

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

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|----------------------------|---|------------------------|
| In the Matter of: |) | |
| |) | |
| Wal-Mart Stores East, LLC |) | Case Number: N/A |
| t/a Wal-Mart #3035 |) | License Number: 109874 |
| |) | Order Number: 2020-023 |
| Application for a New |) | |
| Retailer's Class B License |) | |
| |) | |
| at premises |) | |
| 310 Riggs Rd., N.E. |) | |
| Washington, D.C. 20011 |) | |

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

ALSO PRESENT: Wal-Mart Stores East, LLC, t/a Wal-Mart #3035, Applicant

Thomas C. Kleine, Counsel, on behalf of the Applicant

William H. Smith, Designated Representative, Group of Five or More Residents and Property Owners, Protestant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING REINSTATEMENT OF THE PROTEST

Wal-Mart Stores East, LLC, t/a Wal-Mart #3035, (Applicant) filed an Application for a New Retailer's Class B License (Application) with the Alcoholic Beverage Control Board (Board). The Application was protested by a Group of Five or More Residents and Property Owners. The Group was dismissed for failing to state the grounds on which the protest was based in its protest letter.

Subsequently, the Group applied for reinstatement and requested permission to amend its initial protest letter after the passing of the protest deadline. The Applicant objected to this request. The Board notes that § 25-602(a) requires parties to "notify the Board in writing of his or her intention to object and the grounds for the objection within the protest period." D.C. Code § 25-602(a). As a result, permitting the Group to add

previously unlisted grounds to their protest letter violates § 25-602(a) and cannot be granted.

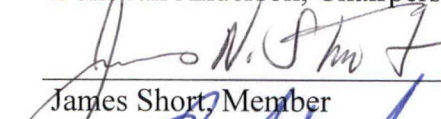
ORDER

Therefore, the Board, on this 8th day of January 2020, hereby **DENIES** the Motion for Reinstatement filed by the Group. The Roll Call Hearing set by the Board Order No. 2019-930 for January 13, 2020, is **CANCELLED**. The ABRA shall distribute copies of this Order to the Applicant and the Group.


District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



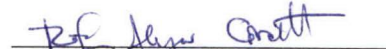
James Short, Member



Bobby Cato, Member



Rema Wahabzadah, Member



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).