

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

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In the Matter of:	)	
	)	
Matthias, Inc.	)	Case No.: 21-PRO-00040
t/a Sylvia's Liquors	)	License No.: ABRA-104606
	)	Order No.: 2021-710
Application to Renew a	)	
Retailer's Class A License	)	
	)	
at premises	)	
1818 Benning Road, N.E.	)	
Washington, D.C. 20002	)	

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**BEFORE:** Donovan Anderson, Chairperson  
James Short, Member  
Bobby Cato, Member  
Rafi Aliya Crockett, Member  
Jeni Hansen, Member

**ALSO PRESENT:** Matthias, Inc., t/a Sylvia's Liquors, Applicant

Sidon Yohannes, Counsel, on behalf of the Applicant

Sydelle Moore, Chairperson, Advisory Neighborhood Commission (ANC)  
5D, Protestant

Madison Gibbs and Ronald Dixon, Counsel, on behalf of the Protestant

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND ORDER**

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**INTRODUCTION**

The Alcoholic Beverage Control Board (Board) approves the Application to Renew a Retailer's Class A License filed by Matthias, Inc., t/a Sylvia's Liquors (hereinafter "Applicant" or "Sylvia's Liquors") where the license has no prior history of violations, is taking reasonable steps to curb problematic behavior based on its limited authority as a private business, and the

issues raised by the Protestant caused by loitering and other anti-social behavior in the neighborhood appear to go beyond the operation of a single store.

### ***Procedural Background***

The Notice of Public Hearing advertising Sylvia’s Liquor’s Application was posted on April 2, 2021, and informed the public that objections to the Application could be filed on or before June 7, 2021. *ABRA Protest File No. 21-PRO-00040*, Notice of Public Hearing [*Notice of Public Hearing*]. The records of the Alcoholic Beverage Regulation Administration (ABRA) indicate that ANC 5D has filed a protest against the Application. *ABRA Protest File No. 21-PRO-00040*, Roll Call Hearing Results.

The parties came before the Board’s Agent for a Roll Call Hearing on April 2, 2021, where the above-mentioned objector was granted standing to protest the Application. On September 22, 2021, the parties came before the Board for a Protest Status Hearing. Finally, the Protest Hearing in this matter occurred on October 6, 2021.

The Board recognizes that an ANC’s properly adopted written recommendations are entitled to great weight from the Board. D.C. Code §§ 1-309.10(d), 25-609; *Foggy Bottom Ass’n v. District of Columbia Alcoholic Beverage Control Bd.*, 445 A.2d 643, 646 (D.C. 1982). Accordingly, the Board “must elaborate, with precision, its response to the ANC[’s] issues and concerns.” *Foggy Bottom Ass’n*, 445 A.2d at 646. The Board notes that it received a properly adopted written recommendation from ANC 5D, which indicated that its protest is based on concerns regarding Sylvia’s Liquors impact on peace, order, and quiet related to crime, drug sales, loitering, and litter, overconcentration, and its record of noncompliance with the law and settlement agreement. *Letter from ANC 5D*, 1 (May 11, 2021); D.C. Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2021). The ANC’s issues and concerns shall be addressed by the Board in its Conclusions of Law below.

### **FINDINGS OF FACT**

The Board, having considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board’s official file, makes the following findings:

#### **I. Background**

1. Sylvia’s Liquors has submitted an Application to Renew a Retailer's Class A License at 1818 Benning Road, N.E., Washington, D.C. *Notice of Public Hearing*.
2. ABRA Lead Investigator (LI) Felicia Dantzler investigated the Application and prepared the Protest Report submitted to the Board. *ABRA Protest File No. 21-PRO-00040, Protest Report* (Sept. 2021) [*Protest Report*].
3. The proposed establishment is located in a MU-5A (Mixed-Use) zone. *Protest Report*, at 2. Five licensed establishments are located within 1,200 feet of the proposed location. *Id.* at 3.

There is one tavern and four stores authorized to sell closed containers. *Id.* There are no schools, recreation centers, or public libraries located within 400 feet of the establishment. *Id.* at 2. The Kiddie City Day Care is located within 400 feet of the establishment's premises. *Id.* The establishment is licensed to operate from 9:00 a.m. to midnight. *Id.* at 4.

