

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

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In the Matter of:	)	
	)	
Trump Old Post Office, LLC, t/a	)	Case No.: 19-PRO-00036
Trump International Hotel Washington DC	)	License No: ABRA-100648
	)	Order No: 2019-571
Application to Renew a	)	
Retailer's Class CH License	)	
	)	
at premises	)	
1100 Pennsylvania Avenue, N.W.	)	
Washington, D.C. 20004	)	

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**BEFORE:** Donovan Anderson, Chairperson  
Mike Silverstein, Member  
James Short, Member  
Bobby Cato, Member  
Rema Wahabzadah, Member  
Rafi Aliya Crockett, Member

**ALSO PRESENT:** Trump Old Post Office, LLC, t/a Trump International Hotel Washington DC, Applicant

Stephen J. O'Brien, Counsel, on behalf of the Applicant

Joshua A. Levy, Counsel, on behalf of A Group of Five or More Residents or Property Owners, Protestants

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER DENYING MOTION TO GRANT STANDING TO NEW GROUP MEMBER**

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This matter stems from the Application to Renew a Retailer's Class CH (Hotel) License, which was submitted to the Alcoholic Beverage Control Board by the Trump Old Post Office, LLC, t/a Trump International Hotel Washington DC (hereinafter "Applicant"). A Notice of Public Hearing advertising the renewal application was posted on March 29, 2019, and informed the public that any objections to the application could be filed on or before May 13, 2019. *ABRA Protest File No. 19-PRO-00036*, Notice of Public Hearing [*Notice of Public Hearing*].

The records of the Alcoholic Beverage Regulation Administration (ABRA) indicate that one group of eight residents and property owners (Group) has filed a protest against the application. *ABRA Protest File No. 19-PRO-00036*, Roll Call Hearing Results. The group, as presently recognized by the Board, consists of Albert Foer, the Hon. Henry M. Kennedy, the Hon. Joan Goldfrank, the Rev. William Lamar IV, the Rev. Jennifer Butler, Rabbi Aaron Potek, Dr. Timothy Tee Boddie, and Rabbi Jack Moline . *Group Exhibits*, Declaration of Albert A. Foer, Signature Page.


The Group now petitions to add the Rev. Susan M. Flanders to the Protest. *Mot. to Include Rev. Susan M. Flanders As a Member of the Protest Group of Five or More*, at 1 [*Mot.*]. The Group indicates that it was misled into not including Rev. Flanders as part of the Group based on the Board's letter denying its request to initiate a qualifications review as part of a show cause hearing. The Group indicates that the Board's letter, dated September 12, 2018, did not suggest that the complainants would need to reassert their complaint or required further action. *Mot. 2*. The Applicant objects to this addition, as Rev. Flanders was not listed in any of the original protest materials. *Opposition to Mo. To Include Rev. Susan M. Flanders*, at 1. In reply, the Group argues that Rev. Flanders relied on the Board's response in 2018 as her reason for failing to add her to the most recent protest.

The Board denies the request to add Rev. Flanders to the protest because her name and signature was not indicated in the protest submitted to the Board "within the protest period" in accordance with D.C. Official Code 25-602(a). Furthermore, the Board finds no explicit language in the September 12 letter sent to the Group excusing them from filing a protest in accordance with the procedures outlined in Title 25 of the D.C. Official Code. There is also no language in the letter that would lead a reasonable reader to make such an inference. As a result, there are no grounds for providing her with standing to join the Group or otherwise granting estoppel to prevent the dismissal of Rev. Flanders.

## ORDER


Therefore, the Board, on this 24th day of July 2019, hereby **DENIES** the Group's motion to add Rev. Flanders to their group. The ABRA shall deliver a copy of this order to the parties.

District of Columbia  
Alcoholic Beverage Control Board

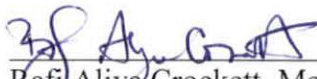
  
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Donovan Anderson, Chairperson

  
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Mike Silverstein, Member

  
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James Short, Member

  
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Bobby Cato, Member

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Rema Wahabzadah, Member

  
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Rafi Aliya Crockett, 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).