

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

In the Matter of:	)	
	)	
	)	
Iraklion, LLC	)	Case No.: 20-CMP-00092
t/a Iraklion	)	License No.: ABRA-116082
	)	Order No.: 2020-267
Application to Transfer a	)	
Retailer's Class CN License	)	
	)	
at premises	)	
1412 I Street, N.W.	)	
Washington, D.C. 20005	)	

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

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**ORDER DISMISSING TRANSFER APPLICATION TO A NEW LOCATION**

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Iraklion, LLC, t/a Iraklion, (hereinafter "Iraklion" or "Applicant") filed an Application to Transfer a Retailer's Class CN License (Application) to a new location at 1412 I Street, N.W. The specific Retailer's Class CN License being transferred by Iraklion permits nude dancing. Nevertheless, the Alcoholic Beverage Control Board (Board) has received correspondence from SJG Properties (SJG), located at 733 15<sup>th</sup> Street, N.W., questioning the legality of the transfer of a license with a nude endorsement to an alleged prohibited location. Upon the Board's review of SJG's complaint, Supervisory Investigator (SI) Mark Brashears was assigned to assess the allegations.

Section 25-374(a) prohibits the issuance or transfer of a license that permits nude dancing if the location sought by the applicant is located within 600 feet of a building assigned a Certificate of Occupancy authorizing "residential use." D.C. Code § 25-374(a), (a)(2). In reviewing the complaint, SI Brashears noted that SJG provided a Certificate of Occupancy (COO) showing that it possesses a residential apartment building located at 733 15<sup>th</sup> Street, N.W. The report further indicates that the initial map produced by the Geographic Information

System (GIS), which the agency relied upon in placarding the establishment, failed to identify SJG's property.

SI Brashears visited the location sought by the Applicant on Monday, August 10, 2020. He then measured the distance between the Applicant's identified location and SJG's residential apartment building using a measuring wheel. Based on his measurement, he determined that the location sought by the Applicant was located approximately 260 feet from SJG's residential apartment building. As a result, the Application cannot be granted as a matter of law pursuant to D.C. Official Code § 25-374(a), as it is located within 600 feet of a residential building.

### **ORDER**

Therefore, the Board, on this 19th day of August 2020, hereby **DISMISSES** the Transfer Application to a New Location for failing to comply with § 25-374(a). Furthermore, ABRA Licensing Division is instructed to **RESCIND** the previously published Notice of Public Hearing. The ABRA shall deliver copies of this Order to Applicant.

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, Member

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Jeni Hansen, 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 St. 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).