

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

In the Matter of:)	
)	
Cheers Wine & Spirits, LLC)	Case No.: 20-PRO-00039
t/a Cheers Wine & Spirits)	License No.: ABRA-116859
)	Order No.: 2020-320
Applicant for a New)	
Retailer's Class A License)	
)	
at premises)	
1901 Michigan Avenue, N.E.)	
Washington, D.C. 20017)	

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: Cheers Wine & Spirits, LLC, t/a Cheers Wine & Spirits, Applicant

Charlotte B. Lewis, President, Queens Chapel Civic Association (QCCA),
Protestant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING QCCA'S MOTION FOR RECONSIDERATION

The Queens Chapel Civic Association (Civic Association) protested the Application for a New Retailer's Class A License (Application) filed by Cheers Wine & Spirits, LLC, t/a Cheers Wine & Spirits, (Applicant) located at 1901 Michigan Avenue, N.E., Washington, D.C. 20017. The Civic Association's petition was received on September 14, 2020, the last day to file a protest against the Application. It should be noted that the protest letter did not contain a handwritten signature or an image of a signature, but rather provided a signature block with the Civic Association's President, Charlotte B. Lewis, typed in 12-point italicized font. *Mot. for Recon.*, at 1. The letter was also sent by the Civic Association's President. *Mot. for Recon.* at

Exhibit Nos. 1, 2. The next day, after the deadline, the protest letter was rejected by the Agency for failing to have a signature.

On September 15, 2020, the Civic Association provided a copy of the letter with a signature in ink. *Id.* at 1. The signed protest letter was also rejected by staff because it was not timely filed, and the protest was dismissed. The Civic Association filed for reinstatement of their protest, and supplemented their submission with additional documents on October 2, 2020. The Board notes that the supplemental filing will not be considered by the Board because the supplement is untimely. Nevertheless, even if the supplement were considered, it would have no bearing on the decision because the events after the expiration of the protest are irrelevant to whether the Civic Association filed a complete protest letter before the expiration of the protest period.

Section 1603.2 requires that “protests . . . be signed by the protestant.” 23 DCMR § 1603.2 (West Supp. 2020). Section 1602.4 states that the use of “electronic signatures on protest letters are permitted” under § 1603.2. 23 DCMR § 1603.2 (West Supp. 2020). The regulations further provide in section 1801.2(f) that the petition should include the “printed name and address of each petitioner, accompanied by his or her handwritten signature.” 23 DCMR § 1801.2(f) (West Supp. 2020). Section 1602.2 further requires that all protests “shall be received by the Board prior to the end of the protest period.” 23 DCMR § 1602.2 (West Supp. 2020); *see also* D.C. Code § 25-602(a).

The Board has consistently interpreted the phrase “electronic signature” to mean a copy of the signer’s handwritten signature, which is consistent with the express language of 23 DCMR §§ 1603.2 and 1801.2(f). Moreover, while parties are free to amend their protest letters during the protest period, the Board does not permit the amendment or acceptance of protest letters after the expiration of the protest period. Consequently, the submission of a new protest letter by email with a handwritten signature after the end of the protest period, has no bearing on the motion.

ORDER

Therefore, the Board, on this 7th day of October 2020, hereby **DENIES** the motion for reconsideration filed by the Queens Chapel Civic Association. ABRA shall provide a copy of this Order to the parties. The Board further advises the Civic Association that this Order does not prevent the other parties from calling the Civic Association as a witness or using evidence provided by the Civic Association during the protest hearing.

The parties are further advised that the virtual Roll Call hearing is scheduled for Tuesday, October 13, 2020 at 10:00 a.m.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamllessDocs.com
Donovan Anderson
Key: ac33020b29a3f094b73002a1d009

Donovan Anderson, Chairperson

eSigned via SeamllessDocs.com
James Short
Key: 547a0378f0204eac8416332a32948e

James Short, Member

eSigned via SeamllessDocs.com
Bobby Cato
Key: 256d30ca86e145d77db75bd7917029d

Bobby Cato, Member

eSigned via SeamllessDocs.com
Rema Wahabzadah, Member
Key: bf2ca48b5d6b74099b19b35b738f1eef

Rema Wahabzadah, Member

eSigned via SeamllessDocs.com
Rafi Aliya Crockett, Member
Key: b550a91845a1f0e4016155e5e120f1cc

Rafi Crockett, Member

eSigned via SeamllessDocs.com
Jeni Hansen, Member
Key: 821729a16509447431b060ca11e9f

Jeni Hansen, Member

eSigned via SeamllessDocs.com
Edward Grandis, Member
Key: 5027bda7f19f0040ec14adab52541ce5

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 St NW, 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).