

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 25.
ALCOHOLIC BEVERAGE REGULATION.

CHAPTER 4.
APPLICATION AND REVIEW PROCESSES.

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DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 4. APPLICATION AND REVIEW PROCESSES.

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CHAPTER 4. APPLICATION AND REVIEW PROCESSES.

SUBCHAPTER I. APPLICATION REQUIREMENTS.

§ 25-401. FORM OF APPLICATION.

(a) A person applying for issuance, transfer to a new owner, or renewal of a license, or for approval of substantial changes in operation or change in license class, shall file with the Board an application in the form prescribed by the Board. The application shall contain the information set forth in this chapter and any additional information that the Board may require.

(b) A separate application shall be filed for each establishment for which a license is sought; provided, that a railroad company may file one application for all of its dining cars and club cars and a passenger-carrying marine vessel line may file one application for all of its passenger-carrying marine vessels and dockside waiting areas.

(c) An individual applicant, all of the general partners of an applicant partnership, all of the members of a limited liability company, or the president or vice-president of an applicant corporation shall sign a notarized statement certifying that the application is complete and accurate. Any person who knowingly makes a false statement on an application, or in any accompanying statement under oath that the Mayor or the Board may require, shall be guilty of the offense of making false statements. The making of a false statement, whether made with or without the knowledge or consent of the applicant, shall, in the discretion of the Board, constitute sufficient cause for denial of the application or revocation of the license.

(Jan. 24, 1934, 48 Stat. 327, ch. 4, § 14; Aug. 25, 1937, 50 Stat. 802, 803, ch. 766, §§ 1, 2; June 15, 1938, 52 Stat. 691, ch. 396, § 3; June 29, 1953, 67 Stat. 103, ch. 159, § 404(e), (f); Aug. 2, 1968, 82 Stat. 616, Pub. L. 90-450, title IV, § 404; Mar. 5, 1981, D.C. Law 3-146, § 4, 27 DCR 4753; Sept. 29, 1982, D.C. Law 4-157, §§ 8, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(4), (c), 30 DCR 5927; June 29, 1984, D.C. Law 5-97, § 2, 31 DCR 2556; Mar. 7, 1987, D.C. Law 6-217, § 9, 34 DCR 907; June 5, 1987, D.C. Law 7-7, § 2, 34 DCR 2640; Oct. 3, 1992, D.C. Law 9-174, § 2(b), (c), 39 DCR 5859; May 24, 1994, D.C. Law 10-122, § 2(f), 41 DCR 1658; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(2), 46 DCR 3142; Oct. 20, 1999, D.C. Law 13-39, § 2, 46 DCR 6548; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-115(a)(1), (j)(1), (3). For notes from former § 25-115, see § 25-301.

Prior Codifications

1981 Ed., § 25-401.

1973 Ed., § 25-115.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-402. NEW LICENSE APPLICATION FOR MANUFACTURER, WHOLESALE, OR RETAILER.

(a) The application of a person applying for a manufacturer's, wholesaler's, or retailer's license shall include:

(1) In the case of an individual applicant, the trade name of the business, if applicable, and the name and address of the individual; in the case of a partnership or limited liability company applicant, the trade name of the business, if applicable, and the names and addresses of each member of the

partnership or limited liability company; and in the case of a corporate applicant, the legal name, trade name, place of incorporation, principal place of business, and the names and addresses of each of the corporation's principal officers, directors, and shareholders holding, directly or beneficially, 10% or more of its common stock;

(2) The name and address of the owner of the establishment for which the license is sought and the premises where it is located; provided, that this requirement shall not apply to applicants for a solicitor's license;

(3) The class of license sought;

(4) The proximity of the establishment to the nearest public or private, elementary, middle, charter, junior high, or high school, and the name of the school;

(5) The size and design of the establishment, which shall include both the number of seats (occupants) and the number of patrons permitted to be standing, both inside and on any sidewalk café or summer garden.

(6) A detailed description of the nature of the proposed operation, including the following:

(A) The type of food to be offered, if any;

(B) The type of entertainment to be offered, if any;

(C) The goods and services to be offered for sale, in addition to alcoholic beverages, if any;

(D) The hours during which the establishment plans to sell alcoholic beverages;

(E) If different from those stated in subparagraph (D) of this paragraph, the hours during which the establishment plans to remain open for the sale of goods or services other than alcoholic beverages and a description of the provisions planned for the storage of the alcoholic beverages, as required under § 25- 754, during hours when the sale of alcoholic beverages is prohibited;

(7) An affidavit that complies with § 47-2863(b);

(8) Documents or other written statements or evidence establishing to the satisfaction of the Board that the person applying for the license meets all of the qualifications set forth in § 25-301; and

(9) Written statements or evidence establishing to the satisfaction of the Board that the applicant has complied with the requirements of § 25-423.

(b) The applicant for a restaurant or hotel license shall attest that it will receive at least 45% of its gross annual receipts from the sale of food during each year of the license period.

(c) The Board shall establish application procedures for the issuance of a caterer's license under § 25-211(b).

(d) The applicant for a nightclub license shall file a written security plan with the Board.

(e) The Board may require, in its sound discretion, the applicant for a restaurant, tavern, or multipurpose facility license to file a written security plan with the Board.

