

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

In the Matter of:	)	
	)	
Cabo Negro, Inc.	)	License No.: 090993
t/a The Guards	)	Case No.: N/A
	)	Order No.: 2013-025
	)	
	)	
Holder of a Retailer's Class CR License	)	
at premises	)	
2915 M Street, N.W.	)	
Washington, D.C. 20007	)	
	)	

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

**ALSO PRESENT:** Cabo Negro, Inc., t/a The Guards, Applicant  
  
Andrew Kline, Non-Lawyer Representative.,  
on behalf of the Applicant  
  
Martha Jenkins, Esq., General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER REMOVING CONDITION ON LICENSE**

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Cabo Negro, Inc., t/a The Guards, (Applicant) has requested that the Alcoholic Beverage Control Board (Board) remove the requirement on ABRA License No. 090993 that requires the holder to employ Metropolitan Police Department (MPD) officers through the Reimbursable Detail Program. The Board ordered the former holder of the license to participate in this program in August 2008 between the hours of 11:00 p.m. and 3:00 a.m. on Friday and Saturday. In re Guards, Inc. t/a The Gauards, Case Number 10-251-00188, Board Order No. 2011-124 (D.C.A.B.C.B. Feb. 16, 2011). The Applicant came before the Board for a Fact Finding Hearing for the purposes of discussing this request with the Board on December 12, 2012.

During the Fact Finding Hearing, the Applicant stated that it was merely purchasing the license from The Guards—not the business. *Transcript (Tr.)*, December 12, 2012 at 6, 9. If the

Applicant obtains the license, it intends to remodel the establishment and operate it as an Italian restaurant under a new trade name. *Tr.*, 12/12/12 at 9-11. Based on this change in the establishment's business model, there is no reason to maintain the Reimbursable Detail requirement on the establishment.

### **ORDER**

Therefore, based on the foregoing, the Board, on this 16th day of January 2012, hereby **GRANTS** the request made by Cabo Negro, Inc., t/a The Guards. The Board rescinds the requirement that the license holder participate in the Reimbursable Detail program so long as, under D.C. Official Code § 25-104(e), the Applicant complies with the following conditions:

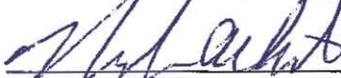
- (1) The Applicant completes the transfer of the liquor license;
- (2) The Applicant changes the trade name of the establishment;
- (3) The Applicant shall not permit amplified music to be played at the establishment; and
- (4) The Applicant shall offer a substantially different menu than the previous holder of license.

The Alcoholic Beverage Regulation Administration shall deliver copies of this Order to the Applicant.

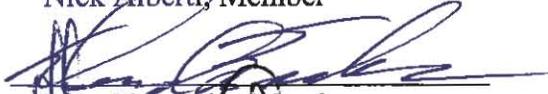
District of Columbia  
Alcoholic Beverage Control Board



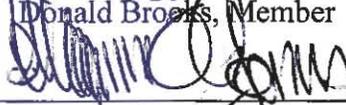
Ruthanne Miller, Chairperson



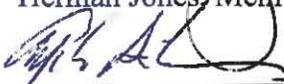
Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



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).