

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

In the Matter of:)

His & Hers, LLC)
t/a His & Hers)

Applicant for a New)
Retailer's Class CT License)

at premises)
2214 Rhode Island Avenue, SE)
Washington, D.C. 20018)

Case No.: 21-PRO-00060
License No.: ABRA-118224
Order No.: 2021-450

His & Hers, LLC, t/a His & Hers, Applicant

Sidon Johannes, Counsel on behalf of the Applicant

Jeremiah Montague, Jr., on behalf of a Group of Five or More Individuals, Protestant

David W. Silek, Counsel, on behalf of Sheena Alston, Member of His & Hers, LLC

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

ORDER ON DISMISSAL OF SHEENA ALSTON'S PROTEST

The Application filed by His & Hers, LLC, t/a His & Hers (Applicant), for a new Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on August 9, 2021, in accordance with D.C. Official Code § 25-601 (2001).

On August 9, 2021, the Board dismissed the Protest of Sheena Alston, Member of His & Hers, LLC, because a Member of an LLC does not meet the standing requirements needed to file a protest. Specifically, D.C. Official Code § 25-601 sets forth those persons that may file a protest, Sheena Alston as a Member of an LLC is not listed among them. It has long been recognized that persons who have standing to file a protest are: (1) An

abutting property owner; (2) A group of no fewer than 5 residents or property owners, (3) A citizens association, (4) An affected ANC; (5) the Mayor; (6) the designated custodian of federal property; or (7) The Metropolitan Police Department District Commander.

Sheena Alston may file a Request for Reinstatement with the Board within ten (10) days from the date of this Order.

Additionally, the Board's agent advised the Group of Five or More Individuals at the Roll Call Hearing that two (2) more individuals must appear at the Protest Status Hearing in order to be granted standing as A Group of Five Individuals. The Group of Five or More Individuals was originally granted conditional standing at the Roll Call Hearing.

ORDER

The Board does hereby this 11th day of August 2021, **DISMISS** the Protest of Sheena Alston. Copies of this Order shall be sent to the Parties.

The Board advises the parties that the protest of the Group of Five or More Individual remains, and the Protest Status Hearing is set for August 18, 2021 at 10:30 a.m. and the Protest Hearing for October 6, 2021 at 1:30 p.m.

District of Columbia
Alcoholic Beverage Control Board

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Donovan Anderson
Key: ac4302b0b69455084b730003d1d028

Donovan Anderson, Chairperson

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James Short
Key: 547aa739220e4a81b33202040e

James Short, Member

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Bobby Cato
Key: 256d3fcaafba146d774b75bd7917d25c

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: 82172501f0509447491b5d5c2a4180f

Jeni Hansen, Member

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Edward Grandis, Member
Key: 5027bda77f9f0040e14adeb52541c65

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 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 (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).