(f) A written security plan shall include at least the following elements:

(1) A statement on the type of security training provided for, and completed by, establishment personnel, including:

(A) Conflict resolution training;

(B) Procedures for handling violent incidents, other emergencies, and calling the Metropolitan Police Department; and

(C) Procedures for crowd control and preventing overcrowding;

(2) The establishment's procedures for permitting patrons to enter;

(3) How security personnel are stationed inside and in front of the establishment and the number and location of cameras used by the establishment;

(4) Procedures in place to prevent patrons from becoming intoxicated and ensuring that only persons 21 years or older are served alcohol; and

(5) How the establishment maintains an incident log.

(Jan. 24, 1934, 48 Stat. 327, ch. 4, § 14; Aug. 25, 1937, 50 Stat. 802, 803, ch. 766, §§ 1, 2; June 15, 1938, 52 Stat. 691, ch. 396, § 3; June 29, 1953, 67 Stat. 103, ch. 159, § 404(e), (f); Aug. 2, 1968, 82 Stat. 616, Pub. L. 90- 450, title IV, § 404; Mar. 5, 1981, D.C. Law 3-146, § 4, 27 DCR 4753; Sept. 29, 1982, D.C. Law 4-157, §§ 8, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(4), (c), 30 DCR 5927; June 29, 1984, D.C. Law 5- 97, § 2, 31 DCR 2556; Mar. 7, 1987, D.C. Law 6-217, § 9, 34 DCR 907; June 5, 1987, D.C. Law 7-7, § 2, 34 DCR 2640; Oct. 3, 1992, D.C. Law 9-174, § 2(b), (c), 39 DCR 5859; May 24, 1994, D.C. Law 10-122, § 2(f), 41 DCR 1658; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(2), 46 DCR 3142; Oct. 20, 1999, D.C. Law 13-39, § 2, 46 DCR 6548; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Mar. 2, 2007, D.C. Law 16-192, § 1012(b), 53 DCR 6899; July 18, 2008, D.C. Law 17-201, § 4(b), 55 DCR 6289; Mar. 25, 2009, D.C.

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-115(a)(2). For notes from former § 25-115, see § 25-301.

Prior Codifications

1981 Ed., § 25-402.

1973 Ed., § 25-115.

Effect of Amendments

D.C. Law 16-192, in subsec. (a)(1), substituted "shareholders holding, directly or beneficially, 10% or more of its common stock" for "shareholders holding 25% or more of its common stock".

D.C. Law 17-201 rewrote subsec. (a)(6); and added subsecs. (d), (e), and (f). Prior to repeal, subsec. (a)(6) read as follows:

"(6) The size and design of the establishment for which the license is sought;"

D.C. Law 17-353, in subsec. (a), redesignated former pars. (6) to (10) as pars. (5) to (9), respectively.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1012(b) of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of section, see § 1012(b) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see § 1012(b) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

For Law 16-192, see notes following § 25-301.

For Law 17-201, see notes following § 25-101.

For Law 17-353, see notes following § 25-113.

§ 25-403. LICENSE RENEWAL APPLICATION FOR MANUFACTURER, WHOLESALE, OR RETAILER.

(a) An applicant for license renewal shall verify, by affidavit, the accuracy of its application, including all documents and submissions constituting a part of the application for its initial license or, if appropriate, at the time of a Board-approved substantial change in operation.

(b) In the case of an application for renewal of a restaurant or hotel license, the applicant shall present evidence establishing that the sale of food accounted for at least 45% of gross annual receipts from the operation of the restaurant or of the dining room of the hotel during the current license period.

(c) The applicant shall submit documents or other written evidence establishing to the satisfaction of the Board that the applicant has complied with the requirements of § 25-423.

(d) The Board shall establish application procedures for the renewal of a caterer's license under § 25-211(b).

(e) In the case of an application for renewal of a nightclub license, the applicant shall submit a written security plan.

(f) In the case of an application for renewal for a restaurant, tavern, or multipurpose facility license, the Board may, in its sound discretion, require that the applicant submit a written security plan.

(g) A written security plan shall include at least the following elements:

(1) A statement on the type of security training provided for, and completed by, establishment personnel, including:

(A) Conflict resolution training;

(B) Procedures for handling violent incidents, other emergencies, and calling the Metropolitan Police Department; and

(C) Procedures for crowd control and preventing overcrowding;

- (2) The establishment's procedures for permitting patrons to enter;
- (3) How security personnel are stationed inside and in front of the establishment and the number and location of cameras used by the establishment;
- (4) Procedures in place to prevent patrons from becoming intoxicated and ensuring that only persons 21 years or older are served alcohol; and
- (5) How the establishment maintains an incident log.

(Jan. 24, 1934, 48 Stat. 327, ch. 4, § 14; Aug. 25, 1937, 50 Stat. 802, 803, ch. 766, §§ 1, 2; June 15, 1938, 52 Stat. 691, ch. 396, § 3; June 29, 1953, 67 Stat. 103, ch. 159, § 404(e), (f); Aug. 2, 1968, 82 Stat. 616, Pub. L. 90-450, title IV, § 404; Mar. 5, 1981, D.C. Law 3-146, § 4, 27 DCR 4753; Sept. 29, 1982, D.C. Law 4-157, §§ 8, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(4), (c), 30 DCR 5927; June 29, 1984, D.C. Law 5-97, § 2, 31 DCR 2556; Mar. 7, 1987, D.C. Law 6-217, § 9, 34 DCR 907; June 5, 1987, D.C. Law 7-7, § 2, 34 DCR 2640; Oct. 3, 1992, D.C. Law 9-174, § 2(b), (c), 39 DCR 5859; May 24, 1994, D.C. Law 10-122, § 2(f), 41 DCR 1658; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(2), 46 DCR 3142; Oct. 20, 1999, D.C. Law 13-39, § 2, 46 DCR 6548; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; July 18, 2008, D.C. Law 17-201, § 4(c), 55 DCR 6289.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-115(g)(3). For notes from former § 25-115, see § 25-301.

