

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

In the Matter of	)	
1624 U Street, Inc.	)	Case No.: 16-PRO-00114
t/a Chi-Cha Lounge	)	License No.: 026519
Holder of a	)	Order No.: 2018-026
Retailer's Class CT License	)	
at premises	)	
1624 U Street., N.W.	)	
Washington, D.C. 20009	)	
	)	

1624 U Street, Inc., t/a Chi-Cha Lounge (Applicant)

Emanuel Mpras, Mpras Law Offices, Counsel for the Applicant

Guangsha Wang, Abutting Property Owner (Protestant)

**BEFORE:** Donovan Anderson, Chairperson  
Nick Alberti, Member  
James Short, Member  
Mike Silverstein, Member  
Donald Isaac, Member  
Bobby Cato, Member  
Rema Wahabzadah, Member

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**ORDER DENYING PROTESTANT'S MOTION FOR RECONSIDERATION  
AND RENDERING MOOT THE PROTESTANT'S  
MOTION TO SUPPLEMENT THE RECORD**

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1624 U Street, Inc., t/a Chi-Cha Lounge (Licensee), holder of an on-premises Retailer's License, Class CT, submitted its License Renewal Application (Application) in 2016. *ABRA Licensing File, License Renewal Application*, at 1. Guangsha Wang (Protestant), owner of the condominium unit located above the licensed premises, filed a protest against the Application on the grounds that it would have an adverse impact on peace, order, and quiet. *ABRA Protest File, Protest Letter*, at 1 (October 19, 2016).

Having been protested, the matter came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on December 12, 2016, and a Protest Status Hearing on February 1, 2017, in accordance with D.C. Official Code § 25-601 (2001). The Parties entered into a Settlement Agreement (Agreement) and submitted it for the Board's review which upon approval would resolve the Protestant's objections to the Application. *ABRA Protest File, Settlement Agreement*, at (September 7, 2017).

On December 6, 2017, the Board issued an Order approving the Agreement and withdrawing the protest. *In the Matter of 1624 U Street, Inc., t/a Chi-Cha Lounge*, Case No.: 16-PRO-00114, Board Order No. 2017-618 (D.A.B.C.B. December 6, 2017).

On December 14, 2017, the Protestant filed a Motion for Reconsideration. *ABRA Protest File, Motion for Reconsideration of this Decision*, at 1 (December 14, 2017). Specifically, the Protestant argues that the Licensee failed to comply with the terms of the Agreement due to its failure to provide her with proof from the contractor that it had fully completed the soundproofing work outlined in proposal number 100351. *Id.* at 1-2.

Licensee, in its Opposition to the Protestant's Motion for Reconsideration, argued that the Agreement neither gave the Protestant the right to inspect the work performed by the contractor or to receive a copy of the certificate of the completion of work. *ABRA Protest File, Opposition to Motion for Reconsideration*, at 2 (December 21, 2017).

Prior to a ruling on the initial motion, the Protestant filed a second motion. She now seeks to supplement the record with information challenging the contractor's credentials. And she again asks the Board to reverse its decision approving the settlement agreement. *ABRA Protest File, A Motion to Supplement the Record to Motion for Reconsideration of Order No. 2017-618*, at 1 (January 2, 2018).

The Licensee filed a timely response opposing the Protestant's motions. *ABRA Protest File, Opposition to Protestant Motion to Supplement*, at 1 (January 4, 2018).

For the reasons explained below, the Board denies the Protestant's Motion for Reconsideration.

## DISCUSSION

1. The Parties successfully negotiated an Agreement that resolved the present protest proceeding, and in accordance with D.C. Official Code § 25-446, submitted the Agreement to the Board for approval.

2. After reviewing the Agreement and determining that it complied with the applicable laws and regulations, the Board issued an Order approving the Agreement and conditioned the renewal of the license upon the Licensee's compliance with its terms. *See* D.C. OFFICIAL CODE § 25-446(C) ("If it determines that the settlement agreement complies with all

applicable laws and regulations and the applicant otherwise qualifies for licensure, the Board shall approve the license application conditioned upon the licensee's compliance with the terms of the agreement.").

3. In addition to reviewing the Agreement to ensure that it complied with District law, the Board also ensured that the sound mitigation work was completed as required by the Agreement. Specifically, § 3 of Agreement provides:

**3. Dismissal of Protest in Perpetuity.** Upon the full completion of all work specified in the aforementioned proposal, Protestant agrees to the dismissal of her protest against Chi Cha, agrees never to file another protest against Chi Cha and waives all rights for any future protests against Chi Cha. Protestant agrees that the ABC Board is given full authority to dismiss this and any future protests the Protestant or her successors and assigns may file against Chi Cha Lounge upon the full completion of all work specified in the aforementioned and attached proposal. Full completion to be solely certified by Lee Design and Interior.

4. As the Licensee accurately notes in its Opposition, the relevant section of the Agreement (§ 3) does not require that the Licensee provide the Protestant with written proof that the work stated in proposal number 100351 had been completed. The Agreement only required that "[u]pon full completion of the all work specified in [proposal number 100351], the Protestant agrees to the dismissal of her protest against Chi Cha and [] agrees to never to file another protest against Chi Cha and waives all rights for any future protests against Chia Chia[, and further] agrees that the ABC Board is given full authority to dismiss the protest . . ."

5. On November 15, 2017, the contractor completed the work outlined in proposal number 100351 in compliance with the Agreement to which the Protestant consented. *See ABRA Protest File, Opposition to Motion for Reconsideration, Attachment # 5*. Nothing more is required.


Accordingly, it is this 24<sup>th</sup> day of January 2018, **ORDERED** that:

1. The Protestant's Motion for Reconsideration of this Decision is **DENIED**.
2. The Protestant's Motion to Supplement the Record is deemed **MOOT**.
3. Copies of this Order shall be sent to the Emanuel Mpras, Counsel for the Applicant, and Guangsha Wang, Abutting Property Owner.


District of Columbia  
Alcoholic Beverage Control Board

  
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Donovan Anderson, Chairperson


  
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Nick Alberti, Member

  
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Mike Silverstein, Member

  
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James Short, Member

  
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Donald Isaac, 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, 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. 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 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).