

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

In the Matter of:)	
)	
Asmara Inc.)	Case No.: 18-PRO-00033
t/a Kenilworth Market)	License No: 087818
)	Order No: 2018-410
Application to Renew a)	
Retailer's Class A License)	
)	
at premises)	
1612 Kenilworth Avenue, N.E.)	
Washington, D.C. 20019)	

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Donald Isaac, Sr., Member
Bobby Cato, Member
Rema Wahabzadah, Member

ALSO PRESENT: Asmara Inc., t/a Kenilworth Market, Applicant

Kevin Lee, Counsel, on behalf of the Applicant

Cindy Hamilton, on behalf of A Group of Five or More Residents and Property Owners (Hamilton Group), Protestants

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER GRANTING MOTION FOR RECONSIDERATION

In Board Order No. 2018-367, the Alcoholic Beverage Control Board (Board) dismissed a Group of Five or More Residents and Property Owners (Hamilton Group) for failing to have at least five members appear at the Roll Call Hearing on May 29, 2018. *In re Asmara Inc., t/a Kenilworth Market*, Case No. 18-PRO-00033, Board Order No. 2018-367, 2 (D.C.A.B.C.B. Jun. 6, 2018). At the hearing, only two members of the group appeared as required by 23 DCMR § 1602.3. Subsequently, the Hamilton Group filed a motion for reconsideration.

In reviewing the motion, the Board considered § 1605.1, which states that “at least five individuals of the Group . . . must appear in person at either the roll call hearing or the protest status hearing.” 23 DCMR § 1605.1 (West Supp. 2018). In light of this authority, the group should have been given an additional opportunity to appear at the status hearing instead of being dismissed. Therefore, reversal of Board Order No. 2018-367 is warranted so that the Hamilton Group has an opportunity to present the required number of additional members at the next hearing.

ORDER

Therefore, the Board, on this 27th day of June 2018, hereby **GRANTS** the motion for reconsideration. The Board advises the parties that the Hamilton Group’s standing is conditioned on the group presenting at least three more members at the Protest Status Hearing who did not appear at the Roll Call Hearing on May 29, 2018. The Protest Status Hearing in this case is scheduled for July 11, 2018 at 9:30 a.m. and the Protest Hearing is scheduled for August 15, 2018 at 4:30 p.m.

The ABRA shall deliver a copy of this order to the Parties.

District of Columbia
Alcoholic Beverage Control Board

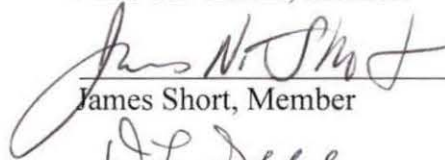


Donoyan Anderson, Chairperson



Nick Alberti, Member

Mike Silverstein, Member



James Short, Member



Donald Isaac, Sr., Member



Bobby Cato, Member

Rema Wahabzadah, 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).