THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:	<u> </u>	
Omar, LLC) Case No.:	18-PRO-00066
t/a Costello Restaurant and Lounge	•	ABRA-100259 2018-710
Application for Substantial Change)	
(Change of Hours and Entertainment Endorsement))	
to a Retailer's Class CT License)	
at premises)	
5201 Georgia Avenue, NW)	
Washington, D.C. 20011)	
)	

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:

Omar, LLC, t/a Costello Restaurant and Lounge, Applicant

Dean Hunter, Designated Representative, on behalf of the

Applicant

Jamie Barden, on behalf of Advisory Neighborhood Comission (ANC) 4D, A Group of Five or More Individuals, Protestant

ORDER DENYING MOTION TO DISMISS

On November 7, 2018, the Applicant filed a motion to dismiss the protest on the grounds that the Protestant Group failed to present at least five members at the Roll Call Hearing and Protest Status Hearing. The transcript of the Roll Call Hearing on September 17, 2018, indicate that sufficient members of the group were present and that the Board's agent granted standing to the group. *Transcript (Tr.)*, September 17, 2018 at 5. The transcript of the Protest Status Hearing also indicates that sufficient members of the group were present. *Tr.*, October 24, 2018 at 9. The Applicant does not indicate any specific error committed by the Board.

ORDER

For these reasons, the Board does hereby, this 28th day of November, 2018, **DENY** the motion to dismiss. Copies of this Order shall be sent to the parties..

District of Columbia Alcoholic Beverage Control Board

Donovan Anderson, Chairperson

Nick Alberti, Member

Mike Silverstein, Member

James Short, 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).