

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

In the Matter of:

1610 Restaurant, LLC
t/a Stetson's

License No: 060455
Order No: 2016-107

Holder of a
Retailer's Class CT License

at premises
1610 U Street, N.W.
Washington, D.C. 20009

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ORDER DENYING MOTION FOR RECONSIDERATION

On February 17, 2016, the Alcoholic Beverage Control Board (Board) cancelled the Retailer Class CT License ABRA-060455 held by 1610 Restaurant, LLC, t/a Stetson's (Licensee), located at 1610 U Street, N.W., Washington, D.C., because the Petitioner had ceased operations and failed to respond to a notice sent by mail on December 30, 2015, indicating that the Licensee had to place its license in safekeeping or risk cancellation. *In re 1610 Restaurant, LLC, t/a Stetsons*, ABRA License No. 060455, Board Order No. 2016-073, 1 (D.C.A.B.C.B. Feb. 17, 2016).

On February 26, 2016, TeemNow, LLC, (Petitioner) sought reinstatement of the Stetson license, because it had filed an application seeking transfer of the license to its possession on February 4, 2016. *Mot. for Recon.*, at 1. Petitioner argues that the license should be reinstated because the transfer application was filed in February 2016 and the Petitioner had no notice of the cancellation.

The Board denies the motion for several reasons. First, the letter informing Stetson of its obligation to place the license in safekeeping was sent on December 30, 2015—long before the transfer application was filed. Stetson's failure to maintain the license in good standing occurred before the current transfer application was filed; therefore, there is no excuse on the part of

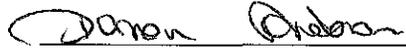
Stetson for failing to comply with the safekeeping requirement. D.C. Official Code § 25-791(a). Second, there is no obligation to inform the Petitioner of the Licensee's failure to maintain the license in good standing or the Board's intention to cancel the license, because the Petitioner lacks control or ownership of the Licensee's license at this time. Third, the Petitioner lacks standing to raise any claims on behalf of the Licensee.

ORDER

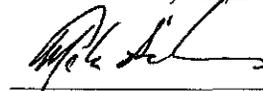
Accordingly, the Board, on this 2nd day of March, 2016, hereby **DENIES** the Motion for Reconsideration filed by the Petitioner.

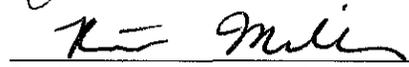
A copy of this Order shall be sent to the Petitioner and Licensee.

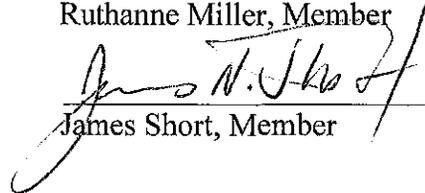
District of Columbia
Alcoholic Beverage Control Board


Donovan Anderson, Chairperson


Nick Alberti, Member


Mike Silverstein, Member


Ruthanne Miller, Member


James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

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, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) 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) (2004).