

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

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In the Matter of:	)		
	)		
Provost, LLC	)	Case No.:	17-PRO-00091
t/a Provost	)	License No:	108015
	)	Order No:	2018-111
Application for a New	)		
Retailer's Class CR License	)		
	)		
at premises	)		
2129 Rhode Island Avenue, N.E.	)		
Washington, D.C. 20018	)		

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

**ALSO PRESENT:** Provost, LLC, t/a Provost, Applicant  
  
Sidon Yohannes, Counsel, on behalf of the Applicant  
  
Yolanda Odunsi and Kevin Mullone, on behalf of a Group of 23 Residents and Property Owners, Protestants  
  
Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**CONSENT ORDER ON SETTLEMENT OF PROTEST**

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Provost, LLC, t/a Provost, (Applicant) and a Group of 23 Residents and Property Owners (Protestants) came before the Alcoholic Beverage Control Board (Board) for a Protest Hearing on March 8, 2018. At the hearing, the parties agreed to have the Board issue a consent order imposing conditions on the license authorizing the issuance of a Retailer's Class CR License to the Applicant and imposing conditions on the license.

The acceptance of a consent order is authorized under § 2-509(a) of the D.C. Administrative Procedure Act. D.C. Code §2-509(a) (“any contested case may be disposed of by stipulation, agreed settlement, consent order, or default”). Furthermore, § 25-104(e) grants the Board the power to impose conditions when such conditions are in the best interest of the neighborhood at issue in the protest. D.C. Code § 25-104(e).

In prior cases, the Board has previously held that promises and pledges made by an Applicant may be converted into conditions of licensure and satisfy the requirements of § 25-104(e), because such pledges pertain to the nature of the operations of the establishment considered by the Board when it granted the license. *In re HRH Services, LLC, t/a The Alibi*, Case No. 15-PRO-00096, Board Order No. 2016-280, ¶ 94 (D.C.A.B.C.B. May 18, 2016).

The Board approves the settlement terms agreed to by the parties in lieu of the Protest Hearing. This Order resolves all issues relating to the protest of the application in Case No. 17-PRO-00091.

### ORDER

Therefore, on this 14th day of March 2018, the Board hereby **APPROVES** the Application for a New Retailer's Class CR License at premises 2129 Rhode Island Avenue, N.E. filed by Provost, LLC, t/a Provost subject to the following **CONDITIONS** agreed to by the parties:

1. The license holder’s hours of operation and hours of sale, service, and consumption of alcoholic beverages for the interior shall not begin before 8:00 a.m. or exceed 2:00 a.m. on any day of the week.
2. The license holder’s hours of operation and hours of sale, service, and consumption of alcoholic beverages for the summer garden shall not begin before 8:00 a.m. on any day of the week or exceed 12:00 a.m., Sunday through Thursday, or 1:00 a.m. on Friday or Saturday.
3. The conditions contained in this Order shall not prevent or prohibit the license holder from applying for, receiving, or operating under any extended hours or additional hours granted under the law.
4. The license holder shall not operate the establishment as a nightclub.
5. The license holder shall not have cover charges.
6. The license holder shall not have a dance floor.
7. The license holder shall not have VIP table service.
8. The license holder shall not have VIP bottle service.

9. The license holder shall not have amplified music or sound on the rooftop.

The Applicant is **ADVISED** that the failure to adhere to these conditions imposed by the Order may be enforced under D.C. Official Code § 25-823(a)(6)(requiring compliance with Board orders) and 25-823(a)(7)(requiring compliance with “the terms of . . . [the] license approved by the Board.”).

The ABRA shall deliver a copy of this order to Sidon Yohannes, Counsel to the Applicant, and to Yolanda Odunsi and Kevin Mullone, on behalf of a Group of 23 Residents and Property Owners, Protestants.

District of Columbia  
Alcoholic Beverage Control Board



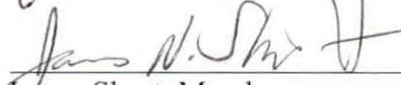
Donovan Anderson, Chairperson



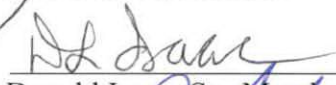
Nick Alberti, Member



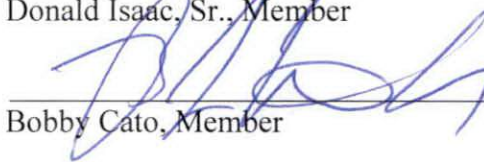
Mike Silverstein, Member



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, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

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