

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

In the Matter of:)	
)	
)	
EZRA S, Inc.)	Case No.: 20-PRO-00032
t/a Dix Market)	License No.: ABRA-116408
)	Order No.: 2020-244
Applicant for a New)	
Retailer's Class A License)	
)	
at premises)	
6221 Dix Street, N.E.)	
Washington, D.C. 20019)	

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Aliya Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ALSO PRESENT: EZRA S, Inc., t/a Dix Market, Applicant

Antawan Holmes, Chairperson, Advisory Neighborhood Commission (ANC) 7C

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING MOTION FOR RECONSIDERATION

In Board Order No. 2020-226, the Alcoholic Beverage Control Board (Board) extended the protest deadline in the matter of the Application filed by EZRA S, Inc., t/a Dix Market, (Applicant) to June 15, 2020, for the purpose of allowing Advisory Neighborhood Commission (ANC) 7C to vote on the issue of protesting the Application, which is permitted in accordance with 23 DCMR § 1705.5. No petition was received by the protest petition deadline, which is required pursuant to D.C. Official Code § 25-602(a). The ANC eventually filed a protest on June 18, 2020, three days after the extended deadline. As a result, the ANC's protest was rejected as untimely.

The ANC then filed a Motion for Reconsideration on June 24, 2020, asserting that it failed to file a timely protest petition due to a computer problem, electrical issues, and other problems related to COVID 19. The Applicant filed an opposition to the motion, and the ANC filed a subsequent reply which was also untimely filed.

Nevertheless, the Board does not have the discretion or the authority to further extend the protest petition deadline. Moreover, alternative means of submitting the protest letter were available. Therefore, on this 8th day of July 2020, the Alcoholic Beverage Control Board (Board) **DENIES** the Motion for Reconsideration filed by the ANC. A copy of this Order shall be provided to the parties.

District of Columbia
Alcoholic Beverage Control Board

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Donovan Anderson
Key: ac430b96b0d5f0e4b7300c3d13cc28

Donovan Anderson, Chairperson

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James Short
Key: 542a0233f02b6c6b811c332a2294b1

James Short, Member

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Bobby Cato
Key: 256d3cadfb0146d74b75bd7917d20d

Bobby Cato, Member

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Rema Wahabzadah, Member
Key: b72ca48b598b74099b19b33b738116f7

Rema Wahabzadah, Member

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Rafi Aliya Crockett, Member
Key: 105f0e818451f8d316156a51281e7

Rafi Crockett, Member

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Jeni Hansen, Member
Key: 82172931800944740c3689c3a41805

Jeni Hansen, Member

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Edward S. Grandis, Member
Key: 5027bda7f7f9f0040ec14ad4bb2541ca5

Edward S. Grandis, 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 St. 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).