

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

**In the Matter of:** )  
 )  
Holiday Family Liquor, Inc. )  
t/a Holiday Liquors )  
 )  
Applicant for Renewal of a )  
Retailer's Class A License )  
 )  
at premises )  
3505 Wheeler Road, SE )  
Washington, D.C. 20032 )  
 )

Case No.: 21-PRO-00025  
License No.: ABRA-091095  
Order No.: 2021-388

**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:** Holiday Family Liquor, Inc., t/a Holiday Liquors, Applicant  
  
Salim Adofo, Chairperson, Advisory Neighborhood Commission  
(ANC) 8C, Protestant  
  
Christopher Conrad, Designated Representative, on behalf of a  
Group of Five or More Individuals

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**ORDER GRANTING MOTION FOR REINSTATEMENT**

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The Application filed by Holiday Family Liquor, Inc., t/a Holiday Liquors (Applicant), for renewal of its Retailer's Class A License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 14, 2021 and a Protest Status Hearing on June 30, 2021.

At the Roll Call Hearing, the Group of Five or More Individuals (Group) produced one (1) of its members and as a result, the Board's Agent granted the Group conditional standing. The Board's Agent advised the Group that it would need to produce four (4) additional members at the Protest Status Hearing in order for the Board to confer full standing.

On June 30, 2021, the Board dismissed the Protest of the Group of Five or More Individuals at the Protest Status Hearing because the Group failed to produce an additional member in order to meet the requisite number of five members required to form a Group of Five or More Individuals. 23 DCMR § 1605.1 (West Supp. 2021).

The Group subsequently filed for reinstatement and the Applicant did not file a response. The Group indicated that one of its members had good cause for failing to appear due to a conflicting court appearance. Furthermore, the Group indicates that the member made a virtual appearance after the hearing concluded by calling into the hearing over the phone, which is confirmed by the agency's records. The Board recognizes that appearing virtually after the hearing has concluded constitutes grounds for excusing the failure to appear at a status hearing. 23 DCMR § 1604.3(e) (West Supp. 2021).<sup>1</sup>

### ORDER

Therefore, the Board, this 15th day of July 2021, hereby **GRANTS** the motion for reinstatement and grants standing to the Group. The Board advises the parties that the protest will proceed to a Protest Hearing scheduled for August 18, 2021, at 3:30 p.m. Copies of this Order shall be sent to the Parties.

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<sup>1</sup> The motion for reconsideration also challenged the Board's interpretation of the standing provision found at D.C. Official Code § 25-601; nevertheless, the arguments raised by the Group are incorrect and have been settled in this forum for almost a decade. *Don Padou and Abigail Padou v. Alcoholic Beverage Control Bd.*, No. 10-AA-1298, 3 (D.C. 2012) (unpublished) (It is well-settled that *standing is a jurisdictional matter, jurisdiction is not waivable*, and that the issue of standing can be raised at any time during a proceeding and may be raised by the adjudicating body *sua sponte*.) (emphasis added); *see also In re S&A Deli, Inc., t/a Good Hope Deli & Market*, Case No. 14-PRO-00018, Board Order No. 2014-222 (D.C.A.B.C.B. May 15, 2014) *citing In re Watergate Hotel Lessee, LLC, t/a Watergate Hotel*, Case No. 13-PRO-00005, Board Order No. 2013-417, 17, (D.C.A.B.C.B. Oct. 2, 2013) (Order Denying the Motion for Reconsideration).

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*  
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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*  
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Jeni Hansen, Member

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*Edward Grandis, Member*  
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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 14<sup>th</sup> 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).

