

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

In the Matter of:)
)
)
Wet Dog, LLC)
t/a Wet Dog Tavern)
)
Applicant for a Substantial Change to a)
Retailer's Class CT License)
)
at premises)
2100 Vermont Avenue, N.W.)
Washington, D.C. 20001)
)

License No.: ABRA-096176
Order No.: 2019-669

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

PARTIES: Wet Dog, LLC, t/a Wet Dog Tavern, Applicant

Andrew Kline, Counsel, on behalf of the Applicant

James A. Turner, Chair, Advisory Neighborhood Commission (ANC) 1B

ORDER DENYING ANC 1B'S MOTION FOR REINSTATEMENT

On August 2, 2019, the Alcoholic Beverage Regulation Administration (ABRA) provided notice that Wet Dog, LLC, t/a Wet Dog Tavern, (Applicant) had applied for a substantial change to its Retailer's Class CT License. The final date to file a protest petition was listed on the notice as September 16, 2019. Under D.C. Official Code § 25-421, ABRA also provides direct notice of the application to all Advisory Neighborhood Commission's (ANC)'s located within 600 feet of the establishment's location, which in this case included ANC 1B. D.C. Code § 25-421(a)(4).

On September 23, 2019, ANC 1B filed a motion for reinstatement. In its motion, ANC 1B admitted that it filed its protest against the substantial change on September 18, 2019, which is after the listed protest deadline. ANC 1B fails to present any good cause for the failure to


timely file its protest petition and has provided no indication that the legal notification procedures were not followed.

Under § 25-602(a), all protests must be filed within the protest period. D.C. Code § 25-602(a). The Board has no discretion to extend the protest period unless it is shown that the “applicant did not comply fully with the notice requirements” D.C. Code § 25-602(b). In reviewing the ANC’s motion, the ANC has provided no facts that trigger § 25-602(b); therefore, the Board has no grounds to extend the protest period.

ORDER

For these reasons, the Alcoholic Beverage Control Board, on this 2nd day of October 2019, hereby **DENIES** ANC 1B’s motion. Copies of this Order shall be sent to the parties.


District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



James Short, Member



Bobby Cato, Member



Rafi Crockett, 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).