

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

In the Matter of:)		
)		
Philotimo Hospitality, LLC)	Case No.:	19-PRO-00015
t/a Philotimo)	License No:	ABRA-112439
)	Order No:	2019-322
Application for a New)		
Retailer's Class CR License)		
)		
at premises)		
1100 15th Street, N.W.)		
Washington, D.C. 20005)		

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

ALSO PRESENT: Philotime Hospitality, LLC, t/a Philotimo, Applicant

Sidon Yohannes, Counsel, on behalf of the Applicant

Julianne Dymowski, 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 property owner CHH Capital Hotel Partners, LLC, (CHH) as a part of the above mentioned Group of Five or More Residents and Property Owners. At the Roll Call Hearing on March 18, 2019, it was noted that there was a liquor license present at the address. The Board notes that it is common in the hotel industry for property owners and hotels located on the property owner's land to have different individual and entity owners; therefore, the mere fact that the hotel has a liquor license does not mean that the property owner actually owns or controls a liquor license. Moreover, while the Board is aware that license holders cannot request a moratorium under D.C.

Official Code § 25-351(d), none of the parties have cited a rule barring license holders from protesting the issuance or renewal of a license.

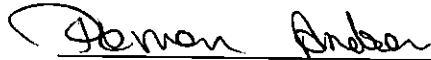
The Board further notes that under § 25-601(2), statutory standing to protest an application has been granted to “A group of no fewer than 5 residents or property owners of the District sharing common grounds for their protest.” D.C. Code § 25-601(2). The term “property owner” includes individuals and entities; therefore, CHH 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 8th day of May 2019, hereby **AFFIRMS** standing to CHH. 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”).

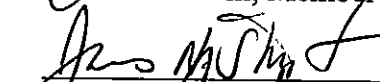
District of Columbia
Alcoholic Beverage Control Board




Donovan Anderson, Chairperson



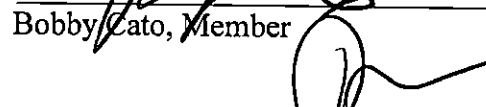
Mike Silverstein, Member



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).