

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

In the Matter of:

Wal-Mart Stores East, LP
t/a Wal-Mart #3035

Application for a New
Retailer's Class B
Full Service Grocery License

at premises
310 Riggs Road, NE
Washington, D.C. 20017

Case No.: 19-PRO-00157
License No.: ABRA-109874
Order No.: 2019-930

Wal-Mart Stores East, LP t/a Wal-Mart #3035

Thomas Kline, Esq., on behalf of the Applicant

William H. Smith, on Behalf of a Group of Five or More

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Crockett, Member

ORDER SUA SPONTE CONTINUING THE ROLL CALL HEARING

THIS MATTER is before the Alcoholic Beverage Control Board (Board) *sua sponte*.

The Application filed by Wal-Mart Stores East, LP t/a Wal-Mart #3035 (Applicant) for a new Retailer's Class B Full Grocery Store License was properly placarded on October 25, 2019, setting forth a protest petition deadline of December 9, 2019, and scheduling a Roll Call Hearing for December 23, 2019.

On December 9, 2019, the Alcoholic Beverage Regulation Administration (ABRA) received a protest petition signed by nine property owners and designating William H. Smith as the representative of their group. On December 11, 2019, ABRA staff informed the group by written letter that their protest was denied for failure to state why the license being sought by the Applicant was inappropriate pursuant to the standards set forth in D.C. Official Code § 25-313.

Mr. Smith then filed an Amendment to Protest Letter on December 17, 2019, which the Board will treat as a Motion for Reconsideration of the denial of the initial protest. Counsel for the Applicant is entitled to file an opposition to the Motion for Reconsideration pursuant to D.C. Municipal Regulations 23-1716.

Because the Roll Call Hearing is scheduled for December 23, 2019, and the issue remains in controversy as to whether a valid protest has been filed, the Board finds it necessary to continue the Roll Call Hearing until the controversy is resolved. The Board is currently in recess and will not consider the merits of this issue until its return to regular session on January 8, 2020.

As such, the Board hereby notifies the parties that the Roll Call Hearing originally scheduled for December 23, 2019, is now scheduled for January 13, 2020, at 10:00 a.m.

ORDER

Therefore, the Board, on this 18th day of December, 2018, *sua sponte* **SCHEDULES** the Roll Call Hearing in Case No. 19-PRO-00157 for January 13, 2020 at 10:00 a.m.

Copies of this Order shall be sent to the Applicant and to Mr. Smith on behalf of the group of property owners.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson

James Short, Member



Bobby Cato, Member

Rema Wahabzadah, Member



Rafi 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, 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).