

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

In the Matter of:)		
)		
Brookland's Finest, LLC)		
t/a Brookland's Finest Bar & Kitchen)	Case Numbers:	13-PRO-00057
)	License Number:	ABRA-092010
)	Order Number:	2013-453
Application to Renew a)		
Retailer's Class CT License)		
)		
at premises)		
3126-3128 12 th Street, NE)		
Washington, D.C. 20017)		
)		

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member

ALSO PRESENT: John Solomon, Frank Hankins & Arthur Tomelden, Managing Members, on behalf of the Applicant

Andrew Kline, on behalf of the Applicant

Carolyn Steptoe, Commissioner, on behalf of Advisory Neighborhood Commission 5B, Protestant

Sharona Donaldson & Jessica Parrish, on behalf of Group of 35,
Protestant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

INTRODUCTION

This matter arises from the Application for a Retailer's Class CT License posted on May 10, 2013 by Brookland's Finest, LLC t/a Brookland's Finest Bar & Kitchen (Applicant) at premises 3126-3128 12th Street, NE, Washington, DC 20017.

By letter dated May 22, 2013, Advisory Neighborhood Commission 5B (ANC) filed a protest of the Application. By letters dated May 19, 2013 and June 23, 2013, a Group of Five or More Individuals (a total of 35 signatories) (Group) filed a protest of the Application.

Both Protestants request that the Alcoholic Beverage Control Board (Board) deny the Application, alleging that the approval of the Application would have a negative impact on the neighborhood's (1) peace, order, and quiet, including noise and litter; (2) real property values; and (3) residential parking and pedestrian and vehicular safety. In addition, the ANC objected to the Application on the grounds that there is an overconcentration of such establishments in the neighborhood. The Board finds in favor of the Applicant, and approves the Applicant's license without conditions. The Board finds that Applicant's proposed operation, in and of itself, will not have a demonstrated negative impact on the neighborhood's (1) peace, order, and quiet, including noise and litter; (2) real property values or (3) residential parking and pedestrian and vehicular safety. The Board also finds that the approval of the Application will not result or contribute to an overconcentration of establishments in the Brookland area. Moreover, ABRA's investigation of the Applicant's proposed operations, including repeated observations of the establishment, found that there would not be any significant impacts on the peace, order and quiet of the neighborhood. The Board therefore approves this Application.

PROCEDURAL BACKGROUND

ABRA gave notice on March 15, 2013 of Applicant's Application for a Retailer's Class CT License. The ANC, represented by Commissioner Shirley Rivens Smith, the Chairperson of the ANC, filed a timely opposition to the Application under D.C. Official Code § 25-602. The protest grounds were the adverse impact of the establishment on the neighborhood's (1) peace, order, and quiet, pursuant to D.C. Official Code §25-313(b)(2), including noise and litter, pursuant to D.C. Official Code §§ 25-725 and 25-726; (2) real property values, pursuant to D.C. Official Code §25-313(b)(1); and (3) residential parking and pedestrian and vehicular safety, pursuant to D.C. Official Code §25-313(b)(3). In addition, the ANC objected to the Application on the grounds that there is an overconcentration of such establishments in the neighborhood, pursuant to D.C. Official Code §25-314(a) (4). The Group, represented by Jeanna Cullinan, Deborah Hughes, Jessica Parrish, Chris Carroll, and Alvin Jenkins, also filed a timely protest of the Application under D.C. Official Code § 25-602 on the same grounds as the ANC, with the exception of the concern regarding overconcentration.¹

¹ Several other protests were timely filed in this matter. The First Church Christ Holiness USA filed a protest of the Application on June 24, 2013. This protestant was dismissed at the Roll Call Hearing pursuant to D.C. Official Code § 25-601. A second protest was filed on June 24, 2013 by Grace United Baptist Church. This protestant was also dismissed at the Roll Call Hearing pursuant to D.C. Official Code § 25-601. On July 29, 2013, a group of more than five members of Grace United Baptist Church, not the church itself, filed a request for reinstatement as the Grace Group. On August 14, 2013, the Board denied the request for reinstatement as being untimely filed. D.C. Official Code § 25-433(d)(1). Moreover, to the extent that the Grace Group intended to file a protest of the application as a Group of Five or More Individuals, it would have had to file its protest no later than June 24, 2013. D.C. Official Code § 25-602(a). Several individual members of the Grace United Baptist Church appeared at the Protest Hearing on August 14, 2013 and were allowed to testify as individuals without party status.

