

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

**In the Matter of:** )  
 )  
Burger 1300, LLC )  
t/a Black and Orange )  
 )  
Holder of a )  
Retailer's Class CR License )  
 )  
at premises )  
1300 Connecticut Ave, N.W. )  
Washington, D.C. 20036 )  
 )

Case Nos. 14-AUD-00081  
License No. ABRA-088378  
Order No. 2015-252

**BEFORE:** Ruthanne Miller, Chair  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Mike Silverstein, Member  
Hector Rodriguez, Member  
James N. Short, Member

**ALSO PRESENT:** Walter Adams, Assistant Attorney General  
Office of the Attorney General for the District of Columbia  
  
Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

---

**ORDER SUA SPONTE DISMISSING CASE NO. 14-AUD-00081**

---

THIS CAUSE is before the Alcoholic Beverage Control Board (Board) sua sponte.

The Board executed a Notice of Status Hearing and Show Cause Hearing (Notice), on April 1, 2015. The Notice charged Burger 1300, LLC t/a Black and Orange (Respondent) with the following violation:

Charge I: The Licensee failed to file with the Board the required quarterly statements report for the April-June 2014 Quarter, including gross receipts for food sales, total expenses for the purchase of food and

alcoholic beverages, and the expenses for purchases of food and alcoholic beverages separately, in violation of D. C. Official Code § 25-113)b) (2) (A).

*ABRA Show Cause File No. 14-AUD-00081*, Notice of Status Hearing and Show Cause Hearing, 2 (April 1, 2015).

Pursuant to the Notice, the Show Cause Status Hearing is scheduled for May 20, 2015, and the Show Cause Hearing is scheduled for June 24, 2015.

On April 29, 2015, the Board cancelled the Respondent's Retailer's Class CR license for failure to make the third year payment of its licensing fees. See Board Order No. 2015-234. The Board finds that as a result of the cancellation of the Respondent's license and the subsequent termination of its operations, it is now administratively economical and efficient to forego the adjudication of this case.

### **ORDER**

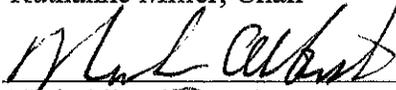
Therefore, the Board, on this 6th day of May, 2015, **DISMISSES** Case No. 14-AUD-00081 and **CANCELS** all hearings related to this matter.

Copies of this Order shall be sent to the Respondent and the Government.

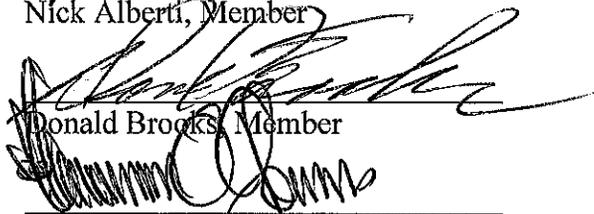
District of Columbia  
Alcoholic Beverage Control Board



Ruthanne Miller, Chair



Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, Member

Pursuant to D.C. Official Code § 25-433, 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 14<sup>th</sup> 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).