANC 2F

The Application filed by Mimi & D, LLC, t/a Vita Restaurant and Lounge/Penthouse Nine, for renewal of its Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on December 2, 2013, in accordance with D.C. Official Code § 25-601 (2001).

On December 2, 2013, the Board dismissed the Protest of ANC 2F, because ANC 2F failed to appear at the Roll Call Hearing. ANC 2F may file a Request for Reinstatement with the Board within ten (10) days from the date of this Order.

The Board's agent advised the Group of Five or More Individuals at the Roll Call Hearing that at least one more individual must appear at the Protest Status Hearing to be granted standing as A Group of Five or More Individuals. The Group of Five or More Individuals was granted conditional standing at the Roll Call Hearing.

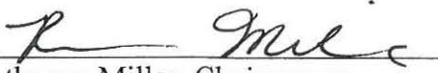
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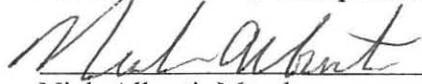
ORDER

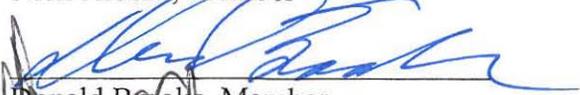
The Board does hereby, this 29th day of January, 2014, **DISMISS** the Protest of ANC 2F. Copies of this Order shall be sent to the Applicant, ANC 2F, and Martin Smith, on behalf of the Group of Five or More Individuals.

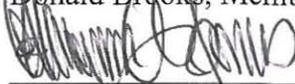
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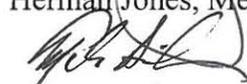
District of Columbia
Alcoholic Beverage Control Board

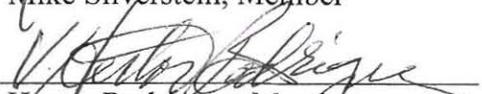

Ruthanne Miller, Chairperson

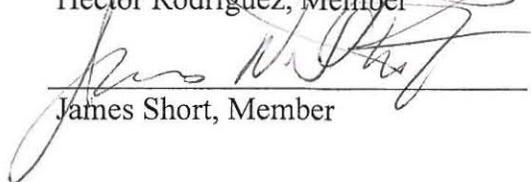

Nick Alberti, Member


Donald Brooks, Member


Herman Jones, Member


Mike Silverstein, Member


Hector Rodriguez, Member


James Short, 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.

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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to D.C. Official Code § 25-433, 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).