

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

| | | |
|---|--------------|----------|
| _____) | | |
| In the Matter of:) | | |
|) | | |
| John, LLC) | License No.: | 102043 |
| t/a Toni's Market) | Order No.: | 2019-521 |
|) | | |
| Application for a Substantial Change to a) | | |
| Retailer's Class B License) | | |
|) | | |
| at premises) | | |
| 5319 East Capitol, S.E.) | | |
| Washington, D.C. 20019) | | |
| _____) | | |

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

PARTIES: John, LLC, t/a Toni's Market, Applicant

Delia Houseal, Chair, Advisory Neighborhood Commission (ANC) 7E,
Petitioner

ORDER DENYING MOTION FOR RECONSIDERATION

On June 3, 2019, the Alcoholic Beverage Regulation Administration informed Advisory Neighborhood Commission (ANC) 7E that its protest was rejected because it was filed after the protest petition deadline of May 28, 2019. Subsequently, ANC 7E filed a petition for reconsideration. The Alcoholic Beverage Control Board sympathizes with the ANC's concerns; nevertheless, as a matter of law, the Board cannot grant standing to an untimely filed protest petition in accordance with D.C. Official Code § 25-602(a). Therefore, on this 26th day of June 2019, the Board hereby **DENIES** the motion for reconsideration. Copies of this Order shall be provided to the parties by ABRA.

District of Columbia
Alcoholic Beverage Control Board

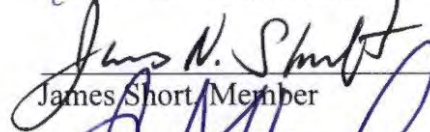


Donovan Anderson, Chairperson

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, 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. 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 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).