

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

In the Matter of:)	
)	
Federal Spirits, LLC)	License Number: N/A
t/a Federal Spirits)	Case Number: N/A
)	Order Number: 2012-415
Application for a New)	
Retailer's Class A License)	
)	
at premises)	
1629 K Street, N.W., Ste. 300)	
Washington, D.C. 20006)	

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

ALSO PRESENT: Federal Spirits, LLC, t/a Federal Spirits

Charles E. Benoit, on behalf of the Applicant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

**ORDER PERMITTING THE SUBMISSION OF AN APPLICATION FOR LICENSURE
AND IMPOSING CONDITIONS**

Federal Spirits, LLC, t/a Federal Spirits, (Applicant) has asked the Alcoholic Beverage Control Board (Board), whether its proposed business plan, to operate a Retailer's Class A License, is permissible under Title 25 of the District of Columbia (D.C.) Official Code. According to Charles Benoit, the Applicant seeks to operate a retail establishment solely through the internet, at the website www.federalspirits.com. Email from Charles Benoit to ABRA Licensing Specialist Betty Harper, 1 (May 30, 2012). The Applicant intends to sell craft spirits and store its products using an off-site storage permit. Id. Finally, the Applicant's headquarters will not be located in a street-level premises. Id.

Based on the prior practice of the Board, internet retailers are permissible in the District of Columbia so long as they comply with the District of Columbia's alcoholic beverage control laws.

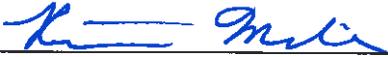
ORDER

Therefore, the Board, on this 24th day of October 2012, finds the Applicant's proposal in accordance with Title 25 of the District of Columbia Official Code and Title 23 of the District of Columbia Municipal Regulations; therefore, we permit Federal Spirits, LLC, t/a Federal Spirits, to submit an Application for a New Retailer's Class A License. In order to ensure the Applicant's compliance with the law, we impose the following conditions in accordance with D.C. Code § 25-104(e):

- (1) The Applicant shall only accept orders through the Internet;
- (2) The Applicant may not allow customers to pick up deliveries from the licensed premises;
- (3) The Applicant's hours of delivery must remain consistent with the lawful hours of delivery for an off-premise retailer;
- (4) The Applicant must make all legally required signs clearly visible on its website. Such signs include the Applicant's license, the pregnancy warning sign, and the minimum drinking age and identification requirement; and
- (5) The Applicant must comply with Title 25 of the District of Columbia Official Code and Title 23 of the District of Municipal Regulations.

Finally, the Board finds that the mandated 400 foot requirement contained in D.C. Code § 25-333(a) does not apply to the Applicant, because it is an internet-only operation and is not engaging in physical operations in the neighborhood. The Alcoholic Beverage Regulation Administration shall deliver copies of this Order to the Applicant.

District of Columbia
Alcoholic Beverage Control Board



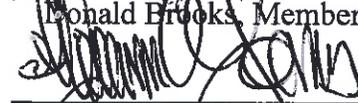
Ruthanne Miller, Chairperson



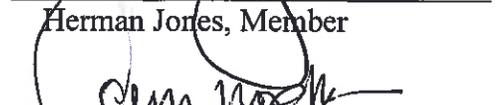
Nick Alberti, Member



Donald Brooks, Member

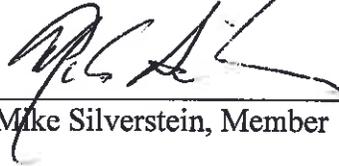


Herman Jones, Member



Calvin Nophlin, Member

I concur with the Board that the Applicant may apply for a Retailer's Class A License. Nevertheless, I believe the Applicant requires additional safeguards to ensure that it is only delivering to individuals of legal age.



Mike Silverstein, 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, Reeves Center, 2000 14th Street, N.W., 400S, Washington, D.C. 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, District of Columbia 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).