

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

**In the Matter of:**

N & D Entertainment, LLC  
t/a Phoenix Restaurant Lounge

Applicant for a Renewal of a  
Retailer's Class CR License

at premises  
2434 18th Street, NW  
Washington, D.C. 20009

Case No.: 17-PRO-00045  
License No.: ABRA-107011  
Order No.: 2018-028

**BEFORE:** Donovan Anderson, Chairperson  
Nick Alberti, Member  
Mike Silverstein, Member  
James Short, Member  
Donald Isaac, Sr., Member  
Bobby Cato, Member  
Rema Wahabzadah, Member

**PARTIES:** N & D Entertainment, LLC, t/a Phoenix Restaurant Lounge, Applicant  
  
Ted Guthrie, Chairperson, Advisory Neighborhood Commission (ANC)  
1C, Protestant

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**ORDER SUA SPONTE HOLDING THE PROTEST HEARING IN ABEYANCE  
AND NOTICE OF LICENSE CANCELLATION**

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The Application filed by N & D Entertainment, LLC, t/a Phoenix Restaurant Lounge (Applicant) for renewal of its Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on August 14, 2017, and a Protest Status Hearing on September 20, 2017, in accordance with D.C. Official Code § 25-601 (2001). After several continuances, the matter was most recently set for a Protest Hearing on January 24, 2018 at 1:30 p.m.

On January 18, 2018, the United States Marshal's Service (USMS) notified ABRA that it was executing the eviction of the Applicant from the licensed premises due to judgment entered by the District of Columbia Superior Court. On January 19, 2018,

ABRA investigators assisted the USMS with the eviction, took possession of the ABC license, and confirmed that the establishment was no longer operating.

On January 19, 2018, ABRA's Licensing Division contacted the Applicant and instructed him to submit the license into Safekeeping if he intended to renew and utilize the license elsewhere. To date, the Applicant has not requested Safekeeping.

Given the uncertain status of the License No. ABRA-107011 and the failure of the Applicant to initiate Safekeeping, the Board *sua sponte* continues the Protest Hearing indefinitely.

Additionally, the Board gives Notice to the Applicant that if he does not submit the license into Safekeeping within ten (10) days from the date of this Order, the license will be deemed abandoned pursuant to D.C. Official Code § 25-791, and thus subject to cancellation.

### **ORDER**

Therefore, the Board, on this 24th day of January, 2018, *sua sponte* holds the Protest proceedings in abeyance for the renewal of the Retailer's Class CR License held by N & D Entertainment, LLC, t/a Phoenix Restaurant Lounge, located at 2434 18th Street, NW, Washington D.C.

The Board further provides Notice of Cancellation if the license is not placed in Safekeeping with ABRA.

Copies of this Order shall be sent to the Applicant and ANC 1C.

District of Columbia  
Alcoholic Beverage Control Board



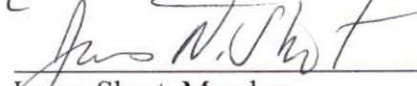
Donovan Anderson, Chairperson



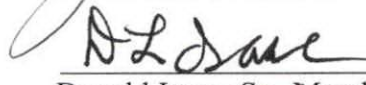
Nick Alberti, Member



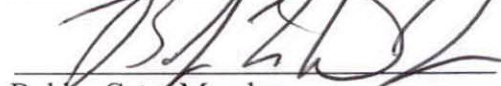
Mike Silverstein, Member



James Short, Member



Donald Isaac, Sr., 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, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official 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; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) 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).