Prior Codifications

1981 Ed., § 25-403.

1973 Ed., § 25-115.

Effect of Amendments

D.C. Law 17-201 added subsecs. (e), (f), and (g).

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

For Law 17-201, see notes following § 25-101.

§ 25-404. APPLICATION FOR APPROVAL OF SUBSTANTIAL CHANGE IN OPERATION.

(a) Before making a substantial change in the nature of the operation of the licensed establishment, an applicant shall file with the Board an amendment to its application or last application, providing the information required on an application under § 25-402(a).

(b)(1) If the Board determines that the proposed change to the nature of the operation is substantial:

(A) It shall provide notice of the licensee's amended filing to the same persons and in the same manner required for license renewal applications in subchapter II of this chapter; and

(B) The applicant requesting approval of a substantial change shall demonstrate appropriateness as set forth in §§ 25-313 and 25-314.

(2) There shall be no presumption of appropriateness with respect to substantial change applications. If the applicant fails to demonstrate that the proposed change in the nature of operation is appropriate for the locality, section, or portion of the District where the establishment is located, the Board shall disapprove the proposed change.

(3) In determining whether the proposed changes are substantial, the Board shall consider whether they are potentially of concern to the residents or businesses surrounding the establishment.

(c) If proper notice has been given as provided under subchapter II of this chapter, and no objection to the appropriateness of the proposed substantial change in the nature of the operation of the establishment is filed with the Board during the protest period, the proposed change shall be presumed appropriate for the locality, section, or portion of the District where it is located.

(Jan. 24, 1934, 48 Stat. 327, ch. 4, § 14; Aug. 25, 1937, 50 Stat. 802, 803, ch. 766, §§ 1, 2; June 15, 1938, 52 Stat. 691, ch. 396, § 3; June 29, 1953, 67 Stat. 103, ch. 159, § 404(e), (f); Aug. 2, 1968, 82 Stat. 616, Pub. L. 90-450, title IV, § 404; Mar. 5, 1981, D.C. Law 3-146, § 4, 27 DCR 4753; Sept. 29, 1982, D.C. Law 4-157, §§ 8, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(4), (c), 30 DCR 5927; June 29, 1984, D.C. Law 5-97, § 2, 31 DCR 2556; Mar. 7, 1987, D.C. Law 6-217, § 9, 34 DCR 907; June 5, 1987, D.C. Law 7-7, § 2, 34 DCR 2640; Oct. 3, 1992, D.C. Law 9-174, § 2(b), (c), 39 DCR 5859; May 24, 1994, D.C. Law 10-122, § 2(f), 41 DCR 1658; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(2), 46 DCR 3142; Oct. 20, 1999, D.C. Law

13-39, § 2, 46 DCR 6548; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-115(a)(3). For notes from former § 25-115, see § 25-301.

Prior Codifications

1981 Ed., § 25-404.

1973 Ed., § 25-115.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-405. APPLICATION FOR TRANSFER TO NEW OWNER.

(a) A voluntary transaction which results in (1) the transfer to an individual of 50% or more of the legal or beneficial ownership of (A) the licensed establishment, or (B) the entity owning or controlling the licensed establishment, or (2) a change in stock ownership or partnership interest of 50% or more, within any 12 month period, shall require application for transfer of the license to new owners from the Board.

(b) An application to transfer a license to a new owner shall be filed by the transferee and approved by the Board before the consummation of the transfer.

(c) An applicant requesting the transfer of a license to a new owner shall submit documents and other written statements and evidence requesting written approval of the transfer and establishing to the satisfaction of the Board that the new owner meets all of the qualifications set forth in § 25-301.

(d) The current licensee shall submit an affidavit which complies with § 47- 2863(b).

(e) If the Board finds that the licensee is in violation of this title or regulations promulgated under this title, the Board shall deny the application for transfer.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-406. APPLICATION FOR A SOLICITOR'S LICENSE.

The application for the issuance or renewal of a solicitor's license shall include:

- (1) The full name and home address of the applicant, if an individual;
- (2) The business name and address of the applicant;
- (3) The name, business address, and business telephone number for the vendor that the applicant represents; and
- (4) Written statements and evidence establishing to the satisfaction of the Board that the applicant meets all of the qualifications set forth in § 25- 301.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-407. APPLICATION FOR BREW PUB PERMIT.

The application for issuance or renewal of a brew pub permit shall include:

- (1) A copy of the applicant's restaurant or tavern license, or a copy of the pending application for a license; and

(2) A map showing the relation of the restaurant or tavern to the premises to be used to brew malt beverages.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-408. APPLICATION FOR A TASTING PERMIT FOR A CLASS A LICENSEE.

The application for issuance or renewal of a tasting permit for off-premises retailer's license, class A, shall include:

- (1) A copy of the applicant's off-premises's retailers license, class A;
- (2) Drawings of the premises indicating the areas where sampling is to occur; and
- (3) The hours and days during which the tasting is to occur.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-409. APPLICATION FOR IMPORTATION PERMIT.

The application for issuance or renewal of a importation permit shall include:

- (1) The quantity, character, and brand or trade name of the alcoholic beverage to be transported; and
- (2) The name and address of the retailer.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-410. APPLICATION FOR MANAGER'S LICENSE.

