THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of: Lovable Business, LLC Case No.: t/a Infusion Club and Restaurant License No.: 108251 Order No.: Applicant for a New Retailer's Class CT License

at premises 1725 Columbia Avenue, N.W. Washington, D.C. 20009

BEFORE:

Donovan Anderson, Chairperson

Nick Alberti, Member Mike Silverstein, Member James Short, Member Donald Isaac, Sr., Member Bobby Cato, Member

ALSO PRESENT: Lovable Business, LLC, t/a Infusion Club and Restaurant, Applicant

18-PRO-00002

2018-105

Kelly Burchell, Counsel, on behalf of the Applicant

Denis James, Kalorama Citizens Association, Protestant

Ellen Jaffe, on behalf of a Group of 15 Residents and Property

Owners, Protestant

Matthew Wexler, on behalf of a Group of Residents and Property

Owners, Protestant

Amir Irani, Commissioner, Advisory Neighborhood Commission

(ANC) 1C, Protestant

ORDER DENYING APPLICANT'S MOTION TO DISMISS

The Alcoholic Beverage Control Board denies the handwritten motion to dismiss filed by the Kalorama Citizens Association. The Applicant admits that he failed to attend the required mediation due to a scheduling error on his part. In response, he apologized to the other parties and set up an alternative date to meet with some of the protestants. While § 1609.1 requires attendance at mediation, it does not provide for penalty. 23 DCMR § 16091 (West Supp. 2018). Under these circumstances, the decision to dismiss a party for

failing to attend mediation is subject to the discretion of the Board. In this case, the Board finds no prejudice to the other parties and that dismissal is too harsh a remedy.

ORDER

Therefore, the Board, on this 7th day of March 2018, hereby **DENIES** the motion to dismiss the Applicant. The Board further reminds the parties that all motions should be typewritten under 23 DCMR § 1716.1(a) (West Supp. 2018). A copy of this Order shall be sent to the Parties.

District of Columbia Alcoholic Beverage Control Board

Donovan Anderson, Chairperson

Nick Alberti, Member

Mike Silverstein, Member

James Short, Member

Donald Isaac, Sr. Member

Bobby Cato, 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).