THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

In the Matter of:		
Zemen M, LLC t/a Sliced and Brewed Restaurant	Case No.: License No.:	25-PRO-00078 ABRA-097889
Application to Renew a Retailer's Class CR License	Order No.:	2025-951
at premises 1915 9th Street, N.W. Washington, D.C. 20001		

BEFORE: Donovan Anderson, Chairperson
Silas Grant, Jr., Member
Teri Janine Quinn, Member
Ryan Jones, Member
David Meadows, Member

PARTIES: Zemen M, LLC, t/a Sliced and Brewed, Applicant

Richard Bianco, Counsel, on behalf of the Applicant

Frank Chauvin, Designated Representative, Westminster Neighborhood Association, Protestant

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ORDER DENYING MOTION TO DISMISS

Applicant Zemen M, LLC, t/a Sliced and Brewed, filed a motion to dismiss the protest filed by the Protestant Citizens Association Westminster Neighborhood Association (WNA). The basis of the dismissal motion is the Applicant's argument that the notice of the meeting where the protest vote occurred was on July 20, 2025, and the noticed meeting was held on Sunday, July 27, 2025. Under D.C. Official Code § 25-601(3)(B), a citizens association must provide notice of the meeting where a protest will be decided at least "7 days before" the event. The Applicant bases its claim of a violation of this requirement on the failure of the WNA to comply with § 102.1 of the regulations because notice would be required to be sent on July 18, 2025, if Sundays and other days are excluded as required by the computation regulation.

Nevertheless, this section reads as follows:

> In computing any period of time specified in *this title*, the day of the act, event, or default shall not be counted, and the last day of the period shall be counted unless it is a Saturday, Sunday, legal holiday, or day on which ABRA is officially closed, in which event the time period shall continue until the next day that is not a Saturday, Sunday, legal holiday, or day on which ABRA is not closed.

23 DCMR § 102.1 (emphasis added). The Board disagrees that the computation section applies to § 25-601(3)(B) because the phrase "this title" indicates that the computation regulation only applies to Title 23 of the DCMR, and not Title 25 of the D.C. Official Code.

Instead, this section of the statute is better understood as interpreted by the courts, which have stated in interpreting these types of statutes that

> it is generally held that in computing the time for performance of an act or event which must take place a certain number of days before a known future day, one of the terminal days is included in the count and the other is excluded."

Atiba v. Washington Hosp. Ctr., 43 A.3d 940, 942 (D.C. 2012). Therefore, where notice occurred on July 20, 2025, this complied with the requirement that notice occur at least 7 days before the WNA's protest vote occurred.

ORDER

Therefore, the Board on this 22nd day of October 2025, **DENIES** the motion to dismiss. Copies of this Order shall be provided to the parties.

District of Columbia
Alcoholic Beverage and Cannabis Board

Donovan Anderson, Chairperson

Silas Grant, Jr., Member

Teri Janine Quinn

Teri Janine Quinn, Member

Ryan Meadows, Member

David Meadows

David Meadows, Member

Any party adversely affected may file a Motion for Reconsideration of this decision within ten days of service of this Order with the Alcoholic Beverage and Cannabis Administration, 899 North Capitol Street, N.E., Suite 4200-A, Washington, D.C. 20002. Also, pursuant to § 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, a party that is adversely affected may have the right to appeal this Order by filing a petition for review, within 30 days of the date of service of this Order, with the District of Columbia Court of Appeals, located at 430 E Street, N.W., Washington, D.C. 20001. Parties are advised that the timely filing of a Motion for Reconsideration 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). Parties are further advised that the failure to present all matters of record that have allegedly been erroneously decided in a motion for reconsideration may result in the waiver of those matters being considered by the Board. The Board also reserves the right to summarily deny or not consider multiple and repetitive motions.

Parties are also advised that the Superior Court of the District of Columbia may have jurisdiction to hear appeals in non-contested cases or in matters where that court is specifically provided jurisdiction by law. Finally, advisory neighborhood commissions (ANCs) are advised that their

right to appeal or challenge a decision of the Board may be limited by the laws governing ANCs. *See e.g.*, D.C. Code § 1-309.10(g).