

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

**In the Matter of:**

Y.O.K., Inc.  
t/a Super Liquors

Applicant for Renewal of a  
Retailer's Class A License

at premises  
1633 North Capitol Street, NE  
Washington, D.C. 20002

Case No.: 18-PRO-00032  
License No.: ABRA-079241  
Order No.: 2018-392

Y.O.K., Inc., t/a Super Liquors (Applicant)

Austan Mogharabi, on behalf of Eckington Civic Association (ECA)

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

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**ORDER DENYING REQUEST FOR REINSTATEMENT OF  
THE ECKINGTON CIVIC ASSOCIATION'S PROTEST**

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The Application filed by Y.O.K., Inc., t/a Super Liquors (Applicant), for renewal of its Retailer's Class A License, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on May 29, 2018, in accordance with D.C. Official Code § 25-601 (2001).

On May 29, 2018, the Board dismissed the Protest of Eckington Civic Association (ECA). ECA's Protest was dismissed because 1) it did not give the Applicant at least seven (7) days advanced notice of the ECA meeting, pursuant to D.C. Official Code § 25-601(3)(B); and 2) its protest letter was not signed, pursuant 23 DCMR §1602.3.

On May 29, 2018, the ECA filed a Request for Reinstatement, stating that it had complied with D.C. Official Code § 25-601(3)(B) by giving notice to the Applicant seven

days in advance of its monthly meeting. Specifically, the ECA provided proof of notification that was made by electronic mail and sent to the Applicant on April 17, 2018. The email notification provided proof of not only the ECA meeting date and time, but also that the ECA would be discussing the Applicant's license. The Applicant admitted at the Roll Call Hearing that he attended the ECA meeting. Transcript (*TR.*), May 29, 2018 at 8. Thus, the Board finds that the ECA complied with this particular requirement.

With regard to its compliance with 23 DCMR §1602.3, there is no proof that the ECA submitted a signed protest by the May 14, 2018 deadline. Indeed, ABRA's records reflect the contrary. The Board's Agent notes on the record at the Roll Call Hearing that the ECA's protest letter is not signed, but merely contains the typed name of the ECA Vice-President. *TR.* at p. 7, 9. The ECA did not dispute the Board's Agent's findings.

In response to the Board's dismissal of their protest, the ECA submitted a signed protest letter as an exhibit to its Request for Reinstatement on May 29, 2018. The exhibit appears to be nothing more than a signed version of the protest letter previously submitted. There is no date or time stamp on the letter indicating that it was timely filed. As such, the Board has difficulty believing it isn't simply a back-dated protest letter now complete with signature.

On June 12, 2018, the ECA submitted a Supplemental Request for Reinstatement, admitting that the ECA did not originally file a signed protest letter. The ECA argues that notwithstanding this admission and the absence of a signature, the dismissal of its protest is overly punitive because it *at least* filed a timely protest. Unfortunately, the law is clear and requires protests to be signed. 23 DCMR §1602.3.

The Board is unpersuaded by the ECA's arguments and finds that that the agency did not receive a signed protest letter by the protest petition deadline of May 14, 2018. Therefore, the Board affirms its May 29, 2018 decision dismissing the ECA protest for failure to file a signed protest letter as required by 23 DCMR §1602.3.

## ORDER

The Board does hereby, this 13th day of June, 2018, **DENIES** the Request for Reinstatement of the Eckington Civic Association protest.

Copies of this Order shall be sent to the Applicant and Austan Mogharabi, on behalf of Eckington Civic Association.

District of Columbia  
Alcoholic Beverage Control Board



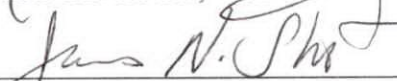
Donoyan Anderson, Chairperson



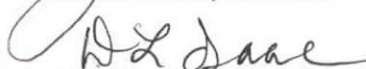
Nick Alberti, Member



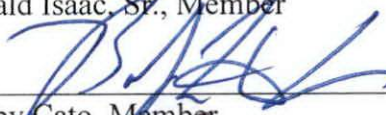
Mike Silverstein, Member




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 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).