4. ABRA investigators visited the establishment on 18 separate occasions between July 23, 2021, and September 10, 2021. *Id.* at 5. The report indicates that the investigators observed loitering at 1816 Benning Road, N.E., which is the location of the day care. *Id.* During the monitoring period, they observed groups of between two or three people grow to fifteen people on occasion. *Id.* The people would, on occasion, stand in front of the daycare or bring seats. *Id.* The investigators noticed people in the group drinking from unidentified containers, block the sidewalk, and engage in public urination at nearby construction sites. *Id.* She noted that a tree in front of the daycare appeared to attract loiterers. *Transcript (Tr.)*, October 6, 2021 at 39, 48; *see also Tr.*, 10/6/21 at 97.

5. On one occasion, LI Dantzler observed a small fight breakout between members of the group that was broken up by other group members. *Protest Report*, at 5. She further observed customers of the liquor store exit and converse with the loiterers. *Id.* She observed customers of the liquor store double park and enter the store. *Id.* She also observed a large police presence in the neighborhood due to a shooting in the neighborhood, but there is no indication that the shooting involved Sylvia's Liquors or its customers. *Id.* at 6. Finally, LI Dantzler observed what she believed to be "drug activity." *Id.* The Board notes that the report does not establish that the loiterers were engaging in public drinking of alcohol or otherwise contain sufficient information to establish that illegal narcotics were being distributed, sold, or consumed by the loiterers. *Tr.*, 10/6/21 at 46 (saying the drinks were covered). LI Dantzler also did not observe any of the establishment's customers engage in public drinking. *Id.* at 50.

6. The records of the Metropolitan Police Department (MPD) indicate that MPD received 152 calls for service related to the establishment's address between May 4, 2021, and August 31, 2021. *Id.* ABRA's records indicate that the establishment has never been found in violation of the District's liquor laws. *Id.* at 7.

7. On August 9, 2021, LI Dantzler visited the establishment. *Id.* at 7. While inside the premises, she saw no evidence that the business sold "go-cups" or drug paraphernalia. *Id.* She also found the establishment was complying with its settlement agreement's requirement to maintain a logbook tracking police activity and barring notices. *Id.* The log showed that the establishment obtained one barring notice in 2019 and 13 barring notices in 2020. *Id.*

## **II. Nam Young Njong**

8. Nam Young Njong owns Sylvia's Liquors and has owned the business since 2016. *Tr.*, 10/6/21 at 65. The business sells alcohol and groceries. *Id.* He is generally present at the business every day. *Id.* at 66. He also has a store manager that works at the establishment. *Id.*

9. Mr. Njong described his procedures for preventing underage sales. *Id.* He indicated that the store checks patron identification. *Id.* The store also has signs advising customers about

the identification requirement that are prominently displayed by the register and the entrance. *Id.* at 66-67. He will also will not sell regular items to minors unless they are accompanied by an adult. *Id.* at 67-68.

10. Mr. Njounj also discussed the loitering issue. *Id.* at 69. The store has a sign advising the public that no loitering is permitted. *Id.* He also regularly calls the police to address loitering in near his store. *Id.* He indicated that the police are not able to disperse the loiterers. *Id.* at 70.

11. The store also has security cameras. *Id.* Specifically, the establishment has cameras both inside and outside the store. *Id.*

12. Mr. Njounj indicated that the store sells single cans of beer. *Id.* at 73. The store also sells 100 mL size bottles of brandy, tequila, and vodka. *Id.*

### **III. Hyejung Na**

13. Hyejung Na is a corporate officer with Sylvia's Liquors. *Id.* at 83. As part of her job, Ms. Na performs administrative tasks and monitors the security system. *Id.* She indicated that the store has 17 cameras. *Id.* at 83-84. She noted that on one occasion, the store provided evidence to the police related to a stabbing in front of another business. *Id.* at 98.

