

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

In the Matter of:)		
)		
Sheldon Arpad)	License Number:	85370
t/a Come to Eat)	Order Number:	2014-078
)		
Holder of a)		
Retailer's Class CR License)		
at premises)		
3222 O Street, N.W.)		
Washington, D.C. 20007)		

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

ALSO PRESENT: Sheldon Arpad, t/a Come to Eat, Licensee

Martin P. Schaffer, Counsel, on behalf of the Licensee

Martha Jenkins, Esq, General Counsel
Alcoholic Beverage Regulation Administration

ORDER CANCELING ABRA LICENSE NO. 85370

On February 19, 2014, Sheldon Arpad, t/a Come to Eat (Licensee) appeared before the Board for a fact finding hearing reviewing the Licensee's request to permit it to maintain its Retailer's Class CR License in safekeeping. On October 2, 2013, the Board had indicated that it would cancel the license if the Licensee did not present the Board with a bona fide transferee and documents proving that a transfer had or would occur by December 19, 2014. *Transcript (Tr.)*, October 2, 2013 at 3, 5.

Under District of Columbia Official Code § 25-791(a), discontinued licenses must be surrendered to the Board for safekeeping. D.C. Official Code § 25-791(a). Under the law, "if the licensee has not initiated proceedings to resume operations or transfer the license within 60 days after suspension, the Board may deem the license abandoned after giving notice to the licensee." *Id.* Furthermore, "[t]he Board may extend the period of safekeeping beyond 60 days for reasonable cause, such as fire, flood, other natural disaster;

rebuilding or reconstruction; or to complete the sale of the establishment. § 25-791(b). In addition, the Board is charged with reviewing the request “every 6 months to ensure that the licensee is making reasonable progress on returning to operation.” § 25-791(c).

Under the safekeeping law, the Licensee has a duty to ensure that it makes “reasonable progress” to return the business to operation or transfer the license. In this case, the Licensee has no intent to operate a restaurant itself and is not able to transfer the license at this time, because the Licensee has not found a buyer. Consequently, the Board finds that the Licensee has not made reasonable progress in returning the business to operation and finds that the Licensee does not merit further extensions of the safekeeping period.

ORDER

Therefore, on this 26th day of February 2014, the Board hereby **CANCELS** ABRA License Number 85370, held by Sheldon Arpad, t/a Come to Eat, in accordance with this Order. A copy of this Order shall be delivered to the Licensee.

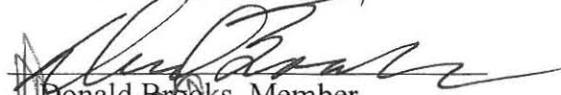
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



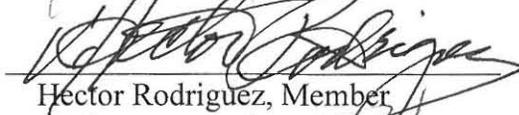
Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, Member

Pursuant to 23 DCMR § 1719.1 (2008), 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, NW, 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, 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. 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).