## THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE AND CANNABIS BOARD

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#### In the Matter of:

DC Food Market, Inc. t/a DC Food Market

Applicant to Renew a Retailer's Class B License

at premises 2200 16<sup>th</sup> Street, S.E. Washington, D.C. 20020 
 Case No.:
 23-PRO-00096

 License No.:
 ABRA-106962

 Order No.:
 2024-137

**BEFORE:** Donovan Anderson, Chairperson James Short, Member Silas Grant, Jr., Member

PARTIES: DC Food Market, Inc., t/a DC Food Market, Applicant

Emanuel N. Mpras, Counsel, on behalf of the Applicant

Patrick O'Keefe, Counsel, on behalf of a Group of at Least Five or More Residents and Property Owners, Protestant

# ORDER DENYING MOTION TO STRIKE

The Application filed by DC Food Market, Inc., t/a DC Food Market (Applicant), to Renew a Retailer's Class B License, was protested by a Group of Five or More Residents and Property Owners (Protestant). The Applicant filed a motion to strike the Protestant's evidence based on the alleged untimely filing of the protest information form by the Protestant.

Under § 1722.8, "The PIF and Exhibit Form and any attachments shall be served on all parties and ABRA's Office of General Counsel seven (7) calendar days prior to the hearing." 23 DCMR § 1722.8 (West Supp. 2024). The hearing in this matter is scheduled for March 21, 2024, and the Protestant filed the required form on March 14, 2024, at least 7 days before the hearing. As a result, the form was timely filed, and the claim of late filing is without merit. Moreover, even if this were not the case, the Board is satisfied that the Protestant was advised by ABCA that the filing of the documents on March 14, 2024, was permitted; therefore, there would be good cause to permit the filing under 23 DCMR § 1722.9.

# ORDER

Therefore, the Board does hereby, on this 20th day of March 2024, **DENY** the motion to strike filed by the Applicant. Copies of this Order shall be sent to the Parties.

## District of Columbia Alcoholic Beverage and Cannabis Board

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Donovan Anderson, Chairperson
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James Short, Member

Silas Grant, Jr., Member

Pursuant to D.C. Official Code§ 25-433(d)(l), 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 and Cannabis Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section II 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 thi1ty (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).