

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

In the Matter of:)
)
Po Boy Jim 2, LLC)
t/a Po Boy Jim 2)
)
Application to Renew a)
Retailer's Class CR License)
)
at premises)
1934 9th Street, NW)
Washington, D.C. 20001)
)

Case No.: 19-PRO-00064
License No.: ABRA-105468
Order No.: 2019-613

Po Boy Jim 2, LLC, t/a Po Boy Jim 2, LLC (Applicant)

Dan Orlaskey, on behalf of A Group of Five or More Individuals, Protestant

Evan Schlom, Abutting Property Owner, Protestant

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

**ORDER ON DISMISSAL OF A GROUP OF FIVE OR
MORE INDIVIDUALS' PROTEST FOR LACK OF STANDING**

The Application filed by Po Boy Jim 2, LLC, t/a Po Boy Jim 2, LLC (Applicant), to renew a Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 17, 2019, in accordance with D.C. Official Code § 25-601 (2001). At the Roll Call Hearing, the Protestant Group of Five or More (Group) produced two of its members and as a result, the Board's Agent granted the Group conditional standing. The Board's Agent advised the Group that it would need to produce three additional members at the Protest Status Hearing in order for the Board to confer full standing.

On August 14, 2019, the Board dismissed the Protest of the Group of Five or More Individuals at the Protest Status Hearing because the Group failed to produce the additional

three members in order to meet the requisite number of five members required to form a Group of Five or More.

Under 23 D.C. Municipal Regulations 1605.1, “. . . . A protestant group of five or more residents or property owners of the District sharing common ground, or in a moratorium zone established under § 25-351, a group of no fewer than three residents or property owners of the District, will be granted standing once five or more individuals of the group have appeared at either the roll call hearing or at the protest status hearing. Notwithstanding 1603.2, at least five individuals of the Group of Five or More Individuals must appear in person at either the roll call hearing or the protest status hearing.

ORDER

The Board does hereby this 14th day of August, 2019, **DISMISS** the Protest of the Group of Five or More Individuals.


The Board advises the parties that the protest of Evan Schlom, Abutting Property Owner, will proceed to a Protest Hearing scheduled for September 25, 2019 at 4:30 pm.

Copies of this Order shall be sent to the Applicant, Evan Schlom and Dan Orlaskey, on behalf of the Group of Five or More Individuals.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



Mike Silverstein, Member



James Short, Member



Bobby Cato, Member



Rema Wahabzadah, Member



Rafi 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, 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).