

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

In the Matter of:)		
)		
Midtown Center Restaurant, LLC)	Case No.:	19-PRO-00013
t/a TBD)	License No:	ABRA-112211
)	Order No:	2019-191
Application for a New)		
Retailer's Class CR License)		
)		
at premises)		
1100 15th Street, N.W.)		
Washington, D.C. 20005)		

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

ALSO PRESENT: Midtown Center Restaurant, LLC, t/a TBD, Applicant

Matthew Minora, Counsel, on behalf of the Applicant

Laura L. Dunn, Counsel, on behalf of A Group of Five or More Residents
or Property Owners, Protestant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER AFFIRMING STANDING

The above mentioned protestant filed an uncontested motion to recognize the standing of The University Club of Washington, D.C., as a part of the Group of Five or More Residents and Property Owners. Under § 25-601(2), statutory standing to protest an application has been granted to "A group of no fewer than 5 residents or property owners of the District sharing common grounds for their protest." D.C. Code § 25-601(2). The term "property owner" includes individuals and entities; therefore, the Club may become a member of the group and have standing to protest the application upon satisfaction of all the required steps to become a protestant. 23 DCMR § 1602.1 (West Supp. 2019) (recognizing that both individuals and

entities may obtain standing); *Brentwood Liquors, Inc. v. Dist. of Columbia Alcoholic Beverage Control Bd.*, 661 A.2d 652, 654 (D.C. 1995) (affirming the standing of Brentwood Liquors to protest an application).¹


ORDER

Therefore, the Board, on this 10th day of April 2019, hereby **AFFIRMS** the standing of The University Club of Washington, D.C., under § 25-601(2). The ABRA shall deliver a copy of this order to the Parties.

¹ See also *Brentwood Liquors, Inc. v. Dist. of Columbia Alcoholic Beverage Control Bd.*, 661 A.2d 652, 654 (D.C. 1995) (“Brentwood Liquors and Seven Deli stand on the same footing as all other business establishments in the area in seeking to enjoy the protections of safety, cleanliness, and tranquility of the neighborhood The fact that petitioners also have an economic interest in limiting the number of licensed alcoholic beverage purveyors in the neighborhood is beside the point. Merely because petitioners . . . assert an additional interest in limiting the proliferation of licenses does not bar them for asserting the common interests they share with all shopowners in the area of preventing the general deterioration of a neighborhood . . .”).

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).