THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:	)	
Green Island Café/Heaven and Hell, Inc. t/a Green Island Café/Heaven and Hell	)	License Number: 74503 Case Number: 09-CMP-00088, 08-CMP-00082(a)
Holder of a Retailer's Class CR License at premises 2327 18th Street, N.W. Washington, D.C. 20009	)	Order Number: 2010-391

BEFORE: Charles Brodsky, Chairperson
Mital Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ORDER DENYING RESPONDENT'S MOTION FOR RECONSIDERATION

The Alcoholic Beverage Control Board (Board) served a Notice of Status Hearing and Show Cause Hearing (Notice), dated November 16, 2010, on Green Island Café/Heaven and Hell, Inc., t/a Green Island Café/Heaven and Hell (Respondent), at premises 2327 18th Street, N.W., Washington, D.C. 20009. The Show Cause Hearing in this matter was held on May 26, 2010.

On June 23 2010, the Board held in Board Order No. 2010-369 and Board Order No. 2010-375 that the Respondent violated D.C. Code § 25-701, § 25-446(e), § 25-113(j)(3)(A), and 23 DCMR § 1204.3 and ordered the Respondent to pay a fine in the amount of $4,000.00, payable no later than thirty (30) days from the date of the Order. Additionally, the Board ordered that the Respondent's license be suspended for a total of thirteen days; with six (6) days served and seven (7) days stayed for one year, provided that the Respondent does not commit any violations for one year.

On July 7, 2010, and July 13, 2010, in two separate documents, the Respondent filed a Motion for Reconsideration asking the Board to reconsider the suspension of its license. The Respondent argued that it should be allowed to open on either Friday July 16, 2010, or Saturday July 17, 2010, due to the "severe and irreparable hardship." On July 16, 2010, the Government filed a written opposition to the Respondent's motion. The Government argued that the Respondent has already had the opportunity to argue for leniency during the May 26, 2010, Show Cause Hearing and that the Respondent was re-litigating the issues and facts already decided by the Board in Board Order No. 2010-369 and Board Order No. 2010-375.

The Board has already found that the Government proved that the Respondent violated D.C. Code § 25-701, § 25-446(e), § 25-113(j)(3)(A), and 23 DCMR § 1204.3. The Board agrees

with the Government's reasoning for opposing the Respondent's Motion for Reconsideration. As such, the Board will not alter the days of suspension ordered in Board Order No. 2010-369 and Board Order No. 2010-375.

ORDER

Upon consideration of the Respondent's Motion for Reconsideration and the entire record of this case, the Board, on this 21st day of July 2010, hereby **DENIES** the Respondent's Motion for Reconsideration.

District of Columbia
Alcoholic Beverage Control Board

Charles Brodsky, Chairperson

Mital Gandhi, Member

Nick Alberti, Member

Donald Brooks, Member

Herman Jones, Member

Calvin Nophlin, Member

Mike Silverstein, Member

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 the service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington D.C. 20001.

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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 (April 2004) 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).