A Group of 149 individuals who stated that they live in close proximity to Applicant's proposed establishment, represented by Jose L. Barrios, Jr. entered into a Settlement Agreement with Applicant on June 17, 2013 and therefore did not file a protest. The Settlement Agreement was approved by the Board on August 14, 2013. Board Order No. 2013-372.

The parties came before the Board for a Roll Call Hearing on July 8, 2013 and a Protest Status Hearing on July 17, 2013. The Protest Hearing occurred on August 14, 2013.

FINDINGS OF FACT

The Board, having considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board's official file, makes the following findings:

A. Investigator Erin Mathieson

1. ABRA Investigator Erin Mathieson conducted an investigation of the Application and authored the Protest Report submitted to the Board. *Transcript, August 14, 2013* at 31-51; see generally ABRA Protest File No. 13-PRO-00057, Protest Report. The applicant proposed a tavern with seating for 75 and total occupancy of 99, along with a summer garden having 40 seats. *Protest Report* at 2. The proposed hours of operation for the interior of the establishment were Monday through Friday from 7:00 a.m. through 2:00 am and on Saturday and Sunday from 7:00 a.m. until 3:00 a.m., with sales of alcoholic beverages during all but the first hour of operation. *Id.* The summer garden was proposed to operate from 7:00 a.m. through 10:00 p.m. on Monday through Friday and from 7:00 a.m. until 11:00 p.m. on Saturday and Sunday, again with sales of alcoholic beverages during all but the first hour of operation. *Id.*
2. The Applicant's establishment sits in a C-1 commercial zone, which permits matter-of-right low density neighborhood retail and personal service establishments. *Protest Report* at 7. The Guiding Star Baptist Church is located in the R-1 Zone directly behind the proposed establishment. *Id.* ABRA's records show that there is one ABRA licensed establishment located within 1,200 feet of the establishment. *Id.* at 8. There are no recreation centers, public libraries, schools, or day care centers operating within 400 feet of the establishment. *Id.* A review of Metropolitan Police Department (MPD) records indicates that, as the premises have been vacant, there have not been any service calls made to the establishment's address within the past year. *Id.* at 11.
3. The establishment will not provide off-street parking, but there is on-street parking along 12th Street. *Protest Report* at 10. There are two Metrobus routes within walking distance of the establishment. *Id.* The Metro Brookland-CUA station is located approximately .6 miles from the establishment. *Id.* at 11. There is also a Capital Bikeshare stand within walking distance of the establishment. *Id.*
4. Investigator Mathieson visited the Applicant's establishment on 11 separate occasions between July 24, 2013 and August 5, 2013. *Protest Report* at 9-10. None of the

visits showed any issues with regard to the peace, order or quiet of the neighborhood, traffic, trash, residential parking or vehicular or pedestrian safety, as the establishment had not yet begun operations and was therefore closed. *Id.* at 9-11.

5. Investigator Mathieson interviewed Commissioner Carolyn Steptoe, the ANC's designated representative, during the preparation of her Protest Report. *Protest Report* at 3-4. Commissioner Steptoe stated that, because the area was a residential neighborhood without many bars and restaurants the ANC was concerned about patrons disturbing the peace and quiet of residents, the late night operations, trash, increased traffic and noise from both patrons and the clean-up of the establishment after closing hours. *Id.* Commissioner Steptoe also stated that the ANC was concerned about children in the neighborhood having to witness public intoxication and the impact on neighborhood church services. *Id.* Commissioner Steptoe also expressed concerns that the establishment would bring crime into the neighborhood. *Id.* As for parking, Commissioner Steptoe expressed a concern that the establishment would bring more cars into the neighborhood from new condominium projects, which would lead to conflicts concerning residential parking as well as drunk driving and pedestrian safety issues. *Id.* Finally, Commissioner Steptoe stated that, with 2 liquor stores and 7 restaurant bars in the 1.5 miles of 12th Street from Michigan Avenue to Rhode Island Avenue, there would be an overconcentration of ABC licensed establishments. *Id.*

