

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

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|------------------------------|---|-------------------------|
| <b>In the Matter of:</b>     | ) |                         |
|                              | ) |                         |
| YFE, LLC                     | ) | Case No.: 21-PRO-00079  |
| t/a Eighteenth Street Lounge | ) | License No: ABRA-118846 |
|                              | ) | Order No: 2021-871      |
| Application for a New        | ) |                         |
| Retailer's Class CT License  | ) |                         |
|                              | ) |                         |
| at premises                  | ) |                         |
| 1230 9th Street, N.W.        | ) |                         |
| Washington, D.C. 20001       | ) |                         |

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

**ALSO PRESENT:** YFE, LLC, t/a Eighteenth Street Lounge, Applicant

Candace M. Fitch, Counsel, on behalf of the Applicant

Robert Goldberg, Chair, Blagden Alley Naylor Court Association,  
Protestant

John Guggenmos, Chairperson, Advisory Neighborhood Commission  
(ANC) 2F, Protestant

Jelena Budjevac, Designated Representative, A Group of Five or More  
Residents and Property Owners, Protestants

Vincent Easley, Designated Representative, A Second Group of Five or  
More Residents and Property Owners, Protestants

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER DENYING MOTION TO DISMISS THE PROTEST OF BANCA**

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YFE, LLC, t/a Eighteenth Street Lounge, (Applicant) filed an Application for a New Retailer's Class CT License (Application) at 1230 9th Street, N.W., Washington, D.C. The Application was timely protested by Advisory Neighborhood Commission (ANC) 2F, two groups of residents and property owners, and the Blagden Alley Naylor Court Association (BANCA).

Subsequently, the Applicant moved for the dismissal of BANCA for lack of standing and a failure to provide proper notice. The request is opposed by BANCA.

D.C. Official Code § 25-601(a)(3)(A)-(B), provides that:

(a) The following persons may protest the issuance . . . of a license . . .

(3) A citizens association incorporated under the laws of the District of Columbia located within the affected area; provided, that the following conditions are met:

(A) Membership in the citizens association is open to all residents of the area represented by the association; and

(B) A resolution concerning the license application has been duly approved in accordance with the association's articles of incorporation or bylaws at a duly called meeting, with notice of the meeting given to the voting body and the applicant at least 7 days before the date of the meeting.

D.C. Code § 25-601(a)(3)(A)-(B).

The Applicant presents no evidence that BANCA is not a qualified citizens association. Furthermore, BANCA has explained in its filing that it provided notice of the September 26, 2021, meeting where it voted to protest the Application to the Applicant's counsel on August 25, 2021, by phone. BANCA then held the noticed meeting on September 26, 2021. BANCA further explained that its original protest letter contained a clerical error regarding the dates. Because the Board credits these uncontroverted statements of fact, BANCA complied with the applicable requirements and the remaining arguments presented by the Applicant are moot or too speculative to merit consideration.

## **ORDER**

Therefore, on this 1st day of December 2021, the Board **DENIES** the motion to dismiss BANCA. The ABRA shall deliver copies of this Order to the Parties.

District of Columbia  
Alcoholic Beverage Control Board

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*Donovan Anderson*  
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Donovan Anderson, Chairperson

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*James Short*  
Key: 547ae373f822de6ac8d1b332d2249ec

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James Short, Member

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*Bobby Cato*  
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Bobby Cato, Member

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*Rafi Aliya Crockett, Member*  
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Rafi Crockett, Member

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*Jeni Hansen, Member*  
Key: 82172091f0509447491b56f9c2a41899

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Jeni Hansen, Member

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*Edward Grandis, Member*  
Key: 5027bda7f8f0040ec14adeb52541ce5

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Edward S. Grandis, Member

Pursuant to 23 DCMR § 1719.1, 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, Reeves Center, 2000 14th Street, N.W., 400S, Washington, D.C. 20009. Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, District of Columbia 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 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).

Finally, in the case of a summary suspension, “A person aggrieved by a final summary action may file an appeal in accordance with the procedures set forth in subchapter I of Chapter 5 of Title 2.” D.C. Code § 25-826(d).