14. Ms. Na discussed the loitering situation in the community. *Id.* at 91. She indicated that the portion of Benning Road, N.E., near her business experiences loitering on a frequent basis. *Id.* Based on her observations, the loiterers are present when the store is closed and will even stay until 2:00 a.m. and 3:00 a.m. *Id.* at 118. She noted that Sylvia's Liquors does not want the loiterers near the business but has no means to address the issue. *Id.* at 91. She indicated that less loiterers would appear in the past when the police provided patrols and stationed cars nearby. *Id.* at 92. She indicated that she frequently called the police regarding loitering but was told not to call so much by the police because it is not occurring on her property. *Id.* at 93. She further indicated that she and members of the business talk to the loiterers and they are not aggressive and will move when asked. *Id.* at 114.

15. Ms. Na indicated that the store contemplated hiring private security for the establishment. *Id.* at 124. Nevertheless, she was informed that private security can only address matters inside the premises, such as shoplifting. *Id.* Therefore, private security could not be used to address loitering on public space. *Id.*

### **IV. Kenneth Artis, Jr.**

16. Kenneth Artis lives on Benning Road, N.E., near Sylvia's Liquors. *Id.* at 130. Mr. Artis frequently patronizes the store to buy alcohol, groceries, and lottery tickets. *Id.* He supports the renewal of the license and has no issues regarding the operations of the store. *Id.* at 131. He noted that the loiterers do not loiter in front of the liquor store, but rather the daycare. *Id.* at 139. He does not believe Sylvia's Liquors' operations have any relation to the loiterers. *Id.* at 132-33.

## **V. Zekarias Werede**

17. Zekarias Werede owns the 7 Food Store on Benning Road, N.E. *Id.* at 151. He has owned his business for the past four years. *Id.* at 151.

18. Mr. Werede discussed the loitering situation in the neighborhood. *Id.* at 153. He indicated that in the neighborhood people frequently loiter on the public sidewalk. *Id.* He believes the only way to curb crime and loitering in the neighborhood is for the police to have a continuous presence. *Id.* at 153-54. He is not aware of any step any business in the neighborhood could take to combat the loitering issue at this time. *Id.* at 157, 161. He has never seen loitering in front of Sylvia's Liquors. *Id.* at 179-80.

## **VI. Barbara Anne Erskines**

19. Barbara Anne Erskines lives approximately a block and a half away from Sylvia's Liquors. *Id.* at 187. She patronizes the business almost every day to play the lottery. *Id.* at 188. While she has observed loitering in the neighborhood, she has not observed loitering in front of the store. *Id.* at 190, 193. She has no concerns regarding the operation of the establishment. *Id.* at 189.

## **VII. Sydelle Moore**

20. Sydelle Moore serves as the Chairperson of Advisory Neighborhood Commission (ANC) 5D. *Id.* at 11. Chairperson Moore indicated that the daycare near the establishment has been open since 2015. *Id.* at 199. Based on her conversations with the daycare owner, she is concerned that Sylvia's Liquors is having a negative impact on the daycare business. *Id.* at 203. She is also concerned that the business is not contacting the police and not maintaining its logbook as required by its settlement agreement. *Id.* at 227-28. She also witnessed customers from the store interact with the people loitering near the daycare. *Id.* at 235. She further witnessed members of the loiterers engage in public urination in front of various residential properties. *Id.* at 239-40.

## **VIII. Regina Snead**

21. Regina Snead is the owner of the daycare located at 1816 Benning Road, N.E. *Id.* at 245. The business is known as the Baby Einstein Child Development Center. *Id.* at 246. She has operated the business since 2018. *Id.* at 246. The daycare is located next to the liquor store. *Id.* at 247.

22. Ms. Snead indicated that her daycare is currently closed due to the coronavirus disease 2019 (COVID) pandemic. *Id.* She indicated that she is having problems recruiting parents due to the activity outside the premises. *Id.* She indicated that the daycare is currently in the process of relocating the business. *Id.* at 250.

23. Ms. Snead indicated that the people loitering in front of the daycare engage in problematic behavior. *Id.* at 248. She has witnessed the loiterers engage in public drinking and

lay on the ground. *Id.* at 248. The ground is also littered with bottles and broken glass. *Id.* at 249. She has further observed that the people loitering have set up tables, chairs, tents, and cooking devices, and are treating the area like a “backyard.” *Id.*; *see also Protestant’s Exhibit No. 2* (Video). She also has seen the people go in and out of the liquor store. *Tr.*, 10/6/21 at 251-52, 254.