6. Investigator Mathieson also interviewed Ms. Jeanna Cullinan, the designated representative of the Group. *Protest Report* at 4-5. Ms. Cullinan stated that a bar would change the culture of the neighborhood and that it would interfere with residents' ability to walk and play outside. *Id.* Ms. Cullinan also stated nonspecific concerns about an increase in trash, noise, traffic, congestion, vermin, neighborhood parking and other nuisances that would disturb the neighborhood's peace, order and quiet. *Id.*

7. Finally, Investigator Mathieson interviewed Mr. John Solomon, one of the owners of the establishment. *Protest Report* at 6-7. Mr. Solomon stated his intention to operate the establishment as a neighborhood restaurant catering to the surrounding residents. *Id.* Mr. Solomon stated his intent not to promote the establishment in other parts of the city. He stated that he understood the dynamic of the Brookland community, particularly since one of his partners in the establishment is a resident of Brookland. *Id.* Further, Mr. Solomon stated that the restaurant intends to cater to the community by having different food offerings for different parts of the day as well as a children's menu. *Id.* Additionally, Mr. Solomon stated that, in order to address community concerns, the Application had been amended to reduce the hours of operation and number of seats in the outdoor summer garden. *Id.* Mr. Solomon pointed out that he had already entered into a Settlement Agreement with a Group of 149 neighborhood residents to address neighborhood concerns. *Id., Exhibit 8.* The Settlement Agreement provides among other things, that trash will only be picked up during the day, that the dumpster will not be visible, that the establishment is committed to keeping the surrounding area clean, that bottles will be placed in an outdoor recycling bin only between the hours of 9:00 a.m. and 10:00 p.m. and that regular rodent and pest control will be provided. *Id.* Furthermore, the Settlement Agreement prohibits the establishment from playing loud or live music inside the establishment and any music in the summer garden. *Id.* The Settlement Agreement also requires the posting of signs encouraging patrons to be considerate of the neighborhood. *Id.* Finally, with regard to traffic and parking issues, Mr. Solomon stated his belief that most patrons will be walking

or biking to the establishment and that he had agreed to support the residents' efforts to obtain residential zone parking in the blocks around the establishment. *Id.*

B. John Solomon

8. Mr. Solomon testified that he is one of the owners of the establishment and that he has been in the tavern business for 11 years. *Transcript* at 78. Mr. Solomon stated that his intent is to run the establishment primarily as a restaurant. *Id.* at 82. He testified that the establishment applied for a tavern license primarily because of the restaurant license requirements and the uncertainty as to whether the establishment would be able to meet those requirements, given the unknown of having a first time food establishment at that location. *Id.* at 84. Mr. Solomon testified that, with regard to the summer garden, the Applicant had agreed to install a wall consisting of plant-type elements to minimize noise in the summer garden and to visually separate the summer garden from its residential neighbors. *Id.* at 91-92. He further confirmed that the trash containers would be located in the rear inside a fenced enclosure. *Id.* at 93-94. Smoking was being relegated to the portion of the property that was farthest from the surrounding residences. *Id.* at 95. All staff would be required to take TIPS training so that they would know when not to serve a patron alcoholic beverages. *Id.* at 106. Mr. Solomon stated that the Certificate of Occupancy for the summer garden limits occupancy to 27 patrons. *Id.* at 116. Finally, Mr. Solomon testified that the establishment was requesting early morning hours for alcohol sales to give the establishment flexibility in serving patrons who might wish to watch an international soccer game occurring in a different time zone and the occasional patron leaving a night shift job. *Id.* at 129-130.

C. Arthur Tomelden

9. Mr. Tomelden stated that he is one of the owners of the establishment and that he has lived with his family a block from the establishment for the past 11 years. *Transcript* at 143. He stated that, prior to filing the Application, he had passed out a letter within the community providing information on what he was intending to do with the establishment and soliciting comments and concerns that he could address, such as college students, noise, traffic and trash. *Tr.* at 150. Subsequent to circulating the letter, Mr. Tomelden testified that he met on several occasions with neighbors and the Brookland Civic Association, in addition to posting on the community listserv and agreeing to the terms of the Settlement Agreement. *Id.* at 153-154. Mr. Tomelden stated that, as a result of community meetings, the establishment agreed to amend its application to reduce the hours of the summer garden and received the support of the Brookland Civic Association. *Tr.* at 156-157, 193. He further testified that he takes his community responsibility very seriously and that everyone in the community who received his letter has his address, home phone number and e-mail address in order to contact him with any concerns. *Tr.* at 170. He stated that his establishment was intending to operate primarily as a neighborhood restaurant that happens to contain a bar. *Tr.* at 195. He further stated that, as a resident of the neighborhood, he had no intention of the establishment being known as a rowdy bar. *Tr.* at 203-204.

