

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

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In the Matter of: )	
)	
Bon Appetit Management Company )	License Number: 71077
t/a Bon Appetit Mgt. Co. )	Case Number: 10-PRO-00070
)	Order Number: 2010-461
Applicant for Renewal of a )	
Retailer's Class DR License )	
)	
at premises )	
4400 Massachusetts Avenue, N.W. )	
Washington, D.C. 20016 )	
_____ )	

Bon Appetit Management Company, t/a Bon Appetit Mgt. Co, Applicant

Stu Ross, Chairperson, Advisory Neighborhood Commission (ANC) 3D, Protestant

BEFORE: Charles Brodsky, Chairperson  
Mital Gandhi, Member  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Calvin Nophlin, Member  
Mike Silverstein, Member

**ORDER DENYING MOTION FOR RECONSIDERATION**

The Application filed by Bon Appetit Management Company, t/a Bon Appetit Mgt. Co. (Applicant) to renew its Retailer's Class DR License, having been protested by ANC 3D (Protestant), came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 28, 2010. On June 28, 2010, the Board dismissed the Application and the Protest because the parties failed to appear at the Roll Call Hearing.

On July 21, 2010, the Board found that the Applicant had good cause for not appearing at the Roll Call Hearing and reinstated the Applicant. Further, on August 11, 2010, the Board reinstated the Protestant because the Board agreed that the Protestant had good cause for not appearing at the Roll Call Hearing.

Subsequently, on August 10, 2010, the Applicant has filed a Motion for Reconsideration, which requests that the Board reconsider its decision to reinstate the Protestant. In turn, the Protestant filed a response. The Board notes that the determination of good cause is within the Board's discretion. 23 DCMR § 1602.3 (2008).

Upon consideration of the Applicant's Motion, the Protestant's response, and the entire record of this matter, the Board, on this 8th day of September 2010, hereby **DENIES** the Applicant's Motion for Reconsideration.

District of Columbia  
Alcoholic Beverage Control Board

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Charles Brodsky, Chairperson

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Nick Alberti, Member

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Donald Brooks, Member

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Herman Jones, Member

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Calvin Nophlin, Member

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Mike Silverstein, Member

I dissent from the position taken by the majority of the Board.

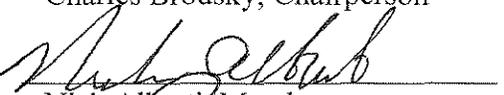
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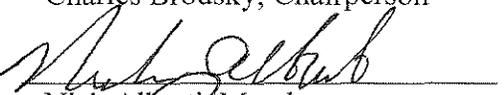
Mital M. Gandhi, Member

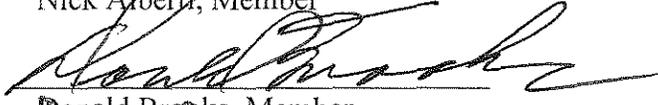
Pursuant to Section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001) and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of the service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington D.C. 20001.

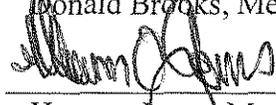
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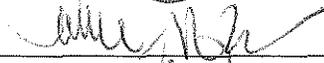
District of Columbia  
Alcoholic Beverage Control Board

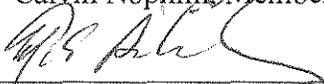
  
Charles Brodsky, Chairperson

  
Nick Alberti, Member

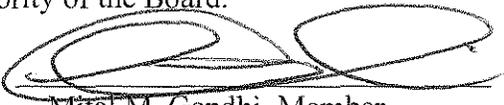
  
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