



District of Columbia Government  
Advisory Neighborhood Commission 6A  
Box 75115  
Washington, DC 20013



February 15, 2006

Chairman Charles Burger  
Alcohol Beverage Regulatory Agency, Suite 700  
941 North Capitol, NE  
Washington DC 20002

Dear Chairman Burger,

Our Commission appreciates the conscientious work by Alcohol Beverage Regulatory Agency (ABRA) to perform the liquor license regulatory responsibilities for the District of Columbia. Under your leadership there has been a marked improvement in the delivery of agency services to the community and the Advisory Neighborhood Commission's that represent them. Our Commission applauds such improvements and, in that spirit, writes to recommend process changes that we believe will increase efficiency and fairness within the liquor license renewal and application process.

Our concerns involve the protest process, and the within that process, the rules for "standing". Specifically, our Commission is concerned that standing in a renewal or application of liquor license is predicated upon a protest before ABRA. Our Commission takes extraordinary steps to insure that the community has ample opportunity to comment on all renewals and applications. In some instances, the community is very concerned about specific operational matters of a licensee (trash removal, noise control, etc.); but has no desire to negatively impact the licensee or applicant's business. In fact, our Commission's Alcohol Beverage Licensing Committee often hears very positive comments regarding applicants.

Under these circumstances, a protest by the Commission would be inappropriate, as it in no way represents the community input. However, under ABRA's current process, unless our Commission protests, we are unable to participate in the license hearing – as we have no standing. Further, since the requirement for a protest is so open, nuisance protests are very easy to launch. This provides a group of five protestants greater influence over the licensing process than the Advisory Neighborhood Commission (ANC) which may have spent months soliciting input and negotiating directly with the applicant or licensee on specific community concerns.

In order to remedy these problems, we suggest the following:

- 1) If an ANC or other properly certified group negotiates a voluntary agreement with a liquor licensee/applicant, and that licensee/applicant is protested, the group which has submitted a properly authorized signed voluntary agreement should be granted standing in all hearings and mediation related to that applicant.
- 2) To discourage nuisance protests, the number of signatures to petition a protest should be increased from five to twenty-five protestants.



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- 3) A protest filing fee should be instituted for groups other than an ANC or abutting neighbors. Neighborhood associations and others should demonstrate the sincerity of their concerns by paying a filing fee, since they will be using DC government resources and therefore taxpayer money to pursue a lengthy protest.
- 4) ANC's hold public hearings to seek community input. All other protestants should demonstrate the same open process for seeking input from those who have signed the petition. Accordingly, protestants should be able to demonstrate those who signed the protest petition had an opportunity to meet and/or provide input prior to the Roll Call hearing.
- 5) To increase community participation in the protest process, ABRA should hold evening meetings. As currently structured, members of the community and volunteer ANC Commissioners must take off work to have their concerns heard. Roll call hearings would indicate which licensing matters might be best scheduled for evening meetings to allow greater community input.

Again, thank you and the other members of the Alcohol Beverage Control Board for soliciting improvements to ABRA's procedures. We hope that our recommendations will be given serious considerations and that we can work with you to implement reforms in the protest process.

Respectfully Submitted,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A