

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

In the Matter of:)

Manee Enterprises, Inc.)
t/a Takoma Park Liquors)

Applicant for Renewal of a)
Retailer's Class A License)

at premises)
6200 Eastern Avenue, N.E.)
Washington, D.C. 20011)

Case No.: 21-PRO-00027
License No.: ABRA-019598
Order No.: 2021-366

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Aliya Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ALSO PRESENT: Manee Enterprises, Inc., t/a Takoma Park Liquors, Petitioner

Rodeny Foxworth and Hank Ferrad, on behalf of the Lamond-Riggs
Citizens Associations (LRCA), Protestant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING MOTION FOR RECONSIDERATION

The Application filed by Manee Enterprises, Inc., t/a Takoma Park 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 June 7, 2021, in accordance with D.C. Official Code § 25-601 (2001). On June 7, 2021, the Board dismissed the Protest of the Lamond-Riggs Citizens Associations (LRCA) because LRCA did not give the Applicant at least seven (7) days advanced notice of the LRCA meeting, pursuant to D.C. Official Code § 25-601(3)(B).

Subsequently, the LRCA filed a motion for reinstatement asking the Board to waive the requirements of § 25-601(3)(B) pursuant to 23 DCMR § 1700.2. Nevertheless, this is not permitted.

Section 25-601(3)(B) is a statute found in Title 25 of the D.C. Official Code. This section permits citizens associations to protest renewal applications so long as the citizens association qualifies and provides sufficient notice to the applicant. § 25-601(3)(B). Section 1700.2 is a regulation found in Chapter 17 of Title 23 of the D.C. Municipal Regulations (DCMR). It permits the Board to “waive any of the provisions of *this chapter* in any proceeding after duly advising the parties of its intention to do so.” 23 DCMR § 1700.2 (West Supp. 2021). As such, the Board cannot use § 1700.2 to waive § 25-601(3)(B) because the statute is not located in Chapter 17 of the DCMR. Therefore, the relief requested by the LRCA cannot be granted as a matter of law.

ORDER

Therefore, on this 23rd day of June 2021, the Board **DENIES** the motion for reconsideration. The ABRA shall deliver a copy of this Order to the Parties.

District of Columbia
Alcoholic Beverage Control Board

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Donovan Anderson
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Donovan Anderson, Chairperson

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James Short
Key: 5476e37d820de6ac8d1c3325d2948ec

James Short, Member

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Bobby Cato
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Bobby Cato, Member

Rema Wahabzadah, 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

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Edward S. Grandis, Member
Key: 5027bda7f9f0040ec14adeb52541ce5

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, 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).