

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

In the Matter of:)	
)	
N Street Dining, Inc.)	Case No.: 19-PRO-00016
t/a Lazy Kate's Bistro)	License No: ABRA-112314
)	Order No: 2019-188
Application for a New)	
Retailer's Class CR License)	
)	
at premises)	
2300 N Street, N.W.)	
Washington, D.C. 20037)	

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

ALSO PRESENT: N Street Dining, Inc., t/a Lazy Kate's Bistro, Applicant

Matthew Devendorf, Counsel, on behalf of the Applicant

William Kennedy Smith, Chairperson, Advisory Neighborhood
Commission (ANC) 2A

Julianne E. Dymowski, Esq., on behalf of A Group of Five or More
Individuals, Protestants

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING MOTION FOR RECONSIDERATION

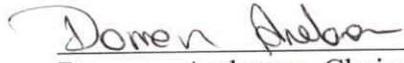
In Board Order No. 2019-153, the Alcoholic Beverage Control Board dismissed the Group of Five or More Individuals after ANC 2A entered into a settlement agreement with the above mentioned Applicant in accordance with D.C. Official Code § 25-609(b). Without citation to any authority, the Group filed a motion for reconsideration requesting reinstatement on the grounds of lack of notice. *Mot. for Recon.*, at 2. The motion is without merit, as § 25-609(b)

does not require advanced notice of ANC 2A's or the Applicant's intent to enter into a settlement agreement. Indeed, notice would serve no purpose, as the Group has no standing to challenge the settlement agreement, as it is not a party to the agreement. *In re Rail Station Lounge, LLC, t/a Rail Station Lounge*, Case No. 10-PRO-00153, Board Order No. 2011-216, ¶¶ 49-51 (D.C.A.B.C.B. Jun. 15, 2011) ("The validity of a Voluntary Agreement between an Applicant and an ANC may not be challenged by a third party" because a third party lacks the requisite standing). It is also irrelevant under the statute that the group members live outside the boundaries of ANC 2A. *Mot. for Recon.*, at 2-3.

ORDER

Therefore, the Board, on this 10th day of April 2019, hereby **DENIES** the motion for reconsideration. The ABRA shall deliver a copy of this order to the Parties.

District of Columbia
Alcoholic Beverage Control Board



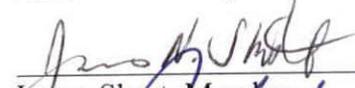
Donovan Anderson, Chairperson



Nick Alberti, Member



Mike Silverstein, Member



James Short, 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).