The application for a manager's license shall include:

- (1) Certification that he or she has obtained read a copy of this title;
- (2) Written statements or evidence establishing to the satisfaction of the Board that the applicant meets all of the qualifications set forth in § 25- 301; and
- (3) A copy of the applicant's alcohol training and education certificate.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30, 2004, D.C. Law 15-187, § 101(r), 51 DCR 6525.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Prior Codifications

For D.C. Law 13-298, see notes following § 25-101.

Effect of Amendments

D.C. Law 15-187, in pars. (1) and (2), made nonsubstantive changes; and added par. (3).

For Law 15-187, see notes following § 25-101.

§ 25-411. APPLICATION AND RESPONSIBILITIES OF POOL BUYING RETAIL AGENT.

(a) The application for a pool buying group retail agent permit shall include:

- (1) The name of the pool buying group;
- (2) The appointed license retail agent for the pool buying group; and
- (3) A statement that the agent will fully comply with Chapter 9 and other regulations regarding recordkeeping.

(b) All taxes due on alcoholic beverages imported by an agent who has been issued an importation license shall be paid as prescribed in Chapter 9.

(c) Pool buying agents shall maintain the records of each pool order placed for 3 years. The records shall include:

- (1) The date the pool order was placed and each date it was revised;
- (2) The distributor who was given the order;
- (3) The names and license numbers of each pool member participating in the pool order;
- (4) The price, discounts, and net price of all alcoholic beverages ordered by each member in the pool order; and
- (5) The date when deliveries of pool orders are made to the pool buying agent's premises, which is a permitted off-premises storage area.

(d) The pool buying agent shall place the order under the name of the pool buying group and provide instructions for delivery as well as each licensed retailer's part of the pool order.

(e) Upon written request, a pool buying agent shall make available for inspection all papers and reports related to pool orders, purchases, and payments within 10 days to any ABRA employee.

(f)(1) Individual members of a pool buying group shall place their orders and remit their payment to the pool buying agent.

(2) Payments shall be made payable to the pool buying agent or the distributor.

(3) Distributors of alcoholic beverages may accept pool orders and payment only from the designated pool buying agent of a pool buying group.

(Sept. 30, 2004, D.C. Law 15-187, § 401(h), 51 DCR 6525.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-187, see notes following § 25-101.

References in Text

"Chapter 9", referred to in par. (3) of subsec. (a) and in subsec. (b), is Chapter 9 of this title.

Miscellaneous Notes

Sections 402 and 403 of D.C. Law 15-187 provide:

"Sec. 402. Rules and regulations.

"The Mayor shall promulgate proposed rules and regulations to administer this title within 180 days of its effective date. The proposed rules and regulations, as well as any subsequent rules and regulations amending this title, shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the rules and regulations, in whole or in part, by resolution with the 45-day review period, the proposed rules and regulations shall be deemed approved.

"Sec. 403. Applicability.

"Section 401 shall apply upon the effective date of the regulations promulgated under section 402."

SUBCHAPTER II. NOTICE OF APPLICATION PROCEEDINGS.

§ 25-421. NOTICE BY BOARD.

(a) Upon the receipt of an application for the issuance or renewal, for a substantial change in operation as determined by the Board under 25-404, or for the transfer of a license to a new location, of a retailer's license, the Board shall give notice of the application to the following parties:

- (1) The Council;
- (2) Repealed.
- (3) Repealed.
- (4) Any ANC within 600 feet of where the establishment is or will be located.

(b) The notice shall contain the legal name and trade name of the applicant, the street address of the establishment for which the license is sought, the class of license sought, and a description of the nature of the operation the applicant has proposed or the proposed change in operation. The description shall include the hours of sales or service of alcoholic beverages.

(c) The notice to the Board of Education shall state the proximity of the establishment to the nearest public school of the District and the name of the nearest public school.

(d) The notice shall state that persons objecting to approval of the application are entitled to be heard before the granting of the license, and shall inform the recipient of the final day of the protest period and the date, time, and place of the administrative review in accordance with subchapter III of this chapter.

(e) The Board shall give notice to the ANC by first-class mail, postmarked not more than 7 days after the date of submission, and addressed to the following persons:

- (1) The ANC office, with a copy for each ANC member;
- (2) The ANC chairperson, at his or her home address of record; and
- (3) The ANC member in whose single-member district the establishment is or will be located, at his or her home address of record.

(f) The Board shall publish the notices required under this section in the District of Columbia Register.

(g) Within 180 days after May 3, 2001, the Board shall implement a procedure by which it will provide additional notification, via electronic media, to the public and ANCs, of these notification requirements, and the publication of proposed and adopted regulations.

(h) The requirements of this section shall not apply to applicants for a caterer's license.

(Jan. 24, 1934, 48 Stat. 327, ch. 4, § 14; Aug. 25, 1937, 50 Stat. 802, 803, ch. 766, §§ 1, 2; June 15, 1938, 52 Stat. 691, ch. 396, § 3; June 29, 1953, 67 Stat. 103, ch. 159, § 404(e), (f); Aug. 2, 1968, 82 Stat. 616, Pub. L. 90-450, title IV, § 404; Mar. 5, 1981, D.C. Law 3-146, § 4, 27 DCR 4753; Sept. 29, 1982, D.C. Law 4-157, §§ 8, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(4), (c), 30 DCR 5927; June 29, 1984, D.C. Law 5-97, § 2, 31 DCR 2556; Mar. 7, 1987, D.C. Law 6-217, § 9, 34 DCR 907; June 5, 1987, D.C. Law 7-7, § 2, 34 DCR 2640; Oct. 3, 1992, D.C. Law 9-174, § 2(b), (c), 39 DCR 5859; May 24, 1994, D.C. Law 10-122, § 2(f), 41 DCR 1658; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(2), 46 DCR 3142; Oct. 20, 1999, D.C. Law 13-39, § 2, 46 DCR 6548; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30, 2004, D.C. Law 15-187, §§ 101(s), 201(e), 51 DCR 6525.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-115(c)(1), (1A). For notes from former § 25-115, see § 25-301.

