

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

In the Matter of:

DC Live, LLC
t/a Elevate

Applicant for Substantial Change
(Sidewalk Cafe)
to a Retailer's Class CT License

at premises
15 K Street, NE
Washington, D.C. 20002

Case No.: 19-PRO-00003
License No.: ABRA-100316
Order No.: 2019-138

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member

ORDER GRANTING REINSTATEMENT OF APPLICATION

The Application filed by DC Live, LLC, t/a Elevate (Applicant) for a Substantial Change to add a Sidewalk Cafe to its Retailer's Class CT License, having been protested by ANC 6C, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on February 4, 2019, and a Protest Status Hearing on March 6, 2019, in accordance with D.C. Official Code § 25-601.

On March 6, 2019, the Board dismissed the Application because the Applicant failed to appear at the Protest Status Hearing. *See* Board Order 2019-118.

On March 8, 2019, Ermiyas Asfaw, on behalf of the Applicant, filed a request for reinstatement. Mr. Asfaw explained that he did not appear at the Protest Status Hearing because he and the ANC had entered into a Settlement Agreement and when he received the final version of the Settlement Agreement from ANC on February 26, 2019, he mistakenly believed that it was not necessary to attend the Protest Status Hearing. Mr. Asfaw seeks the reinstatement of his Application so that the Substantial Change can be approved.


Upon consideration of this request to reinstate the Application, the Board finds that the Applicant's request constitutes good cause pursuant to 23 DCMR 1602.3.

ORDER

For these reasons, the Board does hereby, this 13th day of March, 2019, **REINSTATE** the Application filed by DC Live, LLC, t/a Elevate, for a Substantial Change to add a new Sidewalk Cafe to its Retailer's Class CT License.

Copies of this Order shall be sent to the Applicant.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



Nick Alberti, Member



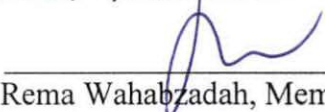
Mike Silverstein, Member



James Short, 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 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 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).