

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

In the Matter of:)	
)	
5k Baller, LLC)	
t/a Play Off Pizza)	
Applicant for a New)	Case No.: 20-PRO-00020
Retailer's Class CT License)	License No.: ABRA-116268
)	Order No.: 2020-276
at premises)	
924 5th Street, NW)	
Washington, D.C. 20001)	

5k Baller, LLC, t/a Play Off Pizza, Applicant

Jyl Martin, Abutting Property Owner

Jennifer M. Smith, Abutting Property Owner

Jose Guevara, Abutting Property Owner

Jennifer M. Smith, on behalf of A Group of Five or More Individuals

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Aliya Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ORDER ON DISMISSAL OF PROTESTS

The Application filed by 5k Baller, LLC, t/a Play Off Pizza (Applicant), for a new Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on September 14, 2020.

On September 14, 2020, the Board dismissed the protest of Jyl Martin because she failed to appear at Roll Call Hearing. Moreover, it was determined that Ms. Martin is not an abutting property owner because her property located at 555 Massachusetts Avenue, NW, #412, does not share a property line nor is there a boundary point in common with the Applicant's establishment. 23 DCMR 1603.4 and D.C. Official Code § 25-601(1)(A)(B).

Additionally, the Board dismissed the protests of Jennifer M. Smith and Jose Guevara because it was determined that they also are not abutting property owners. Specially, the Applicant's property and their properties at 555 Massachusetts Avenue, NW, #413 and #515 respectively, have no property line or boundary point in common as required pursuant to D.C. Official Code § 25-601(1)(A)(B).

Jyl Martin, Jennifer M. Smith, and Jose Guevara may file a Request for Reinstatement of their protests within ten (10) days from the date of this Order if they disagree with the findings of this Board.

Finally, although the Group of Five or More Individuals (Group) was granted Conditional Standing at the Roll Call Hearing, the Group was previously dismissed by the Board *sua sponte* on August 19, 2020 pursuant to D.C. Official Code § 25-609(b), which states that "...in the event that an affected ANC submits a settlement agreement to the Board on a protested license application, the Board, upon its approval of the settlement agreement, shall dismiss any protest of a group of no fewer than 5 residents or property owners meeting the requirements of § 25-601(2)..." *See* Board Order No. 2020-262.

On August 12, 2020, the Board approved the Settlement Agreement between the Applicant and ANC 6E (Board Order No. 2020-257); therefore the Group was subsequently dismissed by operation of law on August 19, 2020. The dismissal was not challenged by the Group.

ORDER

The Board does hereby this 16th day of September, 2020, **DISMISS** the Protests of Jyl Martin, Jennifer M. Smith, and Jose Guevara.

The Board notes that the Settlement Agreement between the Applicant and ANC 6E shall remain in effect and the dismissal of the Group of Five or More Individuals is affirmed.

Copies of this Order shall be sent to the Parties.

District of Columbia
Alcoholic Beverage Control Board

eSigned via Seaman'sDocu.com
Donovan Anderson
Key: 43470295102058944b17000011ccce8

Donovan Anderson, Chairperson

James Short, Member

eSigned via Seaman'sDocu.com
James Short
Key: 259d35cadf0e145d7fab75bd78173d2d4

Bobby Cato, Member

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Rema Wahabzadah, Member
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Rema Wahabzadah, Member

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Rafi Aliya Crockett, Member
Key: 1c59461845e175e4010155a5c12011c2

Rafi Crockett, Member

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Jeni Hansen, Member

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Edward Grandis, Member
Key: 5027b6e7f0f0040ee14adeb52541ce5

Edward S. Grandis, 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 14th 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).