

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

In the Matter of:

Supra, LLC
t/a Supra

Application for Substantial Change
(Sidewalk Café)
to a Retailer's Class CR License

at premises
1013 M Street, NW
Washington, D.C. 20001

Case No.: 18-PRO-00023
License No.: ABRA-106618
Order No.: 2018-253

Supra, LLC, t/a Supra (Applicant)

Julie Dymowski, Esq., and Ashwin Phatak, on behalf of A Group of Five or More
Individuals (Protestant)

Jonathan Moynihan, Abutting Property Owner (Protestant)

Caitlin K. Moynihan, Abutting Property Owner (Protestant)

Matt Contento, Abutting Property Owner (Protestant)

Wah-Keng Wu, Abutting Property Owner (Protestant)

Ashwin Phatak, President, on behalf of 10Eleven Condo Association

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

ORDER ON DISMISSAL OF 10ELEVEN CONDO ASSOCIATION'S PROTEST

The Application filed by Supra, LLC, t/a Supra (Applicant), for a Substantial Change to add a new Sidewalk Café to its Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on April 30, 2018, in accordance with D.C. Official Code § 25-601 (2001).

On April 30, 2018, the Board dismissed the Protest of 10Eleven Condo Association (10Eleven) because 10Eleven did not meet the standing requirements needed to file a protest. Specifically, D.C. Official Code § 25-601 sets forth those persons that may file a protest and Condo Associations are not listed among them. It has long been recognized that persons who have standing to file a protest are: (1) An abutting property owner; (2) A group of no fewer than 5 residents or property owners, (3) A citizens association, (4) An affected ANC; (5) the Mayor; (6) the designated custodian of federal property; or (7) The Metropolitan Police Department District Commander.

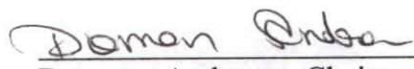
10Eleven Condo Association may file a Motion for Reconsideration within ten (10) days from the date of this Order if it disagrees with the findings of the Board.

ORDER

The Board does hereby, this 2nd day of May, 2018, **DISMISS** the Protest of 10Eleven Condo Association. Copies of this Order shall be sent to the Applicant, Jonathan Moynihan, Caitlin K. Moynihan, Matt Contento, Wah-Keng Wu, and Julie Dymowski, Esq., and Ashwin Phatak, on behalf of the Group of Five or More Individuals and 10Eleven Condo Association.

The Board advises the parties that the protests of Jonathan Moynihan, Caitlin K. Moynihan, Matt Contento, Wah-Keng Wu, and the Group of Five or More Individuals remain, and the Protest Status Hearing is set for June 6, 2018 at 9:30 a.m. and the Protest Hearing for July 11, 2018 at 4:30 p.m.

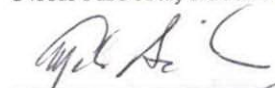
District of Columbia
Alcoholic Beverage Control Board



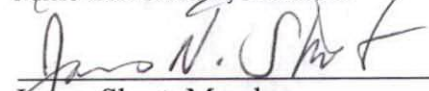
Donovan Anderson, Chairperson



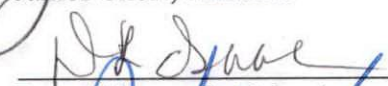
Nick Alberti, Member



Mike Silverstein, Member



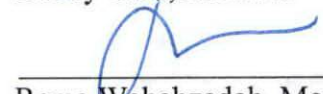
James Short, Member



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).