

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

In the Matter of:)
)
Po Boy Jim 2, LLC)
t/a Po Boy Jim 2)
)
Petition to)
Terminate Settlement Agreement)
for a Retailer’s Class CR License)
)
at premises)
1934 9th Street, NW)
Washington, D.C. 20001)
)

License No.: ABRA-105468
Order No.: 2019-625

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

**ORDER DENYING PETITION TO TERMINATE
SETTLEMENT AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Po Boy Jim 2, LLC, t/a Po Boy Jim 2 (Petitioner), entered into a Settlement Agreement with Advisory Neighborhood Commission (ANC) 1B, on June 21, 2017, and it was approved by the Board on July 19, 2017. The Petitioner now seeks to terminate its Settlement Agreement under D.C. Official Code § 25-446(d).

D.C. Official Code § 25-446(d)(2) provides that “The Board may accept an application to amend or terminate a settlement agreement by fewer than all parties in the following circumstances: (A) During the license’s renewal period; and (B) After 4 years from the date of the Board’s decision initially approving the settlement agreement.”

The Board finds that the Petitioner failed to file its Petition to Terminate the Settlement Agreement by March 31, 2019, the deadline for renewal of all Retailer’s Class CR licenses and failed to comply with basic statutory requirements. Specifically, the Board finds that the Petitioner’s Settlement Agreement approved by the Board on July 19, 2017, does not meet the four (4) year criteria required by D.C. Official Code § 25-446(d)(2)(B).

Therefore, based upon the above, the Board denies the Petition to Terminate the Settlement Agreement because the Petitioner failed to file a timely Petition to Terminate Settlement Agreement and the Settlement Agreement sought to be terminated is not four (4) years old or older as required by law.

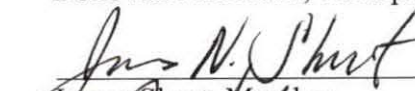
ORDER

The Board does hereby, this 11th day of September, 2019, **DENY** the Petition to Terminate Settlement Agreement submitted by Po Boy Jim 2, LLC, t/a Po Boy Jim 2. Copies of this Order shall be sent to the Petitioner.

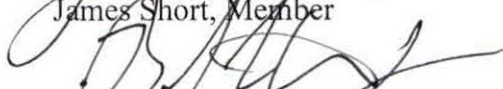
District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson

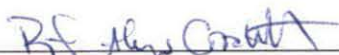


James Short, Member



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).