

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

In the Matter of:

600 F D.C., LLC

t/a Fuel Pizza & Wings

Application for Substantial Change

(Sidewalk Café)

to a Retailer's Class CR License

at premises

600 F Street, N.W.

Washington, D.C. 20004

Case No. 12-PRO-00065

License No. ABRA-088727

Order No. 2012-377

600 F D.C., LLC, t/a Fuel Pizza & Wings (Applicant)

Kevin Wilsey and Roberta Weiner, Commissioners, on behalf of Advisory Neighborhood Commission (ANC) 6C

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

ORDER DENYING APPLICANT'S REQUEST FOR REINSTATEMENT

The Application filed by 600 F D.C., LLC, t/a Fuel Pizza & Wings, for a Substantial Change to include a new sidewalk café with 22 seats, to its Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on August 27, 2012, in accordance with D.C. Official Code § 25-601 (2001).

On August 27, 2012, the Board dismissed the Application, because the Applicant failed to appear at the Roll Call Hearing. See Order No. 2012-352, dated September 12, 2012.

Lincoln Clark, owner of the establishment, submitted correspondence dated September 13, 2012, requesting the reinstatement of his Application, indicating that he was not aware that a Roll Call Hearing had been scheduled for August 27, 2012.

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Skip Coburn, Applicant's Representative, submitted correspondence dated September 14, 2012, requesting reinstatement of the Application, indicating that he was not aware that a Roll Call Hearing had been scheduled for August 27, 2012. He did not receive notice of the hearing because he was in Europe from August 10th until September 12th, 2012. In addition, Mr. Coburn indicated that ABRA staff informed him that ANC 6C's protest would not affect the Application.

ABRA's records show that on July 17, 2012, ABRA staff mailed Mr. Coburn a letter informing him that the date of the Roll Call Hearing was scheduled for August 27, 2012, at 10:00 a.m., twenty three days before Mr. Coburn's trip to Europe.

In addition, on July 17, 2012, at 8:59 p.m., Mr. Coburn sent an email to Mr. Clark, indicating that "Fuel Pizza restaurant at 600 "F" Street, NW is not in ANC-6C, but it is within 600 feet of ANC-6C, so they have standing to protest – which they did."

Based upon the above, the Board finds that the Applicant was notified of ANC 6C's protest, and the date and time of the Roll Call Hearing. Further, the Board does not find good cause to reinstate the Applicant, because the Applicant did not demonstrate an effort to attend the Roll Call Hearing. Further, Mr. Clark and Mr. Coburn explanations do not constitute good cause under 23 DCMR § 1602.3.

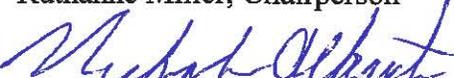
ORDER

The Board does hereby, this 10th day of October, 2012, **DENY** the reinstatement of the Applicant. Copies of this Order shall be sent to the Applicant and ANC 6C.

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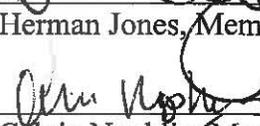
District of Columbia
Alcoholic Beverage Control Board

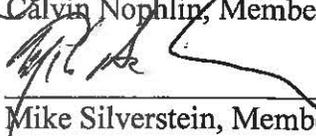

Ruthanne Miller, Chairperson


Nick Alberti, Member


Donald Brooks, Member


Herman Jones, Member


Calvin Nophlin, 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, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.