#### **IX. Clement Stokes**

24. Clement Stokes was hired to surveil the area around Sylvia’s Liquors. *Id.* at 265. He surveilled the area near the store from inside a vehicle on June 4, 2021, from approximately 12:30 p.m. to 4:00 p.m. *Id.* at 265.

25. On June 4, 2021, he believes he observed an “open-air drug market.” *Id.* at 266. Specifically, he saw a large crowd of 15 or more people in front of the daycare with some chairs. *Id.* He saw people go into Sylvia’s Liquors, exit the store, and join the group in front of the daycare. *Id.* He also saw a young male run back and forth from a car parked nearby. *Id.* at 267. He also observed people fighting in front of the liquor store but after he called 911 to report the incident, the fight had ended within two to three minutes after beginning. *Id.* at 269-70.

#### **X. Max Pierce**

26. Max Pierce lives in a residence behind Sylvia’s Liquors. *Id.* at 276. He believes the people hanging outside of the liquor store have damaged his property and accidentally lit his fence on fire. *Id.* at 277-78. They leave litter and needles in the alley and trespass on his property. *Id.* at 278. He also has seen the people enter and exit the establishment. *Id.* at 281. Based on the setting up of chairs and barbecues, he believes the area near Sylvia’s has become a hangout location. *Id.* at 280.

### **CONCLUSIONS OF LAW**

27. The Board may approve an Application to Renew a Retailer's Class A License when the proposed establishment will not have an adverse impact on the neighborhood. D.C. Code §§ 25-104, 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2021). Specifically, the question in this matter is whether the Application will have a negative impact on the peace, order, and quiet and other issues raised by the Protestant. D.C. Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2021).

#### **I. The Establishment is Appropriate for the Neighborhood.**

28. Under the appropriateness test, “the applicant shall bear the burden of proving to the satisfaction of the Board that the establishment for which the license is sought is appropriate for the locality, section, or portion of the District where it is to be located . . . .” D.C. Code § 25-311(a). The Board shall only rely on “reliable” and “probative evidence” and base its decision on the “substantial evidence” contained in the record. 23 DCMR § 1718.3 (West Supp. 2021). The substantial evidence standard requires the Board to rely on “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Clark v. D.C. Dep’t of*

*Employment Servs.*, 772 A.2d 198, 201 (D.C. 2001) citing *Children's Defense Fund v. District of Columbia Dep't of Employment Servs.*, 726 A.2d 1242, 1247 (D.C.1999).

29. In determining appropriateness, the Board must consider whether the applicant's future operations will satisfy the reasonable expectations of residents to be free from disturbances and other nuisances—not just whether the Application complies with the minimum requirements of the law. D.C. Council, Bill 6-504, the “District of Columbia Alcoholic Beverage Control Act Reform Amendment Act of 1986,” Committee on Consumer and Regulatory Affairs, 38 (Nov. 12, 1986); see *Panutat, LLC v. D.C. Alcoholic Beverage Control Bd.*, 75 A.3d 269, 277 n. 12 (D.C. 2013) (“However, in mandating consideration of the effect on peace, order, and quiet, § 25-313(b)(2) does not limit the Board's consideration to the types of noises described in § 25-725.”). As part of its analysis, the Board should evaluate each “unique” location “according to the particular circumstances involved” and attempt to determine the “prospective” effect of the establishment on the neighborhood. *Le Jimmy, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 433 A.2d 1090, 1093 (D.C. 1981). Furthermore, the analysis may also include the Applicant's efforts to mitigate or alleviate operational concerns, the “character of the neighborhood,” the character of the establishment, and the license holder's future plans. *Donnelly v. District of Columbia Alcoholic Beverage Control Board*, 452 A.2d 364, 369 (D.C. 1982) (saying that the Board could rely on testimony related to the licensee's “past and future efforts” to control negative impacts of the operation); *Upper Georgia Ave. Planning Comm. v. Alcoholic Beverage Control Bd.*, 500 A.2d 987, 992 (D.C. 1985) (saying the Board may consider an applicant's efforts to “alleviate” operational concerns); *Citizens Ass'n of Georgetown, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 410 A.2d 197, 200 (D.C. 1979); *Gerber v. D.C. Alcoholic Beverage Control Bd.*, 499 A.2d 1193, 1196 (D.C. 1985); *Sophia's Inc. v. Alcoholic Beverage Control Bd.*, 268 A.2d 799, 800-801 (D.C. 1970).

