



prejudice. The Applicant filed a motion to withdraw the application to permit additional negotiations and to address the future renewal of the license. The Protestants objected to the motion because they are ready to proceed to a hearing and believe the withdrawal prevents future applications for five years pursuant to D.C. Code § 25-338.

The Board grants the motion and will not preclude the Applicant from future applications for two reasons. First, the Board cannot force a party to go to hearing and the Applicant is free to abandon its request. Second, § 25-338 is inapplicable because that statute only goes into effect “if the Board has denied a previously filed application,” which does not occur if the Applicant voluntarily withdraws their Application. Finally, even if that were not the case, the Board would find the withdrawal for good cause where the Applicant has voluntarily withdrawn the Application, as opposed to failing to appear at a required hearing without notice and forcing the Board to deny the Application in order to close the matter for abandonment.

### **ORDER**

Therefore, the Alcoholic Beverage Control Board on this 18th day of May 2022, hereby **GRANTS** the motion to withdraw without prejudice. A copy of this Order shall be provided to the Parties.

District of Columbia  
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: ac43c3b9eb9d5f09e4b730093d1dccc8

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Donovan Anderson, Chairperson

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*James Short*  
Key: 547ae373f822de6ac8d1b332ad2949ec

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James Short, Member

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Bobby Cato, Member

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Rafi Crockett, Member

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*Jeni Hansen, Member*  
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Jeni Hansen, Member

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*Edward Grandis, Member*  
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Edward S. Grandis, 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. 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 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).