

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

In the Matter of:)
)
TGW Convenience Store, LLC)
t/a A & S Grocery)
)
Applicant for a Class Change to a)
Retailer's Class A License)
)
at premises)
4748 Sheriff Road, N.E.)
Washington, D.C. 20019)
)

Case No.: 21-PRO-00003
License No.: ABRA-101367
Order No.: 2021-378

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Aliya Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ALSO PRESENT: TGW Convenience Store, LLC, t/a A & S Grocery, Applicant

Wendell C. Robinson, Counsel, on behalf of the Applicant

Antawan Holmes, Chairperson, on behalf of Advisory Neighborhood
Commission (ANC) 7C, Protestant

Max Richman, Designated Representative, on behalf of the Deanwood
Citizens Association, Protestant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING MOTION TO DISMISS

The Application filed by TGW Convenience Store, LLC, t/a A & S Grocery (Applicant), for a class change to a Retailer's Class A License, has been protested by Advisory Neighborhood Commission (ANC) 7C. The Applicant filed a motion contesting the factual allegations contained in ANC 7C's protest letter, which the Board interprets as a motion to dismiss.

Nevertheless, there is no requirement in Title 25 of the D.C. Official Code that a protestant plead their entire case or provide all evidence in support of their position with their initial protest letter. Instead, pursuant to § 25-602(a), it is sufficient that the protest letter states the protestant's "intention to object and the grounds for the objection." D.C. Code § 25-602(a). As such, the motion to dismiss is premature where the parties still have the opportunity to make a full evidentiary presentation at a protest hearing and the motion raises question of fact that can only adjudicated at a full hearing.

ORDER

Therefore, on this 29th day of June 2021, the Board **DENIES** the motion to dismiss. 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
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Donovan Anderson, Chairperson

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James Short
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James Short, Member

Bobby Cato, Member

Rema Wahabzadah, Member

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Rafi Aliya Crockett, Member
Key: b560e01845e1f9e4016155e5c12f81cc

Rafi Crockett, Member

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Jeni Hansen, Member
Key: 82172931f509447491b569c2a41899

Jeni Hansen, Member

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Edward Grandis, Member
Key: 5027bda7ff9f0040ec14adeb52541ce5

Edward S. Grandis, 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 14th 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).