

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

In the Matter of:)	
)	
Bon Appetit Management Company)	
t/a Bon Appetit)	
)	
Application for Renewal of a)	Case No. 13-PRO-00089
Retailer's Class DR License)	License No. ABRA-071077
)	Order No. 2013-354
at premises)	
4400 Massachusetts Avenue, N.W.)	
Washington, D.C. 20016)	

Bon Appetit Management Company, t/a Bon Appetit (Applicant)

Thomas M. Smith, on behalf of A Group of Five or More Individuals (Approximately 11 Individuals) (Protestant)

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

ORDER DENYING APPLICANT'S REQUEST FOR REINSTATEMENT

The Application filed by Bon Appetit Management Company, t/a Bon Appetit, for renewal of its Retailer's Class DR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 24, 2013, in accordance with D.C. Official Code § 25-601 (2001).

On June 24, 2013, the Board dismissed the Application, because the Applicant failed to appear at the Roll Call Hearing. *See* Board Order No. 2013-315.

On July 8, 2013, Jerry A. Moore III, Esq., on behalf of the Applicant, submitted a Request for Reinstatement stating that the Applicant's failure to attend the Roll Call Hearing. The Applicant's stated failure to attend the Roll Call Hearing was because the Notice of the Roll Call Hearing was not received by the Applicant's appropriate personnel until after the Roll Call Hearing was held.

Based upon the above, the Board finds that the Applicant was properly notified of the Roll Call Hearing date. The Applicant's explanation regarding the lack of

Bon Appetit Management Company
t/a Bon Appetit
Case No. 13-PRO-00089
License No. ABRA-071077
Page 2

communication with its staff does not constitute good cause under which the Board can grant reinstatement pursuant to 23 DCMR § 1602.3.

ORDER

The Board does hereby, this 24th day of July, 2013, **DENY** the reinstatement of the Application filed by Bon Appetit Management Company, t/a Bon Appetit, for renewal of its Retailer's Class DR License. Copies of this Order shall be sent to the Applicant and Thomas M. Smith, on behalf of the Group of Five or More Individuals.

Bon Appetit Management Company
t/a Bon Appetit
Case No. 13-PRO-00089
License No. ABRA-071077
Page 3

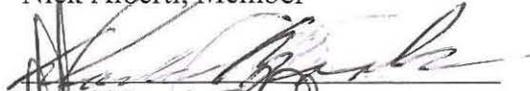
District of Columbia
Alcoholic Beverage Control Board



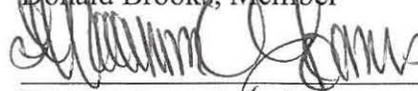
Ruthanne Miller, Chairperson



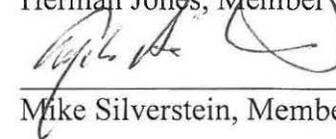
Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, Member

Pursuant to D.C. Official Code § 25-433, any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.