

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

In the Matter of:)	
)	
Family, LLC)	Case No.: 22-PRO-00121
t/a MK Lounge & Restaurant)	License No.: ABRA-88787
)	Order No.: 2023-534
Application to Renew a)	
Retailer's Class CT License)	
)	
at premises)	
1930 9th Street, N.W.)	
Washington, D.C. 20001)	

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

ALSO PRESENT: Family, LLC, t/a MK Lounge & Restaurant, Applicant

Richard Bianco, Counsel, on behalf of the Applicant

Evan Schlom, Abutting Property Owner, Protestant

Sean Holihan, Commissioner, ANC 1B, Protestant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

CONSENT ORDER

In the above captioned matter, the parties have met and conferred and have come to an agreement on mutually acceptable terms for a consent order. The proposed order, set forth below, would allow for renewal of the license, subject to a condition pursuant to D.C. Official Code § 25-104(e).

PROPOSED ORDER

The Alcoholic Beverage Control Board (Board) approves consent order proposed by the parties and the Application to Renew a Retailer's Class CT License filed by Family, LLC, t/a MK Lounge & Restaurant (hereinafter "Applicant" or "MK Lounge") with conditions to mitigate noise based on the agreement of the parties. For these reasons, the Board renews MK Lounge's license on the condition that it hires a qualified sound professional to conduct a commercially reasonable sound analysis of the premises and produce a report on sound issues and soundproofing at the establishment and certain other requirements related thereto as more fully set forth herein.

PROCEDURAL BACKGROUND

The Notice of Public Hearing advertising MK Lounge's Application was posted on October 14, 2022, and informed the public that objections to the Application could be filed on or before November 28, 2022. *ABRA Protest File No. 88787*, Notice of Public Hearing [*Notice of Public Hearing*]. The records of the Alcoholic Beverage Regulation Administration (ABRA) indicate that ANC 1B and an Abutting Property Owner, Evan Schlom, (collectively the "Protestants") have filed protests against the Application. *ABRA Protest File No. 88787*, 1930 9th Street, N.W., Roll Call Hearing Results. The parties came before the Board's Agent for a Roll Call Hearing on December 19, 2022, where all the above-mentioned objectors were granted standing to protest the Application. On March 1, 2023, the parties came before the Board for a Protest Status Hearing. Finally, the Protest Hearing in this matter scheduled for September 13, 2023 was not held due to the submission of a consent order by the parties.

ORDER

Therefore, the Board, on this 25th day of October 2023, hereby **APPROVES** the **CONSENT ORDER** proposed by the parties.

IT IS FURTHER ORDERED that the Application to Renew a Retailer's Class CT License at premises 1930 9th Street, N.W., filed by Family, LLC, t/a MK Lounge & Restaurant is **APPROVED** subject to the following **CONDITIONS**:

1. The Applicant shall hire a qualified sound professional to conduct a commercially reasonable sound analysis of the premises and produce a report on sound issues and soundproofing.
2. The report shall indicate the qualifications of the sound professional; the method(s) used to test the noise levels and soundproofing at the Establishment; the time and place such tests were undertaken; whether the existing soundproofing and architectural features of the Establishment allow Applicant to comply with its existing Settlement Agreement and Board Order No. 2021-297 or whether additional steps are required; and additional soundproofing recommendations, if any.
3. A copy of the report shall be provided to the Protestants and the Board within sixty (60) days of the Board's order granting the license renewal application unless an extension is granted by the Board. The Board shall grant such an extension only if good cause is shown by the Applicant.

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

District of Columbia
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac43cb0b656d5f084b730063d1dccc8

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
Bobby Cato
Key: 2b5d3fcaufbe146d7f4b75bd7917d20d

Bobby Cato, Member

eSigned via SeamlessDocs.com
James Short
Key: 547ea373f820a6ac8d1b332d2940ec

James Short, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 82172931f050447491b56f9c2a4189f

Jeni Hansen, Member

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Edward Grandis, Member
Key: 5027bda7f9f0040ec14adeb52541ce5

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 and Cannabis 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).