Prior Codifications

1981 Ed., § 25-421.

1973 Ed., § 25-115.

Effect of Amendments

D.C. Law 15-187, in subsec. (a), repealed pars. (2) and (3) and rewrote par. (4); and added subsec. (h). Prior to amendment, pars. (2), (3), and (4) of subsec. (a) had read as follows:

"(2) The Board of Education;

"(3) The member of the Board of Education in whose district the establishment is or will be located; and

"(4) The ANC representing the area in which the establishment is or will be located."

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

For Law 15-187, see notes following § 25-101.

§ 25-422. NOTICE BY APPLICANT.[REPEALED]

(Jan. 24, 1934, 48 Stat. 327, ch. 4, § 14; Aug. 25, 1937, 50 Stat. 802, 803, ch. 766, §§ 1, 2; June 15, 1938, 52 Stat. 691, ch. 396, § 3; June 29, 1953, 67 Stat. 103, ch. 159, § 404(e), (f); Aug. 2, 1968, 82 Stat. 616, Pub. L. 90-450, title IV, § 404; Mar. 5, 1981, D.C. Law 3-146, § 4, 27 DCR 4753; Sept. 29, 1982, D.C. Law 4-157, §§ 8, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(4), (c), 30 DCR 5927; June 29, 1984, D.C. Law 5-97, § 2, 31 DCR 2556; Mar. 7, 1987, D.C. Law 6-217, § 9, 34 DCR 907; June 5, 1987, D.C. Law 7-7, § 2, 34 DCR 2640; Oct. 3, 1992, D.C. Law 9-174, § 2(b), (c), 39 DCR 5859; May 24, 1994, D.C. Law 10-122, § 2(f), 41 DCR 1658; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(2), 46 DCR 3142; Oct. 20, 1999, D.C. Law 13-39, § 2, 46 DCR 6548; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; July 18, 2008, D.C. Law 17-201, § 4(d), 55 DCR 6289.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-115(c)(3). For notes from former § 25-115, see § 25-301.

Prior Codifications

1981 Ed., § 25-422.

1973 Ed., § 25-115.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

For Law 17-201, see notes following § 25-101.

§ 25-423. POSTED NOTICE REQUIRED AFTER SUBMISSION OF APPLICATION AND FOR THE DURATION OF THE PROTEST PERIOD.

(a) The applicant shall post 2 notices, furnished by ABRA, of the application in conspicuous places on the outside of the establishment for the duration of the protest period.

(b) The notices shall state:

- (1) The information required by § 25-421(b);
- (2) The final day of the protest period;
- (3) The date, time, and place of the administrative review; and
- (4) The telephone number and mailing address of ABRA.

(c) Any person wilfully removing, obliterating, or defacing the notices shall be guilty of a violation of this chapter.

(d) An applicant who fails to maintain the posted notices continuously during the protest period shall be guilty of a violation of this chapter.

(e) If the Board determines that the notices posted at an applicant's establishment have not remained visible to the public for a full 45 days, the Board shall require the reposting of the notices and shall reschedule the administrative review for a date at least 45 days after the originally scheduled review, unless the applicant has fully performed all other notice requirements and the Board determines that it is in the best interests, of the parties to proceed at an earlier date.

(f) The requirements of this section shall not apply to applicants for a solicitor's license, manager's license, caterer's license, or a temporary license.

(Jan. 24, 1934, 48 Stat. 327, ch. 4, § 14; Aug. 25, 1937, 50 Stat. 802, 803, ch. 766, §§ 1, 2; June 15, 1938, 52 Stat. 691, ch. 396, § 3; June 29, 1953, 67 Stat. 103, ch. 159, § 404(e), (f); Aug. 2, 1968, 82 Stat. 616, Pub. L. 90-450, title IV, § 404; Mar. 5, 1981, D.C. Law 3-146, § 4, 27 DCR 4753; Sept. 29, 1982, D.C. Law 4-157, §§ 8, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(4), (c), 30 DCR 5927; June 29, 1984, D.C. Law 5-97, § 2, 31 DCR 2556; Mar. 7, 1987, D.C. Law 6-217, § 9, 34 DCR 907; June 5, 1987, D.C. Law 7-7, § 2, 34 DCR 2640; Oct. 3, 1992, D.C. Law 9-174, § 2(b), (c), 39 DCR 5859; May 24, 1994, D.C. Law 10-122, § 2(f), 41 DCR 1658; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(2), 46 DCR 3142; Oct. 20, 1999, D.C. Law 13-39, § 2, 46 DCR 6548; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30, 2004, D.C. Law 15-187, § 201(f), 51 DCR 6525.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Code. The text of this

section is derived from provisions formerly found in D.C. Code § 25-115(c)(2). For notes from former § 25-115, see § 25-301.

Prior Codifications

1981 Ed., § 25-423.

1973 Ed., § 25-115.

Effect of Amendments

D.C. Law 15-187 added subsec. (f).

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

For Law 15-187, see notes following § 25-101.

SUBCHAPTER III. REVIEW OF LICENSE APPLICATIONS.

