

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

In the Matter of:)	
)	
Riot Act DC, LLC)	Case No.: N/A
t/a Penn Social)	License No: ABRA-086808
)	Order No: 2019-450
Application to Renew a)	
Retailer's Class CX License)	
)	
at premises)	
801 E Street, N.W.)	
Washington, D.C. 20004)	

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

ALSO PRESENT: Riot Act DC, LLC, t/a Penn Social, Applicant

Richard Bianco, Counsel, on behalf of the Applicant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING PETITION

John Xereas, the minority owner of Riot Act DC, LLC, t/a Penn Social, (Penn Social) filed a petition with the Alcoholic Beverage Control Board, which requested that the Board initiate a qualifications investigation and proceeding against the majority owner, Geoffrey Dawson, in accordance with D.C. Official Code § 25-301. *Petition*, at 1-2. Mr. Xereas further requests the right to intervene in the matter. *Id.* at 1.

The request stems from the “protracted” litigation between the parties. *Id.* at 2. The request specifically asks the Board to consider allegations that Mr. Dawson infringed on the trademark held by Mr. Xereas. *Id.* at 2.

Under § 25-301,

(a) Before issuing, transferring to a new owner, or renewing a license, *the Board shall determine* that the applicant meets all of the following criteria:

(1) The applicant is of good character and generally fit for the responsibilities of licensure

(7) The applicant has complied with all the requirements of this title and regulations issued under this title.

D.C. Code § 25-301(a)(1), (7) (emphasis added).

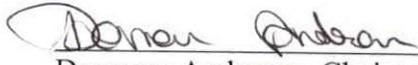
It is well established that an enforcement matter is a “core executive function” subject to agency discretion and not subject to judicial review. *Tucci v. Dist. of Columbia*, 956 A.2d 684, 690 (D.C. 2008). This means that the Board has complete discretion over “whether and when to institute enforcement proceedings against a specific individual.” *Id.* at 692.

In this case, if not raised by a protestant, the decision to initiate a qualifications investigation and proceeding rests solely within the discretion of the Board. Based upon a review of the petition, the Board finds no compelling reason in the public interest to intervene in a private dispute between the ownership of Penn Social.

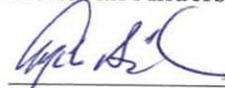
ORDER

Therefore, the Board, on this 5th day of June 2019, hereby **DENIES** the petition filed by Mr. Xereas. The ABRA shall deliver a copy of this order to the Parties.

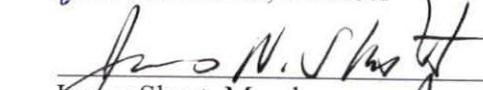
District of Columbia
Alcoholic Beverage Control Board



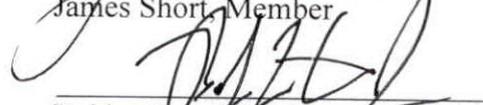
Donoyan Anderson, Chairperson



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).