

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

In the Matter of:)	
)	
Allure Lounge, LLC)	Case No.: 19-PRO-00131
t/a Allure Lounge)	License No.: ABRA-108303
)	Order No.: 2021-168
Application to Renew a)	
Retailer's Class CT License)	
)	
at premises)	
711 H Street, N.E.)	
Washington, D.C. 20002)	

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

ALSO PRESENT: Allure Lounge, LLC, t/a Allure Lounge, Applicant

Caroline Quat, Designated Representative, Advisory Neighborhood
Commission (ANC) 6C, Protestant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING MOTION FOR RECONSIDERATION

On March 17, 2021, in Board Order No. 2021-115, the Alcoholic Beverage Control Board (Board) approved the Application to Renew a Retailer's Class CT License filed by Allure Lounge, LLC, t/a Allure Lounge, (hereinafter "Applicant" or "Allure") subject to conditions based on evidence that the creation of noise by the establishment and its patrons are disturbing residents in their homes. Specifically, the Board reduced the licensed hours of operation to 1:00 a.m., Sunday through Thursday, and 2:00 a.m. on Friday and Saturday. The Board further prohibited smoking and hookah at the establishment until the appropriate authorization from the D.C. Department of Health was submitted to the Board. *In re Allure Lounge, LLC, t/a Allure Lounge*, Case No. 19-PRO-00131, Board Order No. 2021-168, 1 (Mar. 17, 2021).

The Applicant subsequently filed a motion for reconsideration with the Board. First, regarding the Board's conclusions related to noise, the Respondent asserts that the establishment has sufficient soundproofing, no prior noise complaint had led to a violation, and that the Board should consider the busy nature of the H Street Corridor. *Motion for Recon.*, at 1-2. Second, the Applicant appears to argue that the protest is invalid or that the ANC could not raise the experience of residents during the hearing due to the failure of a group of five to be present; nevertheless, this argument is without merit as it is not tied to any recognizable legal authority. *Id.*

Advisory Neighborhood Commission (ANC) 6C opposes the motion. *Opposition*, at 1. The ANC indicated that the record shows evidence of noise issues that can be directly tied to the operation of the establishment based on the earlier closing time of other nearby establishments. *Id.* Moreover, the ANC indicated that the operations of the establishment are generating many noise complaints. *Id.*

The Board decision directly cited *Panutat*, where the District of Columbia Court of Appeals stated that "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." *Panutat, LLC v. D.C. Alcoholic Beverage Control Bd.*, 75 A.3d 269, 277 n. 12 (D.C. 2013). *Panutat* permits the Board to consider noises that may not necessarily lead to a violation under § 25-725, such as patron voices both inside and outside the establishment. *See* D.C. Code § 25-725. This means, even if the Applicant has sufficient soundproofing, that it is reasonable for the Board to roll back the establishment's hours when patrons leaving the establishment are generating noise as they traverse through the neighborhood, and those patrons can be directly tied to Respondent's establishment, which was done by the ANC in this case. Therefore, the Board finds no compelling reason to vacate or modify its prior Order.

ORDER

Therefore, the Board, on this 7th day of April 2021, hereby **DENIES** the motion for reconsideration. The ABRA shall deliver a copy of this order to the Parties.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeallessDocs.com
Donovan Anderson
Key: 3c42c886b9d9b0c46730653d1e2c09

Donovan Anderson, Chairperson

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James Short
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James Short, Member

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Bobby Cato, Member

Rema Wahabzadah, Member

Rafi Crockett, Member

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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, 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).