D. Tom Bridge

10. Mr. Bridge testified that he is the current president of the Brookland Civic Association. *Transcript* at 233. He testified that the Association was interested in hearing from the owners of the establishment about their plans for Brookland's Finest and that, after the owner's presentation at two public meetings, the Association voted unanimously to support the Application. *Tr.* at 236. The reasoning behind the approval was that the owners, because they have taken good care of the three other establishments in which they had an ownership interest, were the type of owners that the Association felt would be good for the neighborhood. *Tr.* at 237. Moreover, Mr. Bridge stated that Mr. Tomelden, based upon his experience as an owner and as a resident of the neighborhood, would be a good steward of an ABRA license. *Tr.* at 237-238.

E. Jose Barrios

11. Mr. Barrios testified that he lives approximately 2 blocks from the establishment and was asked by a neighbor to get involved due to the perceived feeling in the community that the local ANC was not providing a forum for community discussion of the establishment and that there needed to be a vehicle by which community concerns could be expressed and addressed. *Transcript* at 256-257. Mr. Barrios facilitated a neighborhood meeting at which residents expressed their concerns, primarily with regard to the hours for the summer garden, trash and parking. *Tr.* at 258. As a result of the meeting, Mr. Barrios approached the owners of the establishment, who agreed to modify their application with regard to the size and hours of operation for the summer garden. *Tr.* at 259. Mr. Barrios then compiled a list of neighborhood concerns and facilitated a series of meetings between the owners and members of the community, which led to the adoption of the Settlement Agreement as a means of memorializing the solutions to the neighborhood's concerns. *Tr.* at 260. Mr. Barrios testified that the concerns were not about the establishment per se but about the establishment's operations and that he had made a concerted effort to obtain as many community signatures as possible as a means of ensuring that the concerns were addressed in a legally binding manner. *Tr.* at 261-262. Mr. Barrios then spoke with the Chairperson of the ANC and other Commissioners about becoming a party to the Settlement Agreement. *Tr.* at 263-264. According to Mr. Barrios, the ANC did not have an interest in involving itself in the neighborhood discussions or becoming a party to the Settlement Agreement. *Tr.* at 264. Mr. Barrios further testified that the ANC meeting at which the Commissioners adopted a resolution to file a protest against the Application was not noticed as a matter to be discussed at the meeting and that no individuals were allowed to speak prior to the vote. *Tr.* at 266.

F. Pastor Gary Davis and Pastor Ralph Martino

12. Pastor Davis testified on behalf of a church located within 75 feet of the proposed establishment that has parishioners who live in the neighborhood. *Transcript* at 300. He expressed his concern about patrons consuming alcoholic beverages during the early weekend hours conflicting with the arrival of his parishioners and further being a danger to his parishioners by driving in an intoxicated state. *Tr.* at 300-301. Pastor Davis also expressed a concern about how the establishment would have a negative effect on the availability of parking for his parishioners. *Tr.* at 301. Furthermore, he expressed a concern that the consumption of alcohol breeds vandalism and other crimes. *Tr.* at 302.

Pastor Martino testified on behalf of a neighborhood church that also has parishioners who live in the neighborhood. *Tr.* at 388. Pastor Martino talked generally about the evils of alcohol consumption and the potential for increased vehicular accidents caused by intoxicated patrons of the establishment. *Tr.* at 388-389.

G. Chris Carroll and Jessica Parrish

13. Mr. Carroll testified that he lives about 50 feet from the proposed establishment. *Transcript* at 319. He expressed a concern about noise coming from the establishment and disturbing his family. *Tr.* at 320. Mr. Carroll also expressed a concern about establishment patrons sitting in front of his house after having consumed alcoholic beverages and disturbing his peace and quiet as well as leaving trash in front of his residence. *Tr.* at 323. Mr. Carroll stated that he wanted to be assured that the establishment would be well run and that there would be open communication with the neighbors. *Tr.* at 348. Ms. Parrish testified that she has lived in the neighborhood for 37 years and that she lived directly across the street from where the proposed summer garden would be located. *Tr.* at 367. Ms. Parrish expressed concerns about the noise from the summer garden disturbing her use of her front porch and that her children could be photographed by patrons in the summer garden using their cell phones. *Tr.* at 368. She also testified that she had concerns about the sale of alcoholic beverages and its negative effect on behavior. *Tr.* at 383.

