

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

In the Matter of:	)	
	)	
	)	
816 Dirty Water, LLC, t/a	)	Case No.: 26-PRO-00018
t/a Dirty Water	)	License No.: ABRA-125771
	)	Order No.: 2026-234
Application for a Substantial Change	)	
Retailer's Class CT License	)	
	)	
at premises	)	
816 H Street, NW	)	
Washington, D.C. 20002	)	
	)	

BEFORE: Donovan Anderson, Chairperson
Silas Grant, Member
Ryan Jones, Member
David Meadows, Member

PARTIES: 816 Dirty Water, LLC, t/a Dirty Water, Respondent

Luke Casey, Designated Representative, on behalf of the Respondent

Amber Gove, Chairperson, Advisory Neighborhood Commission (ANC)
6A, Protestant

ORDER DENYING APPLICANT'S MOTION TO DISMISS

On February 12, 2026, the Alcoholic Beverage and Cannabis Administration (ABCA) received a motion filed by 816 Dirty Water, LLC, t/a Dirty Water (Applicant) to dismiss Advisory Neighborhood Commission (ANC) 6A's protest against Dirty Water's Application for a Substantial Change. The Applicant argues that the Protestant failed to meet the requirements for filing a protest as stipulated in D.C. Official Code § 25-313 and 23 DCMR §§ 1602 and 1607. *Motion to Dismiss*. The Applicant states that the Protestant's reason for opposing the Application at the ANC meeting, "previous investigative history," is beyond the scope of the appropriateness standards required in the law. *Motion to Dismiss* at 1-2. For this reason, the Board should dismiss ANC 6A's protest petition. *Id.* ANC 6A did not file a response to the Applicant's Motion to Dismiss.

The Board disagrees with the Applicant, and denies the motion. Specifically, ANC 6A's resolution meets the minimum requirement for filing a protest. Per 23 DCMR § 1602.2, "All

protests shall be in writing, shall be received by the Board prior to the end of the protest period, and shall state, as grounds for the protest, why the matter being objected to is inappropriate under one (1) or more of the appropriateness standards set out in D.C. Official Code §§ 25-313 and 25-314 and § 400 of this title.” 23 DCMR § 1602.2. D.C. Official Code § 25-313 lists the appropriateness standards as: (1) the adverse effect of the establishment on real property values; (2) the adverse effect of the establishment on peace, order, and quiet; (3) the adverse effect of the establishment upon residential parking needs and vehicular and pedestrian safety. D.C. Code § 25-313.

On January 26, 2026, ANC 6A filed a timely protest objecting to the Applicant’s Substantial Change Application on the basis of peace, order, and quiet. *Protestant’s Resolution* at 1. The protest resolution states, “ The grounds for the protest are disturbance to peace, order, and quiet.” *Id.* at 1. The resolution further states, “Specifically, the establishment has a recent investigative history opened by ABCA . . . which raise concerns about the establishment and how it would operate under an expanded license.” *Id.* The reason is also reiterated in the excerpt of the ANC’s public meeting the Applicant submitted as evidence that states, “. . . there have been eight investigated cases filed by ABCA investigators concerning this property on a wide range of issues, some of which include sales to minors and increased occupancy without approval.” *Motion to Dismiss*, Exhibit 1. There is no requirement that an ANC copy and paste the appropriateness factors into its protest letter or include them in their meeting vote discussion or papers to maintain a valid protest. In this case, the appropriateness factors are expressly stated in the protest resolution and it may be reasonably inferred that the ANC is protesting on these grounds based on the establishment’s investigative history, as violations relate to the appropriateness standards of peace and order. As such, whether this history merits denial of the Application is a question of material fact that should be addressed at the Protest Hearing and should not be subject to summary dismissal. For this reason, the Board denies the Applicant’s motion.

ORDER

Therefore, the Board , on this 4th day of March 2026, **DENIES** the motion to dismiss filed by 816 Dirty Water, LLC, t/a Dirty Water. Copies of this Order shall be sent to the Parties.

District of Columbia
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDoc.com
Donovan Anderson
Key: ac430b8c69d5f0e4c730093d1d0c88

Donovan Anderson, Chairperson



Silas Grant, Jr., Member

Teri Janine Quinn, Member



Ryan Jones, Member



David Meadows, Member

Pursuant to D.C. Official Code § 25-433(d)(1) (applicable to alcohol matters) or 22-C DCMR § 9720 (applicable to medical cannabis matters), 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 14th 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 thirty 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 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).