**a. Sylvia's Liquors is not having a negative impact on peace, order, and quiet.**

30. “In determining the appropriateness of an establishment, the Board shall consider . . . [t]he effect of the establishment on peace, order, and quiet, including the noise and litter provisions set forth in §§ 25-725 and 25-726.” D.C. Code § 25-313(b)(2); see also D.C. Code §§ 25-101(35A), 25-314(a)(4). Among other considerations, the Board is instructed to consider “noise, rowdiness, loitering, litter, and criminal activity.” 23 DCMR § 400.1(a) (West Supp. 2021). In *Holiday Liquors*, the Board wrote that “the mere existence of a store in a high crime area or the mere commission of crime within or outside the store are not sufficient to render its presence inappropriate.” *In re Holiday Family Liquor, Inc., t/a Holiday Liquors*, Case No. 21-PRO-00025, Board Order No. 2021-518, (D.C.A.B.C.B. Sept. 29, 2021). The Board further wrote that “a showing of inappropriateness should be based on evidence that neighborhood problems emanate from, are traceable to, or are otherwise exacerbated by the establishment and its patrons.” *Id. citing LCP, Inc. v. Dist. of Columbia Alcoholic Beverage Control Bd.*, 499 A.2d 897, 903 n. 4 (D.C. 1985).

31. In this case, the Board agrees with the Protestant that there is an ongoing loitering problem and issues with anti-social behavior in the neighborhood; nevertheless, the Board is not persuaded that Sylvia's Liquors is the cause of these issues. While a large contingent of loiterers appear attracted to the area near the store, this appears to be for reasons that have nothing to do

with Sylvia's Liquors. *Supra*, at ¶¶ 4, 14, 18. For example, the record shows that people loiter in the area in front of the daycare until the early morning long after the establishment has closed; someone or some group is setting up food stations in the public space; some people are bringing seats; and someone or some group may or may not be engaged in drug activity, which may attract people to the area but are not related to the operations of the liquor store. *Supra*, at ¶¶ 4-5, 14, 23, 25-26.

32. Furthermore, Sylvia's Liquors appears to operate in accordance with the law and has taken steps to discourage anti-social behavior. First, the establishment's investigative history shows no prior violations. *Supra*, at ¶ 6. Second, there is no indication that the business sells go-cups or drug paraphernalia, which would encourage public drinking and public drug use. *Supra*, at ¶ 7. Third, the establishment has demonstrated a willingness to execute barring notices, which demonstrates that the ownership does not tolerate disruptive behavior on its premises and has a willingness to call the police. *Id.* Fourth, the establishment maintains a functional security camera system and is willing to share footage with the police. *Supra*, at ¶¶ 11, 13-14. Fifth, the establishment has posted signs regarding loitering. *Supra*, at ¶ 10. Sixth, the ANC's claim that the establishment is not complying with its settlement agreement, appropriately maintaining its logbook, and failing to call the police is purely speculative and not supported by evidence. *Compare supra*, at ¶ 20 with *supra*, at ¶ 7. Indeed, there is no indication that the ownership in this case is "repeatedly engag[ing] in behavior that encourages crime, such as failing to report observed offenses, refusing to provide evidence requested by MPD, providing false statements to MPD, or otherwise participating in criminal behavior." *In re Holiday Family Liquor, Inc.*, Board Order No. 2021-518 at 43. Finally, the Board has not been directed to any reasonable or realistic thing the liquor store could do to discourage loitering where the ownership has no power or authority over people in public. Therefore, there is insufficient evidence in the record to establish that the Applicant is a significant contributor to the loitering issue in the neighborhood.

