

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

In the Matter of:)	
)	
Enriqueta's Inc.)	
t/a Enriqueta's)	
)	
Holder of a)	
Retailer's Class CR License)	
at premises)	License No.: ABRA-01650
2811 M Street, N.W.)	Order No.: 2010-592
Washington, D.C. 20007)	
)	
Respondent)	
)	
Safekeeping – Georgetown)	

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

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

Pursuant to 23 DCMR § 1611, the Alcoholic Beverage Control Board (Board) held a Fact Finding Hearing on November 3, 2010, regarding the safekeeping status of the Retailer's Class CR License held by Enriqueta's, Inc., t/a Enriqueta's (Respondent), at premises 2811 M Street, N.W., Washington, D.C. The hearing was held to allow the Board to obtain current information on the status of the license held in safekeeping by the Alcoholic Beverage Regulation Administration pursuant to D.C. Official Code § 25-791.

In making the following decision, the Board considered evidence presented at the Fact Finding Hearing, the testimony of the witnesses, the arguments of counsel, and the documents comprising the Board's official file in making the following:

FINDINGS OF FACT

1. The Respondent holds a Retailer's Class CR License located at premises 2811 M Street, N.W., Washington, D.C. *See* License File No. 01650. The Respondent surrendered the Retailer's Class CR License to ABRA on July 3, 2003, to be held in safekeeping pursuant to D.C. Official Code § 25-791.
2. The Board issued Notice to the Licensee by registered mail dated July 2, 2010, to appear for a Fact Finding Hearing on July 28, 2010. *See* Fact Finding File No. 01650. The Notice requested the Licensee to provide information to the Board regarding the status of the license, to demonstrate reasonable progress in returning to operation and to provide good cause why the license should remain in safekeeping. *See Fact Finding File No. 01650.*
3. The Licensee failed to appear at the Fact Finding Hearing on July 28, 2010. *Transcript (Tr.)*, 7/28/10 at 2. The Board continued the matter to August 4, 2010, wherein the Board continued the matter to November 3, 210, and the Licensee agreed to pay the \$2,000 renewal fee payment on August 4, 2010. *Tr.*, 8/4/10 at 10. The Licensee paid the \$2,000 renewal fee to ABRA on September 27, 2010. At the Fact Finding Hearing held on November 3, 2010, the Board continued the matter to December 1, 2010, and the licensee agreed to submit the Clean Hands Certification approved by the Office of Tax and Revenue (OTR) by December 1, 2010. The total amount of the liens filed on Enriqueta's and its predecessor Mixtec with OTR is \$276,084.09. *See ABRA Administrative File No. 01650.* On November 29, 2010, the Licensee submitted a letter requesting a thirty day continuance. The Licensee failed to appear at the Fact Finding Hearing on December 1, 2010. Therefore, the Board denied the Licensee's Motion for Continuance and cancelled the license, effective December 8, 2010.

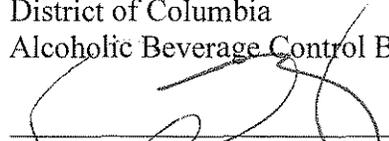
CONCLUSIONS OF LAW

4. Under D.C. Official Code § 25-791, the Board has the authority to deem a license abandoned and to cancel a license in safekeeping if the owner is not making reasonable progress in returning to operation. In this instance, the Board finds that the Respondent's failure to appear at the Fact Finding Hearing on December 1, 2010, coupled with its failure to demonstrate any reasonable progress to return to operations is indicative of abandonment. As such, the Board deems the Respondent's license abandoned and cancels the license effective December 8, 2010.

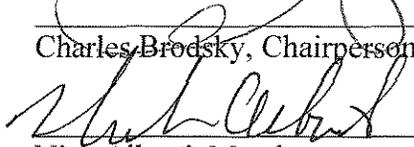
ORDER

THEREFORE, it is hereby **ORDERED** on this 8th day of December, 2010, that the Retailer's Class CR license held by Enriqueta's Inv., t/a Enriqueta's at premises 2811 M Street, N.W., Washington, D.C., be **CANCELLED** effective December 8, 2010.

District of Columbia
Alcoholic Beverage Control Board



Charles Brodsky, Chairperson



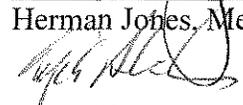
Nick Alberti, Member



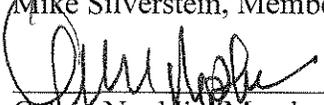
Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, Member



Calvin Nophlin, Member

I dissent from the position taken by the majority of the Board.



Mital M. Gandhi, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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, 1250 U Street, N.W., Suite 300, Washington, D.C. 20009.