CONCLUSIONS OF LAW

The Board has the authority to approve an application for a new Retailer's CT license if we deem the license appropriate for the neighborhood in which the establishment is located and the Applicant otherwise qualifies for licensure. D.C. Official Code §§ 25-762, 25-404, 25-301, 25-313, 25-315. We may also impose conditions on an Applicant's license if we deem such conditions to "be in the best interest of the locality, section, or portion of the District where licensed establishment is . . . located." D.C. Official Code § 25-104(e).

I. Peace, Order, and Quiet

Protestants argue that approving the Applicant's license will have a negative impact on the neighborhood's peace, order, and quiet. While we appreciate the Protestants' general concerns on their quality of life of a new establishment coming into a predominantly residential neighborhood, Protestants have provided absolutely no testimony or documentary evidence that Applicant's establishment would negatively impact on the neighborhood's peace, order, and quiet. Moreover, the Applicant's modified Application, which calls for a substantial reduction in the hours for and seats in the summer garden, coupled with the Settlement Agreement, should greatly ameliorate any concerns that the neighbors may have. Applicant has demonstrated a willingness to have an ongoing dialogue with the neighborhood to address any concerns with regard to the establishment's operations and the Board fully expects Applicant to do so.

By law, the Board is required to examine "[t]he effect of the establishment on peace, order, and quiet . . ." D.C. Official Code § 25-313(b) (2). While we acknowledge the Protestant's concerns about issues of crime, loitering and late night noise in the

neighborhood, we do not find that the establishment's proposed operations will have any significant negative impacts on the peace, order and quiet of the surrounding community. While the establishment is not yet operating, ABRA's investigation concluded that there would not be any negative impact on the community by this establishment. Testimony during the hearing did not disclose any specific negative impacts on the community by this proposed establishment. Protestants expressed general concerns about problems that arise with the consumption of alcoholic beverages without offering any evidence that there would be any issues with this particular establishment's proposed operations. Moreover, the concern that patrons consuming alcohol in the early morning hours would potentially clash with arriving parishioners is based more on fear than reality. No evidence was provided by Protestants to support this concern, nor is there anecdotal evidence of which the Board is aware that would support such a concern. Applicant provided ample testimony and evidence that the establishment would be operated as a full-service neighborhood restaurant that, because of its desire to meet the needs of the community, requires early and late hours for alcohol sales. The evidence provided by Applicant and ABRA's investigator showed that Applicant fully intends to operate as a restaurant rather than as a tavern. Moreover, should Applicant seek to significantly change the nature of its operations, Applicant would have to work with the community in order to obtain an amendment to the Settlement Agreement before it could seek the Board's approval for such a change.

By law, as part of its determination on the establishment's effect on peace, order and quiet, the Board must also consider whether the establishment will create noise in violation of D.C. Official Code § 25-725. D.C. Official Code § 25-313(b) (2). Noise is one of Protestants' primary concerns with the proposed operation of the establishment. ABRA's investigation of the establishment did not indicate that the establishment's operations would have any significant impact on noise within the neighborhood. *Protest Report* at 10. No testimony was presented by Protestants establishing that Applicant's operations would create any noise issues in the surrounding neighborhood. To the contrary, testimony from Applicant and other members of the community showed that Applicant had already communicated with neighborhood residents on potential noise concerns and had addressed such concerns in the Settlement Agreement. Moreover, Applicant has expressed its willingness to dialogue with the community whenever an issue with regard to noise should arise.

In addition, the Board must further consider whether the establishment will create litter in violation of D.C. Official Code § 25-726. D.C. Official Code § 25-313(b) (2). Under §25-726, “[t]he licensee under a retailer's license shall take reasonable measures to ensure that the immediate environs of the establishment, including adjacent alleys, sidewalks, or other public property immediately adjacent to the establishment, or other property used by the licensee to conduct its business, are kept free of litter.” D.C. Official Code § 25-726(a). No testimony was provided indicating that the establishment's operations would have any impact on litter. Moreover, the Settlement Agreement adequately addressed any neighborhood concerns with regard to trash.

Therefore, we conclude that renewing the Application does not threaten the neighborhood's peace, order, and quiet.

