

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

In the Matter of:)
)
)

9th Street Lounge, LLC)
t/a Mirror Lounge)

Application to Renew a)
Retailer's Class CT License)
)

at premises)
1920 9th Street, N.W.)
Washington, D.C. 20001)
)

Case No.: 19-PRO-00113
License No: ABRA-111950
Order No: 2019-920

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Aliya Crockett, Member

ALSO PRESENT: 9th Street Lounge, LLC, t/a Mirror Lounge, Applicant

Sidon Yohannes, Counsel, on behalf of the Applicant

Evan Schlom and Daniel Orlaskey, Designated Representative, Group of
Five or More Residents and Property Owners, Protestants

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER GRANTING RECONSIDERATION

The Alcoholic Beverage Control Board dismissed 9th Street Lounge, LLC, t/a Mirror Lounge ("Applicant" or "ML") for failing to appear at the required roll call hearing on November 18, 2019. *In re 9th Street Lounge, LLC, t/a Mirror Lounge*, 19-PRO-00113, Board Order No. 2019-878, 1 (D.C.A.B.C.B. Nov. 20, 2019). ML claims in its motion and reply that it received mailed notice of the hearing after the hearing. In opposition, the protesting group of residents and property owners note that the date and time of the hearing was posted on the establishment's placard that hung on the front window of the establishment before the hearing for approximately 60 days. Nevertheless, at the time the placard is posted, the Applicant would not know whether a protest has been filed against it. In addition, there is insufficient evidence

that the roll call notice letter was received in a timely fashion. As a result, in the interest of fairness, the Board will reinstate the application.

ORDER

Therefore, the Board, on this 11th day of December 2019, hereby **GRANTS** the motion for reconsideration filed by the Applicant.

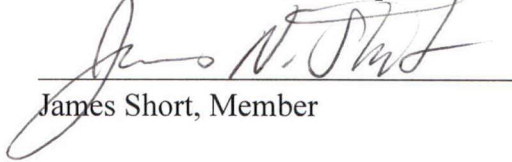
IT IS FURTHER ORDERED that the Parties shall appear at the **Protest Status Hearing** scheduled for **January 8, 2020 at 9:30 a.m.** The Protestants are required to have the required members appear so that the group's standing may be affirmed as ruled by the Board's Agent at the Roll Call Hearing on November 18, 2019.

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

District of Columbia
Alcoholic Beverage Control Board

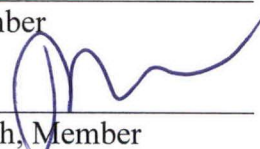


Donovan Anderson, Chairperson

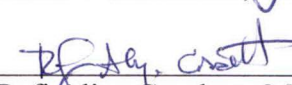


James Short, Member

Bobby Cato, Member



Rema Wahabzadah, Member



Rafi Aliya Crockett, 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).