

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

**In the Matter of:** )

Jemal's Bulldog, LLC )  
t/a The Moxy Hotel Washington, DC )

Application for a New )  
Retailer's Class CH License )

at premises )  
1011 K Street, NW )  
Washington, D.C. 20001 )

Case No.: 18-PRO-00056  
License No.: ABRA-109673  
Order No.: 2018-429

Jemal's Bulldog, LLC, t/a The Moxy Hotel Washington, DC (Applicant)

Stephen O'Brien, Esq., on behalf of the Applicant

Mary N. Peacock, Esq., on behalf of A Group of Five or More Individuals (Protestant)

Mary N. Peacock, Esq., on behalf of 1010 Massachusetts Avenue Condominium Unit Owners Association

**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 ON DISMISSAL OF 1010 MASSACHUSETTS AVENUE  
CONDOMINIUM UNIT OWNERS ASSOCIATION'S PROTEST**

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The Application filed by Jemal's Bulldog, LLC, t/a The Moxy Hotel Washington, DC, for a new Retailer's Class CH License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on July 9, 2018, in accordance with D.C. Official Code § 25-601 (2001).

On July 9, 2018, the Board dismissed the Protest of 1010 Massachusetts Avenue Condominium Unit Owners Association because 1010 Massachusetts Avenue

Condominium Unit Owners Association 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.

1010 Massachusetts Avenue Condominium Unit Owners 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 11th day of July, 2018, **DISMISS** the Protest of 1010 Massachusetts Avenue Condominium Unit Owners Association. Copies of this Order shall be sent to Stephen O'Brien, Esq., on behalf of the Applicant, and Mary N. Peacock, Esq., on behalf of the Group of Five or More Individuals and 1010 Massachusetts Avenue Condominium Unit Owners Association.

The Board advises the parties that the protest of the Group of Five or More Individuals remains, and the Protest Status Hearing is set for August 15, 2018 at 9:30 a.m. and the Protest Hearing for September 12, 2018 at 1:30 p.m.

District of Columbia  
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



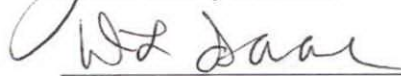
Nick Alberti, Member



Mike Silverstein, Member



James Short, Member



Donald Isaac, Sr., Member

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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).