

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

In the Matter of:

Cantina Calle N, LLC
t/a Republic Cantina

Applicant for a New
Retailer's Class CR License

at premises
57 N Street, N.W.
Washington, D.C. 20001

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) Case No.: 17-PRO-00060
) License No.: 107578
) Order No.: 2018-037
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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: Cantina Calle N, LLC, t/a Republic Cantina, Applicant

Bradley A. Thomas, Chairperson, Advisory Neighborhood
Commission (ANC) 5E

Leon Braddell, on behalf of the Hanover Area Civic Association

Chris Smythe-Macaulay, on behalf of A Group of Eighteen
Individuals

Ryan Fiocco, on behalf of A Group of Twenty Three Individuals

Columbus B. Key Jr., Individual Group Member

ORDER DENYING MOTIONS FOR RECONSIDERATION

In accordance with D.C. Official Code § 25-609(b), on January 10, 2018, the Alcoholic Beverage Control Board dismissed the protest filed by the Group of Twenty Three Individuals (Group of 23) represented by Chris Smythe-Macaulay because the Advisory Neighborhood Commission 5E entered into a settlement agreement with the Applicant. *In re Cantina Calle N, LLC, t/a Republic Cantina, Case No. 17-PRO-00060,*

Board Order No. 2018-013, 2 (D.C.A.B.C.B. Jan. 10, 2018). Subsequently, the Group of 23 and Columbus B Key, Jr., filed a motion for reconsideration.

Under § 25-609(b), “. . . 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).” Neither motion for reconsideration contains any authority that overrides § 25-609(b).

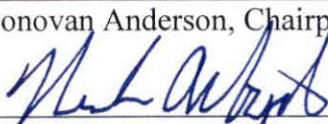
The Board further notes that Mr. Key does not have standing to file a separate motion for reconsideration. *In re Watergate Hotel Lessee, LLC, t/a Watergate Hotel*, Case No. 13-PRO-00005, Board Order No. 2013-417, 17-18 (D.C.A.B.C.B. Oct. 2, 2013) (saying a group must “act as a single unit” and that a group that fails to do so lacks standing).

ORDER

Therefore, the Board, on this 31st day of January 2018, hereby **DENIES** the motion for reconsideration. A copy of this Order shall be sent to the Parties.

District of Columbia
Alcoholic Beverage Control Board

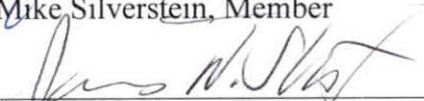
Donovan Anderson, Chairperson



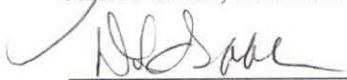
Nick Alberti, Member



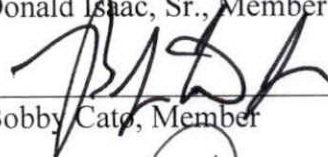
Mike Silverstein, Member



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, 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).