

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

**In the Matter of:** )  
 )  
Wyoming Cube & Bale, LLC )  
t/a Cube & Bale )  
 )  
Application for a New )  
Retailer's Class CR License )  
 )  
at premises )  
3251 Prospect Street, N.W., #304 )  
Washington, D.C. 20007 )  
 )

Case No.: 18-PRO-00061  
License No.: ABRA-110062  
Order No.: 2018-489

Wyoming Cube & Bale, LLC, t/a Cube & Bale (Applicant)

Joe Gibbons, Chairperson, Advisory Neighborhood Commission (ANC) 2E (Protestant)

Karen Tammany Cruse, on behalf of Citizens Association of Georgetown (CAG)  
(Protestant)

Various Abutting Property Owners (Protestant)

Two Groups of Five or More Residents and Property Owners (Protestant)

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

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**ORDER GRANTING STANDING**

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The Application filed by Wyoming Cube & Bale, LLC, t/a Cube & Bale, (Applicant), for a New Retailer's Class CR License, having been protested, came before the Board's Agent for a Roll Call Hearing on August 6, 2018. At the hearing, the parties were notified that the Board's Agent intended to dismiss the Citizens Association of Georgetown (CAG), a citizens association, for failing to provide notice by letter. In a motion filed before the issuance of a dismissal order, CAG objected to being dismissed because its representative indicated that the Applicant had been timely provided the proper notice through oral communication. No other parties were dismissed at the Roll Call Hearing and the Applicant has expressed no objection to CAG's motion.

The Alcoholic Beverage Control Board *sua sponte* grants standing to CAG in light of the Board's decision in *In re Georgetown Dining, Inc., t/a Chanterelle*, Case No. 18-PRO-00059, Board Order No. 2018-488 (D.C.A.B.C.B. Aug. 8, 2018), which dealt with the same issue and resolved the matter in favor of CAG.

As noted in *Chanterelle*,

Section 25-601 states that a citizens association may be granted standing to protest an application so long as it provides "notice of the meeting" to the applicant within the specified timeframe. D.C. Code § 25-301(3)(B). There is no requirement that the citizens association provide notice by letter; instead, actual notice, including oral notice, of the meeting is sufficient to satisfy § 25-301(3)(B).

In this case, the uncontested facts are that CAG timely called the Applicant's representative to advise them of CAG's meeting. As a result, CAG should have been granted standing at the Roll Call Hearing.

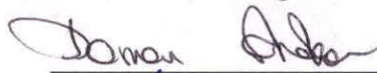
*In re Georgetown Dining, Inc., t/a Chanterelle*, Case No. 18-PRO-00059, Board Order No. 2018-488, 1-2 (D.C.A.B.C.B. Aug. 8, 2018).

### **ORDER**

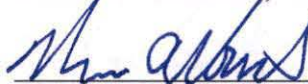
Therefore, the Board on this 8th day of August, 2018, **GRANT** standing to all of the above mentioned Protestants. Copies of this Order shall be sent to the Applicant and the Protestants.

The Board advises the parties that the Protest Status Hearing shall occur on September 18, 2018, at 9:30 a.m., and the Protest Hearing shall occur on October 3, 2018, at 1:30 p.m.

District of Columbia  
Alcoholic Beverage Control Board



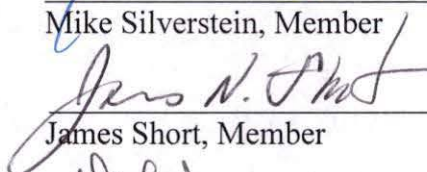
Donovan Anderson, Chairperson



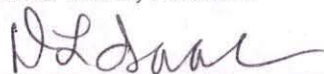
Nick Alberti, Member



Mike Silverstein, Member



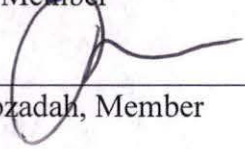
James Short, Member



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 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).