

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

**In the Matter of:** )

Provost, LLC )  
t/a Provost )

Application for a New )  
Retailer's Class CR License )

at premises )  
2129 Rhode Island Avenue, NE )  
Washington, D.C. 20018 )

Case No.: 17-PRO-00091  
License No.: ABRA-108015  
Order No.: 2018-017

Provost, LLC, t/a Provost (Applicant)

Yolanda Odunsi, Commissioner, Single Member District (SMD) 5C07

Yolanda Odunsi, on behalf of A Group of Five or More Individuals (Protestant)

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**ORDER ON DISMISSAL OF SMD 5C07'S PROTEST**

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The Application filed by Provost, LLC, t/a Provost, for a new Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on January 8, 2018, in accordance with D.C. Official Code § 25-601 (2001).

On January 8, 2018, the Board dismissed the Protest of SMD 5C07, because SMDs do not have standing. Therefore, SMD 5C07 did not meet the standing requirements under D.C. Official Code § 25-601.

As determined by D.C. Official Code § 25-601, the persons who have standing to file a protest are: (1) An abutting property owner; (2) A group of no fewer than 5 residents or property owners of the District sharing common grounds for their protest; provided, that in a moratorium zone established under § 25-351 (or in existence as of May 3, 2001), a group of no fewer than 3 residents or property owners of the District sharing common grounds for their protest; (3) A citizens association incorporated under the laws of the District of Columbia located within the affected area; provided, that the following conditions are met: (A) Membership in the citizens association is open to all residents of the area represented by the association; and (B) A resolution concerning the license application has been duly approved in accordance with the association's articles of incorporation or bylaws at a duly called meeting, with notice of the meeting given to the

voting body and the applicant at least 7 days before the date of the meeting; (4) An affected ANC; (5) In the case of property owned by the District within a 600-foot radius of the establishment to be licensed, the Mayor; (6) In the case of property owned by the United States within a 600-foot radius of the establishment to be licensed, the designated custodian of the property; or (7) The Metropolitan Police Department District Commander, or his or her designee, in whose Police District the establishment resides.

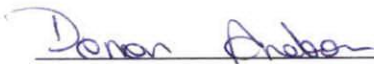
SMD 5C07 may file a Request for Reinstatement with the Board within ten (10) days from the date of this Order.

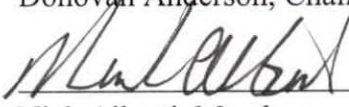
## **ORDER**

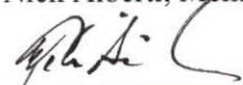
The Board does hereby, this 24th day of January, 2018, **DISMISS** the Protest of SMD 5C07. Copies of this Order shall be sent to the Applicant, SMD 5C07, and the Group of Five or More Individuals.

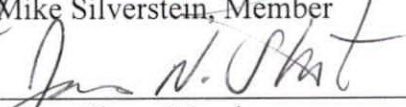
The Board advises the parties that the protest of the Group of Five or More Individuals remains, and the Protest Status Hearing is set for February 7, 2018 at 9:30 a.m. and the Protest Hearing for March 7, 2018 at 4:30 p.m.

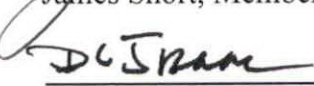
District of Columbia  
Alcoholic Beverage Control Board

  
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Donovan Anderson, Chairperson

  
\_\_\_\_\_  
Nick Alberti, Member

  
\_\_\_\_\_  
Mike Silverstein, Member

  
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James Short, Member

  
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Donald Isaac, Sr., 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).