

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

In the Matter of:)
Tokyo Bar Dupont, LLC)
t/a Tokyo Pearl)
Application for a New)
Retailer's Class CT License)
at premises)
1301 Connecticut Avenue, NW)
Washington, D.C. 20036)

Case No.: 19-PRO-00009
License No.: ABRA-112100
Order No.: 2019-098

Tokyo Bar Dupont, LLC, t/a Tokyo Pearl (Applicant)

Kari Cunningham, Commissioner, Advisory Neighborhood Commission (ANC) 2B
(Protestant)

Abigail Nichols, on behalf of Dupont Circle Citizens Association (DCCA) (Protestant)

A Group of Five or More Individuals (Protestant)

Michael Blair, President, Palladium Condominium Association

Neil Sharma, on behalf of Crown Liquor

Balbir Singh, on behalf of Otello Restaurant

Shafio Ahmad, on behalf of Super Pollo

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

ORDER ON DISMISSAL OF PROTESTS

The Application filed by Tokyo Bar Dupont, LLC, t/a Tokyo Pearl (Applicant), for a new Retailer's Class CT License, having been protested, came before the Alcoholic

Beverage Control Board (Board) for a Roll Call Hearing on February 19, 2019, in accordance with D.C. Official Code § 25-601 (2001).

On February 19, 2019, the Board dismissed the Protests of Palladium Condominium Association, Crown Liquor, Otello Restaurant, and Super Pollo for the following reasons:

Palladium Condominium Association's Protest was dismissed because a condominium association is not a citizens association. D.C. Official Code § 25-601.

Crown Liquor's Protest was dismissed because an ABC licensed establishment does not have standing to file a protest. D.C. Official Code § 25-601.

Otello Restaurant and Super Pollo's Protests were dismissed because they failed to appear at the Roll Call Hearing, and an ABC licensed establishment does not have standing to file a protest. D.C. Official Code § 25-601, (2) and 23 DCMR § 1603.2.

Palladium Condominium Association, Crown Liquor, Otello Restaurant, and Super Pollo may file a Request for Reinstatement with the Board within ten (10) days from the date of this Order.


During the Roll Call Hearing, the Board dismissed the Protest of the Group of Five or More Individuals because its protest letter appeared to be submitted in support of Palladium Condominium Association's Protest. However, after further review, the Board's agent determined that the Group of Five or More Individuals in fact submitted its own protest letter. Therefore, after the hearing was held, the Board's Agent advised the Group of Five or More Individuals that it was granted conditional standing and that two (2) more individuals must appear at the Protest Status Hearing in order to be granted standing as A Group of Five or More Individuals.

ORDER

The Board does hereby this 27th day of February, 2019, **DISMISS** the Protests of Palladium Condominium Association, Crown Liquor, Otello Restaurant, and Super Pollo. Copies of this Order shall be sent to the Applicant; ANC 2B; DCCA; the Group of Five or More Individuals; Michael Blair, on behalf of Palladium Condominium Association; Neil Sharma, on behalf of Crown Liquor; Balbir Singh, on behalf of Otello Restaurant; and Shafio Ahmad, on behalf of Super Pollo.

The Board advises the parties that the protests of ANC 2B, DCCA, and the Group of Five or More Individuals remain, and the Protest Status Hearing is set for March 20, 2019 at 9:30 a.m. and the Protest Hearing for April 10, 2019 at 1:30 p.m.


District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



Nick Alberti, Member



Mike Silverstein, Member

James Short, 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).