

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

In the Matter of:

GothWine Limited Liability Company
t/a Aperio DC

Applicant for a New
Retailer's Class CR License

at premises
2622 P Street, N.W.
Washington, D.C. 20007

Case No.: 20-PRO-00046
License No.: ABRA-116925
Order No.: 2020-985

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: GothWine Limited Liability Company, t/a Aperio DC, Applicant

Gwendolyn Lohse, Commissioner, Advisory Neighborhood
Commission (ANC) 2E, Protestant

Karen Cruse, on behalf of the Citizens Association of Georgetown
(CAG), Protestant

Siavash Koomaraie, Abutting Property Owner, Protestant

Robert W. Stout, Abutting Property Owner, Protestant

Robert M. Yahn and Linda C. Yahn, Abutting Property Owners,
Protestant

Lacey Huber, Abutting Property Owner, Protestant

Andrew Johnson, Abutting Property Owner, Protestant

Atish R. Ghosh and Danielle Dukowicz, on behalf of a Group of
Three Residents or Property Owners, Protestant

ORDER DENYING MOTION FOR REINSTATEMENT OF PROTEST

The Application filed by GothWine Limited Liability Company, t/a Aperó DC (Applicant), for a new Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on November 2, 2020, in accordance with D.C. Official Code § 25-601 (2001).

On November 2, 2020, the Board dismissed a Group of Three Residents and Property Owners (Group) because they did not have the requisite five members as required by § 25-601. The Board notes that a group of three is only permitted in moratorium zones under the statute.

Subsequently, the Group filed a motion for reinstatement based on the following reasons: (1) the Group was not aware of the requirement for five persons; (2) their property is very close to the proposed location; and (3) the existence of the establishment will have negative consequences for one of the residents living in their property. *Motion for Reinstatement*, at 1.

The Board denies the request because having the requisite number of persons is a threshold requirement that cannot be waived or excused based on ignorance of the law. Furthermore, the Group does not qualify for consideration as abutting property owners where no property lines touch. Finally, the standing issues cannot be waived based on the potential need or harm to one of the parties. As such, the Board cannot grant reinstatement.

The Board notes that nothing in this Order prevents the Group from sharing their evidence and testimony with the other parties, or from providing testimony if called as a witness.

ORDER

Therefore, the Board, on this 2nd day of December 2020, hereby **DENIES** the motion for reinstatement filed by the Group. Copies of this Order shall be sent to the Parties.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: 64252560965016703750003170200

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 2476375703004242410533057800

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 23207001061461740750075170200

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rema Wahabzadah, Member
Key: b72ca46b592b740295b19b33573811600

Rema Wahabzadah, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: 0502b917045179e4916153e5c12f01cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 63172731f0c84474710205c2a41847

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda7f0f0040ec143de6b52541ce5

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).