II. Property Values.

Protestants also challenged the Application on the grounds that the establishment would have a negative impact on real property values. D.C. Official Code § 25-313(b) (1). Protestants did not provide any evidence that the presence of a restaurant/tavern would have a negative impact on neighboring residential properties. Protestants spoke generally on the negative impact of having any establishment that sells alcoholic beverages in the neighborhood, but did not have specific concerns with regard to Applicant's establishment. Moreover, it is hard to imagine how the transformation of a vacant, boarded-up commercial establishment into a vibrant, well-run neighborhood restaurant would have a negative impact on property values. The Board would need to see more than anecdotal evidence in order to determine the establishment's impact on real property values, positive or negative. No official historical assessment data was provided either by Applicant or Protestants. Thus, the Board does not have sufficient evidence to make a determination on this issue.

III. Residential Parking and Vehicular and Pedestrian Safety.

Another of the factors on which the Protestant challenged the Application was the establishment's effect on residential parking or vehicular and pedestrian safety. D.C. Official Code § 25-313(b)(3). In this matter, Protestants have not demonstrated to the satisfaction of the Board that the Applicant's establishment would have a negative impact on such issues. Moreover, ABRA's investigation of the establishment showed that there was ample on-street parking available for this establishment and that other means of transportation were readily available for patrons of the establishment. Protestants' fears on these issues appear to be grounded in a belief that patrons of establishments serving alcoholic beverages have a negative impact on residential parking and a propensity to cause accidents because they are driving impaired. However, Applicant is intending to operate as a neighborhood restaurant and not to advertise outside of the community, which should lessen any impact on residential parking. Moreover, to the extent that the establishment would have an impact on residential parking, the Settlement Agreement calls for Applicant to support a neighborhood petition to establish residential permit parking, provide parking for bicycles and encourage employees and patrons to be mindful of neighborhood residents. As regards vehicular and pedestrian safety, Protestants have not provided any evidence that the establishment will have a negative impact on such safety. General fears concerning the consumption of alcohol are not enough. Therefore, we conclude that Applicant has demonstrated to the Board's satisfaction that Applicant's establishment will not have a negative impact on residential parking or on vehicular and pedestrian safety.

IV. Overconcentration

By law, the Board is required to examine “[w]hether issuance of the license would create or contribute to an overconcentration of licensed establishments which is likely to affect adversely the locality, section, or portion in which the establishment is located.” D.C. Official Code § 25-314(a) (4). No testimony was offered by Protestants to establish that Applicant's establishment is located in an area where there is an overconcentration of such establishments. Moreover, ABRA's investigation of the establishment indicated that there was only one other tavern establishment within a 1200 feet radius of Applicant's

establishment. Therefore, the Board concludes that this establishment will not contribute to an overconcentration of licensed establishments.

V. Conclusion

The Board is required to produce findings of fact and conclusions of law related to those matters raised by the Protestants in their protests. See Craig v. District of Columbia Alcoholic Beverage Control Bd., 721 A.2d 584, 590 (D.C. 1998) (“The Board's regulations require findings only on contested issues of fact.”); 23 DC MR § 1718.2. Accordingly, based on our review of the Application and the record, we find the Applicant has generally demonstrated its good character and fitness for licensure, and has satisfied all remaining requirements imposed by Title 25 of the D.C. Official Code and Title 23 of the D.C. Municipal Regulations.

ORDER

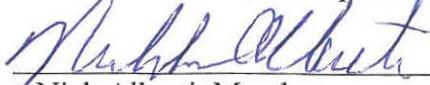
Therefore, the Board, on this 23th day of October, 2013, hereby **ORDERS** that

1. The Application for a Retailer's Class CT License filed by Brookland's Finest, LLC t/a Brookland's Finest Bar and Kitchen is **GRANTED**.
2. The Alcoholic Beverage Regulation Administration shall distribute copies of this Order to the Applicant and the Protestant.

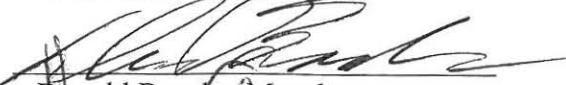
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



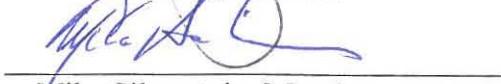
Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, Member

Under 23 DCMR § 1719.1 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, under section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code § 2-510 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration under 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).