§ 25-431. REVIEW PROCEDURES--GENERAL PROVISIONS.

(a) Except as otherwise provided herein, Board actions and procedures shall be governed by Chapter 5 of Title 2.

(b) Except as provided in subsection (c) of this section, the Board may meet in panels of at least 3 members for the purpose of conducting hearings and taking official actions. Three members shall constitute a quorum.

(c) The Board may establish alternate procedures for uncontested, interim administrative proceedings or issuing stipulated licenses. Such procedures shall be submitted to the Council for approval as provided under § 25-211(b).

(d) The Chair of the Board may appoint a Vice-Chair for the purposes of leading panels as provided for in this section.

(e) For the purposes of this chapter, the Board may permit the Board of Directors of a licensee under a club license to designate a representative to represent it during proceedings before the Board.

(f) Upon receipt of a complete application, the Board shall schedule an administrative review on the application. The administrative review shall not take place until after the close of the 45-day protest period. This administrative review may be conducted by a panel of 3 Board members.

(g) Before any license is issued or renewed, and before any substantial change in the operation of a licensed establishment as determined by the Board under § 25-404, the Board shall ensure that proper notice has been provided to the public and that the public has been given at least 45 days in which to protest the license and that an administrative review has been conducted.

(h) The administrative review shall be a non-adversarial proceeding held by the Board, at which hearing a list of applications for a new or renewed license or approval of substantial change in operation as under § 25-404, and the protestants thereto, shall be read to the public.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-432. STANDARD REVIEW PROCEDURES.

(a) If no protest has been received by the Board during the protest period, the Board shall schedule an administrative review to consider the application within 10 days after the end of the protest period.

(b) If a protest has been received by the Board during the protest period, the Board shall take the following actions:

(1) The Board shall schedule a protest hearing to receive testimony and other evidence regarding the application in accordance with §§ 25-442 and 25-444.

(2)(A) The parties shall be informed of their obligation to attend a settlement conference under § 25-

445 for the purpose of discussing and resolving, if possible, the objections raised by the protestants.

(B) The parties shall be informed of their rights and responsibilities with respect to reaching a settlement under §§ 25-445 and 25-446.

(C) At the request of all parties, and if a settlement conference would be unlikely to succeed, the Board may waive the parties' obligation to attend a settlement conference.

(3) The Board shall issue a decision in accordance with § 25-433.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-433. DECISIONS OF THE BOARD; PETITION FOR RECONSIDERATION.

(a) No application shall be approved until the Board has determined that the applicant has complied with § 25-402(a)(8) through (10) (and § 25-402(b) if the applicant is a restaurant or hotel) or, in the case of a renewal, has fulfilled the license requirements of this title. The Board shall make findings of fact with respect to each requirement, including the appropriateness standards set forth in §§ 25-313, 25-314, and 25-315, and the food sales requirements for restaurants and hotels.

(b) For the purposes of this section, the record shall close when a hearing is concluded. Parties shall have 30 days after the conclusion of the hearing to submit proposed findings of fact and conclusions of law to the Board.

(c) Within 90 days after the close of the record, the Board shall issue its written decision accompanied by findings of fact and conclusions of law. The Board shall publish and maintain a compilation of its decisions and orders.

(d)(1) A petition for reconsideration, rehearing, reargument, or stay of a decision or order of the Board may be filed by a party within 10 days after the date of receipt of the Board's final order.

(2) The filing or the granting of a petition filed under paragraph (1) of this subsection shall not stay the final order unless the stay is specifically ordered by the Board.

(3) A stay shall be granted only upon good cause, which shall consist of unusual or exceptional circumstances.

(e) The Board may establish procedures under § 25-211(b) to consider an application which is not protested during the protest period.

(Jan. 24, 1934, 48 Stat. 327, ch. 4, § 14; Aug. 25, 1937, 50 Stat. 802, 803, ch. 766, §§ 1, 2; June 15, 1938, 52 Stat. 691, ch. 396, § 3; June 29, 1953, 67 Stat. 103, ch. 159, § 404(e), (f); Aug. 2, 1968, 82 Stat. 616, Pub. L. 90-450, title IV, § 404; Mar. 5, 1981, D.C. Law 3-146, § 4, 27 DCR 4753; Sept. 29, 1982, D.C. Law 4-157, §§ 8, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(4), (c), 30 DCR 5927; June 29, 1984, D.C. Law 5-97, § 2, 31 DCR 2556; Mar. 7, 1987, D.C. Law 6-217, § 9, 34 DCR 907; June 5, 1987, D.C. Law 7-7, § 2, 34 DCR 2640; Oct. 3, 1992, D.C. Law 9-174, § 2(b), (c), 39 DCR 5859; May 24, 1994, D.C. Law 10-122, § 2(f), 41 DCR 1658; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(2), 46 DCR 3142; Oct. 20, 1999, D.C. Law 13-39, § 2, 46 DCR 6548; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Oct. 1, 2002, D.C. Law 14-190, § 1702(i), 49 DCR 6968.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-115(g)(3). For notes from former § 25-115, see § 25-301.

Prior Codifications

1981 Ed., § 25-433.

1973 Ed., § 25-115.

Effect of Amendments

D.C. Law 14-190, in subsec. (b), substituted "30" for "10".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1702(i) of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

For D.C. Law 13-298, see notes following § 25-101.

For Law 14-190, see notes following § 25-101.

§ 25-434. INFLUENCING THE APPLICATION PROCESS.