33. The Board is also not persuaded that most of the anti-social behavior and the most severe behavior discussed during the hearing can be blamed on Sylvia's Liquors. First, it has not been shown that any of the fighting described by witnesses involved customers of the liquor store. *Supra*, at ¶¶ 5, 25. Second, it has not been shown that any of the alleged drug activity is traceable to the operation of Sylvia's Liquors store. *Supra*, at ¶¶ 5, 7, 25. Third, it has not been shown that any of the people engaging in anti-social behavior in the alley or damaging Mr. Pierce's property are customers of the liquor store. *Supra*, at ¶ 26. And fourth, to the extent the loiterers outside the daycare are leaving trash and broken bottles, it seems more reasonable to blame the use of the site as a cooking and eating place, than the operations of the liquor store. *Supra*, at ¶ 23.

34. The Board is also mindful that not all loitering merits a finding of inappropriateness. The Supreme Court has noted that "the freedom to loiter for innocent purposes is part of the 'liberty' protected by the Due Process Clause of the Fourteenth Amendment." *City of Chicago v. Morales*, 527 U.S. 41, 53 (1999). Therefore, it would be inappropriate to find against Sylvia's Liquors for a small number of customers merely sitting or standing around, conversing peacefully with other people, or joining existing groups of people in public space even if it makes people uncomfortable. *Supra*, at ¶¶ 5, 20, 22, 25-26.



35. Finally, to the extent the ANC has shown public drinking and other inappropriate behavior by the liquor store's customers, revocation would not address the problem. Specifically, in this case, the loitering appears to be a neighborhood-wide issue caused by numerous factors that go beyond the operation of one store, and that require community wide policy solutions to resolve. *Supra*, at ¶¶ 14, 18.

## **II. The Protestant May Not Raise the Issue of Overconcentration Pursuant to D.C. Code § 25-314.**

36. In their protest letter, the Protestant raised the issue of overconcentration. Section 25-314 only permits the Board to consider overconcentration when presented with an application for a new license or the transfer of a license to a new location. D.C. Code § 25-315(a), (a)(4). Therefore, the Board cannot consider overconcentration at this time.

## **III. The Establishment's Record of Compliance Merits Renewal.**

37. Under § 25-315, "[t]he Board shall consider the licensee's record of compliance with this title and the regulations promulgated under this title and any conditions placed on the license during the period of licensure, including the terms of a settlement agreement." D.C. Code § 25-315(b)(1). In this case, Sylvia's Liquors' investigative history shows no prior violations and there is no compelling evidence that the establishment is not complying with its settlement agreement. Therefore, the license merits renewal at this time.

## **IV. The Application Satisfies All Remaining Requirements Imposed by Title 25.**

38. Finally, the Board is only required to produce findings of fact and conclusions of law related to those matters raised by the Protestants in their initial protest. *See Craig v. District of Columbia Alcoholic Beverage Control Bd.*, 721 A.2d 584, 590 (D.C. 1998) ("The Board's regulations require findings only on contested issues of fact."); 23 DCMR § 1718.2 (West Supp. 2021). Accordingly, based on the Board's review of the Application and the record, the Applicant has satisfied all remaining requirements imposed by Title 25 of the D.C. Official Code and Title 23 of the D.C. Municipal Regulations.

## **ORDER**

Therefore, the Board, on this 10th day of November 2021, hereby **APPROVES** the Application to Renew a Retailer's Class A License at premises 1818 Benning Road, N.E., filed by Matthias, Inc., t/a Sylvia's Liquor.

**IT IS FURTHER ORDERED** that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision.

The ABRA shall deliver a copy of this order to the Parties.

District of Columbia  
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: ac43cb9eb9d5f09e4b730093d1dccc8

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Donovan Anderson, Chairperson

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*Bobby Cato*  
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Bobby Cato, Member

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*Rafi Aliya Crockett, Member*  
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Rafi Crockett, Member

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*Jeni Hansen, Member*  
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Jeni Hansen, Member

I dissent from the position taken by the majority of the Board.

eSigned via SeamlessDocs.com  
*James Short*  
Key: 547ae373f520e6e8d1b332ad2049ec

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James Short, 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. 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. 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).