



(emphasis added). The group argues that condition precedent to a dismissal under § 25-609(b) is that the ANC must file a protest against the Applicant. The group further argues that the ANC failed to follow its own rules in approving the agreement. This is incorrect. The phrase “on a protested license application” refers to any type of protest without reference to the identity of the filer. Therefore, § 25-609(b) may be triggered by an affected ANC that submits a settlement agreement even if it has not filed a protest.

The Board further notes that the Board must presume that an ANC's actions are lawful and lacks the authority to act as a court of appeals that overturns an ANC's decision to enter into a settlement agreement. *Craig v. D.C. Alcoholic Beverage Control Bd.*, 721 A.2d 584, 588 (D.C. 1998) *citing* *Kopff v. District of Columbia Alcoholic Beverage Control Bd.*, 413 A.2d 152, 154 (D.C.1980) (saying the Board cannot review the “validity of [a] coordinate agency's action.”)

The Board also notes that the group also argued that the Board should proceed with the protest under D.C. Official Code § 25-829(b)(1). The statute cited by the group refers to cease and desist orders, which has nothing to do with the present matter.

### **ORDER**

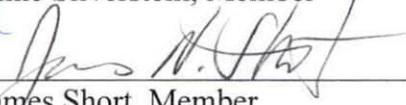
Therefore, the Board, on this 31st day of January 2018, hereby **DENIES** the motion for reconsideration. A copy of this Order shall be sent to the Parties.

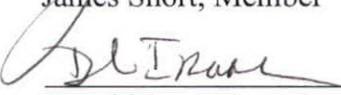
District of Columbia  
Alcoholic Beverage Control Board

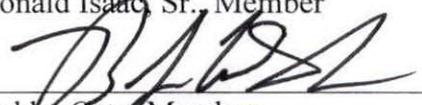
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Donovan Anderson, Chairperson

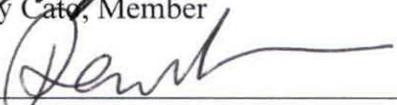
  
\_\_\_\_\_  
Nick Alberti, Member

  
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Mike Silverstein, Member

  
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James Short, Member

  
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Donald Isaac, Sr., Member

  
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Bobby Cato, Member

  
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Rema Wahabzadah, 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 14<sup>th</sup> 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).