(a) A person shall not provide, offer to provide, request, or receive anything of value for the personal use, enjoyment, or profit of an individual in exchange for the individual's promise not to exercise his or her rights provided under this title to object to, or petition against, a license application.

(b) Any person who violates subsection (a) of this section shall be guilty of a criminal misdemeanor, and, upon conviction, shall be imprisoned for not more than 90 days, or fined not more than \$300, or both.

(Jan. 24, 1934, ch. 4, § 14a, as added Oct. 3, 1992, D.C. Law 9-174, § 2(d), 39 DCR 5859; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-115.1.

Prior Codifications

1981 Ed., § 25-434.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

Law 9-174, the "Alcoholic Beverage Control Amendment Act of 1992," was introduced in Council and assigned Bill No. 9-125, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 2, 1992, and July 7, 1992, respectively. Signed by the Mayor on July 27, 1992, it was assigned Act No. 9-280 and transmitted to both Houses of Congress for its review. D.C. Law 9-174 became effective on October 3, 1992.

SUBCHAPTER IV. REVIEW AND RESOLUTION PROCEDURES.

§ 25-441. HEARINGS--CONTINUANCES.

(a) A hearing may be continued for good cause. A written motion for a continuance shall be filed with the Board at least 6 days before the scheduled hearing date and served upon all parties at least 6 calendar days before the hearing. To be granted, the motion shall, in the opinion of the Board, set forth good and sufficient cause for continuance or demonstrate that an extreme emergency exists.

(b) A continuance shall not waive the requirements of this chapter governing the time in which to file objections, petitions, or other pleadings.

(c) The Board may, on motion of any party or on its own motion, continue a hearing to permit an ANC to vote on a material issue in the hearing or upon a determination that the interests of justice will be served by the granting of the continuance to any party.

(d) The Board may waive the provisions of this section if all parties agree to a continuance.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Oct. 1, 2002, D.C. Law 14-190, § 1702(j), 49 DCR 6968.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Effect of Amendments

D.C. Law 14-190 rewrote subsec. (c) which had read as follows:

"(c) The Board may, on motion of any party or on its own motion, continue a hearing in order to permit an ANC to vote on a material issue in the hearing."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1702(j) of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

For D.C. Law 13-298, see notes following § 25-101.

For Law 14-190, see notes following § 25-101.

§ 25-442. HEARINGS--WITNESSES.

- (a) A party shall have the right to call and examine witnesses.
- (b) Except as provided in subsection (c) of this section, at any proceeding before the Board in a contested case, the Board shall hear as witnesses all persons residing within and outside the neighborhood who desire to be heard.
- (c) The Board may exclude any irrelevant or unduly repetitious evidence or testimony.
- (d) A witness who shall willfully give false testimony in a proceeding or hearing before the Board shall be guilty of perjury.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-443. SUBPOENA OF WITNESSES.

- (a) Subpoenas issued by the Board shall be served:
 - (1) By an officer of the Metropolitan Police Department;
 - (2) By a special process server, at least 18 years of age, designated by the Board from among the staff appointed by the Board who are not directly involved in the investigation; or
 - (3) By a special process server, at least 18 years of age, engaged by the Board for this purpose.
- (b) Witnesses, other than those employed by the District or by the United States, shall be entitled to the same fees as are paid witnesses for attendance before the Superior Court of the District of Columbia.
- (c) In the case of contumacy or refusal to obey a subpoena, the Superior Court of the District of Columbia, upon written request by the Board, shall issue an order requiring the contumacious person to appear and testify before the Board or to produce evidence if so ordered.

(Jan. 24, 1934, 48 Stat. 322, ch. 4, § 6; Aug. 27, 1935, 49 Stat. 897, ch. 756, § 2; Sept. 29, 1982, D.C. Law 4-157, §§ 3, 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(2), 30 DCR 5927; Mar. 7, 1987, D.C. Law 6-217, § 3, 34 DCR 907; May 24, 1994, D.C. Law 10-122, § 2(c), 41 DCR 1658, 48 DCR 2959; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-106(c)(2)-(4). For notes from former § 25-106, see § 25-201.

Prior Codifications

1981 Ed., § 25-443.

1973 Ed., § 25-106.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-444. PROTEST HEARINGS; PARTIES IDENTIFIED.

- (a) If a protest is filed in a contested case, the Board shall hold a protest hearing for the purpose of receiving evidence and testimony regarding the appropriateness of the licensing action.
- (b) The parties to the protest hearing shall be the applicant and the protestants as identified at the administrative review.
- (c) If there is more than one protestant, the Board, in its discretion, may require the protestants to confer among themselves and designate one person to conduct the protestants' case.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-445. SETTLEMENT CONFERENCE.

- (a) A settlement conference among the parties shall be held to discuss and resolve, if possible, the objections raised by the protestants.
- (b) If the date of the settlement conference is not arranged on or before the date of the administrative review, the applicant shall contact the protestants to arrange the conference.
- (c) If the applicant fails to make a good faith effort to contact the protestants timely, the Board shall deny the license application unless, in the judgment of the Board, the applicant shows good cause for his or her failure to act.
- (d) No protestant shall unreasonably refuse to make himself or herself available to attend a settlement conference.
- (e) If the protestant unreasonably refuses to make himself or herself available to attend a settlement conference, the Board shall consider the protest withdrawn unless, in the judgment of the Board, the protestant shows good cause for refusing to be available.
- (f) At the request of any party, the Board may designate a member of its staff to attend the settlement conference.
- (g) If the parties fail to reach an agreement on one or more of the protest issues they shall so state at the scheduled protest hearing.
- (h) A party may be represented at a settlement conference by an attorney or a designated representative who has been authorized to act on the party's behalf.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

§ 25-446. VOLUNTARY AGREEMENTS; APPROVAL PROCESS; SHOW CAUSE HEARING FOR VIOLATION.

