

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

In the Matter of:

Communal Restaurant, LLC
t/a Communal Restaurant

Application for a Substantial Change to a
Retailer's Class CR License

at premises
919 5th Street, N.W.
Washington, D.C. 20001

Case No.: 18-PRO-00059
License No.: 108392
Order No.: 2018-529

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

ALSO PRESENT: Communal Restaurant, LLC, t/a Communal Restaurant, Applicant

Andrew Kline, Counsel, on behalf of the Applicant

Alexander T. Marriot, Chair, on behalf of Advisory Neighborhood
Commission (ANC) 6E

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING REINSTATEMENT

Notice of the Application filed by Communal Restaurant, LLC, t/a Communal Restaurant (Applicant), for a Substantial Change to a new Retailer's Class CR License, was posted on July 20, 2018, and notified the public that the last day to file a protest petition was September 4, 2018. *Notice of Public Hearing*. On August 26, 2018, ANC 6E filed a protest letter but admits that it left out the reasons for the protest because it submitted the wrong draft of the protest. *Mot. for Recon.*, at 2. Upon receipt, ABRA staff rejected the protest for failing to state a valid objection on September 5, 2018. *Id.* The ANC then became aware of its error on September 5, 2018, after it was notified of the protest rejection by ABRA's staff. *Id.* The ANC now requests reinstatement. *Id.*

Under § 25-602(a), it is required that all protestants file in writing their “intention to object and *the grounds for the objection* within the protest period.” D.C. Code § 25-602(a) (emphasis added). The plain language of the statute is clear on its face and provides no exceptions; therefore, the Board lacks any power to waive requirements of § 25-602. Consequently, ANC 6E’s request must be denied as a matter of law.

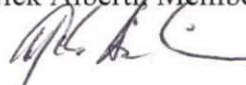
ORDER

The Board does hereby, this 12th day of September 2018, **DENY** the motion filed by ANC 6E. ABRA shall send a copy of this Order to the parties.

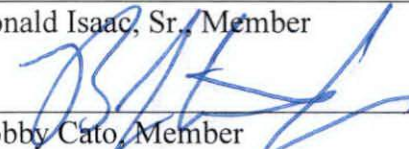
District of Columbia
Alcoholic Beverage Control Board


Donovan Anderson, Chairperson


Nick Alberti, Member


Mike Silverstein, Member


James Short, Member

Donald Isaac, Sr., Member

Bobby Cato, Member

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 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).