

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

In the Matter of:

Howard Theatre Entertainment, LLC
t/a Howard Theatre

Application to Renew a
Retailer's Class CX License

at premises
620 T Street, N.W.
Washington, D.C. 20001

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) Case No.: 19-PRO-00090
) License No: ABRA-088646
) Order No: 2019-587
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BEFORE: Donovan Anderson, Chairperson
Mike Silverstein, Member
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Aliya Crockett, Member

ALSO PRESENT: Howard Theatre Entertainment, LLC, t/a Howard Theatre, Applicant

Anita Norman, Designated Representative, a Group of Five or More
Residents or Property Owners

Theodore A. Howard, Counsel, on behalf of the Board of Directors of the
Howard Theatre Restoration

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING STANDING

On July 29, 2019, the Alcoholic Beverage Regulation Administration (ABRA) sent a letter to Theodore A. Howard that his protest on behalf of the Board of Directors of the Howard Theatre Restoration (HTR) organization was rejected for failing to qualify for standing under D.C. Official Code § 25-601. Subsequently, HTR appealed the staff decision and requested permission to join another group that filed a protest.

ABRA's records show that the last day to file a protest was July 29, 2019. The July 29 letter did not indicate that HTR was joining the group and there is no indication that HTR signed onto the protest petition before the deadline. On July 31, 2019, HTR sent an amended letter indicating that it actually intended to join the protest group with its July 29 letter.


Nevertheless, according to § 25-602, all protests must be filed "within the protest period." D.C. Code § 25-602(a). It is the precedent of the Board that parties are not permitted to switch or change their method of obtaining standing after the protest petition deadline because this would violate the terms of § 25-602. *In re The Blagden Alley Entertainment, LLC, t/a The American*, Case No. 14-PRO-00019, Board Order No. 2014-238, 2-3 (D.C.A.B.C.B. May 28, 2014). As a result, because HTR's proposed amendment to its petition came after the protest petition deadline of July 29, 2019, its protest must be rejected.

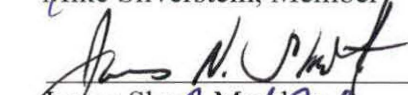
ORDER

Therefore, on this 7th day of August 2019, the Alcoholic Beverage Control Board **DENIES** the request for standing. A copy of this Order shall be provided to the parties.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson


Mike Silverstein, Member


James Short, Member


Bobby Cato, Member

Rema Wahabzadah, Member


Rafi Ahya Crockett, 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, Reeves Center, 2000 14th Street, NW, 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, D.C. 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. 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) (2004).