- (a) The applicant and any protestant may, at any time, negotiate a settlement and enter into a written voluntary agreement setting forth the terms of the settlement.
- (b) The signatories to the agreement shall submit the agreement to the Board for approval.
- (c) If it determines that the voluntary agreement complies with all applicable laws and regulations and the applicant otherwise qualifies for licensure, the Board shall approve the license application, conditioned upon the licensee's compliance with the terms of the voluntary agreement. The Board shall incorporate the text of the voluntary agreement in its order and the voluntary agreement shall be enforceable by the Board.
- (d)(1) Unless a shorter term is agreed upon by the parties, a voluntary agreement shall run for the term of a license, including renewal periods, unless it is terminated or amended in writing by the parties and the termination or amendment is approved by the Board.
 - (2) The Board may accept an application to amend or terminate a voluntary agreement by fewer than all parties in the following circumstances:
 - (A) During the license's renewal period; and
 - (B) After 4 years from the date of the Board's decision initially approving the voluntary agreement.
 - (3) Notice of an application to amend or terminate a voluntary agreement shall be given both to the parties of the agreement and to the public at the time of the applicant's renewal application according to the renewal procedures required under §§ 25-421 through 25-423.
 - (4) The Board may approve a request by fewer than all parties to amend or terminate a voluntary

agreement for good cause shown if it makes each of the following findings based upon sworn evidence:

(A)(i) The applicant seeking the amendment has made a diligent effort to locate all other parties to the voluntary agreement; or

(ii) If non-applicant parties are located, the applicant has made a good-faith attempt to negotiate a mutually acceptable amendment to the voluntary agreement;

(B) The need for an amendment is either caused by circumstances beyond the control of the applicant or is due to a change in the neighborhood where the applicant's establishment is located; and

(C) The amendment or termination will not have an adverse impact on the neighborhood where the establishment is located as determined under § 25-313 or § 25-314, if applicable.

(5) To fulfill the good faith attempt criteria of paragraph (4)(A)(ii) of this subsection, a sworn affidavit from the applicant shall be filed with the Board at the time that an application to amend a voluntary agreement by fewer than all parties is filed stating that either:

(A) A meeting occurred between the parties which did not result in agreement; or

(B) The non-applicant parties refused to meet with the applicant.

(e) The Board shall initiate a show cause hearing upon evidence that a licensee has violated a voluntary agreement. Upon a determination that the licensee has violated the voluntary agreement, the Board shall penalize the licensee according to the provisions set forth for violations of a license in Chapter 8.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30, 2004, D.C. Law 15-187, § 101(t), 51 DCR 6525.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Effect of Amendments

D.C. Law 15-187 rewrote subsec. (d) which had read as follows:

"(d) A voluntary agreement shall run for the term of a license, including renewal periods, unless it is terminated or amended in writing by the parties and the termination or amendment is approved by the Board."

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

For Law 15-187, see notes following § 25-101.

§ 25-447. SHOW CAUSE HEARING.

(a) The Board shall receive, at any time during the license period, complaints from any person, or an affected ANC, alleging a violation by a licensee of the terms of its license. Complaints shall be in writing and set forth enough information to allow the Board or its staff to investigate the matter.

(b) In addition to written complaints identifying the complainant, any person may make an anonymous complaint in writing to the Board or orally to any ABRA investigator. Anonymous complaints shall be investigated to the best of the Board's ability, but may result in no action being taken if the anonymous complainant fails to provide the Board or the investigator with adequate information.

(c) Within 30 days of receiving evidence supporting a reasonable belief that any licensee or permittee is in violation of the provision of this title or the regulations issued under it, the Board shall order the licensee or permittee, by personal service or certified mail, to appear before the Board not less than 30 days thereafter to show cause why the license or permit should not be revoked or suspended, or the licensee or permittee penalized, as provided by subchapter II of Chapter 8. The notice shall state the time and place set by the Board for the hearing.

(d) The licensee or permittee (or in the case of an entity, all members, partners, or officers) shall appear in person, may be represented by counsel, and shall be entitled to offer evidence in his, her, or its defense.

(e) If the licensee or permittee waives the hearing or fails to appear, the Board shall proceed *ex parte*, unless the Board extends the time for the hearing for good and sufficient cause.

(f) If the Board holds a show cause hearing on a complaint made under subsection (a) of this section, the Board, in issuing its order, may place certain conditions on the license if it determines that the inclusion of the conditions would be in the best interests of the locality, section, or portion of the District in which the establishment is licensed. The Board, in placing the conditions, shall state, in writing, the rationale for its decision.

(g) All written complaints as set forth under subsection (a) of this section, which identify the complainant by

name and address, shall be responded to by the Board or its staff within 90 days of receipt of the complaint, and shall advise the complainant of the action that the Board or its staff has taken on the matter.

(h) The Board shall maintain records documenting complaints received and the action taken in response to the complaint.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30, 2004, D.C. Law 15-187, § 101(u), 51 DCR 6525.)

HISTORICAL AND STATUTORY NOTES

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

Effect of Amendments

D.C. Law 15-187, in subsec. (a), substituted "an affected ANC" for "the ANC representing the area in which the licensee exists".

Legislative History of Laws

For D.C. Law 13-298, see notes following § 25-101.

For Law 15-187, see notes following § 25-101.