

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

In the Matter of:

Night and Day Management, LLC
t/a Fur Factory

Holder of a
Retailer's Class CN License

at premises
33 Patterson Street, N.E.
Washington, D.C. 20002

Case Numbers: 11-251-00102
 11-251-00202
 11-251-00117
License Number: ABRA-060626
Order Number: 2013-069

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

ORDER VACATING BOARD ORDER NO. 2011-356

On July 27, 2011, Night and Day Management, LLC, t/a Fur Factory (Licensee), holder of a Retailer's Class CN License, located at 33 Patterson Street, N.E., Washington, D.C., came before the Alcoholic Beverage Control Board (Board) for a Fact Finding Hearing.

The Board held the Fact Finding Hearing on three investigative reports based on Metropolitan Police Department for the District of Columbia (MPD) PD 251 reports and Alcoholic Beverage Regulation Administration (ABRA) Enforcement Division investigations. Two of the three incidents involved a physical altercation in areas adjacent to the establishment, which triggered a Fact Finding Hearing pursuant to Title 23 of the District of Columbia Municipal Regulations (23 DCMR) § 1611.

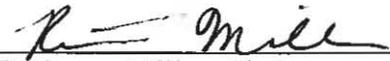
On August 17, 2011, the Board issued Board Order No. 2011-356, which imposed several conditions on the Licensee's ABC-license. *See* Board Order No. 2011-356.

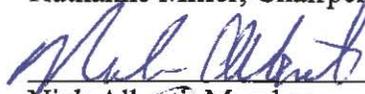
The Licensee subsequently appealed the Board's Order No. 2011-356 to the District of Columbia Court of Appeals (Court). In its Order dated October 5, 2012, Case No. 11-AA-1153, the Court granted the Board's motion to remand the case to the Board for appropriate action.

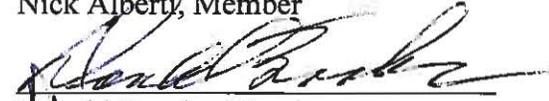
The Board does hereby, this 20th day of March, 2013, **VACATE** its August 17, 2011, Order No. 2011-356. All other Board Orders, to include the Offer in Compromise dated October 17, 2012, remains in full force and effect.

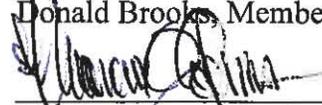
Copies of this Order shall be sent to the Licensee and the Government.

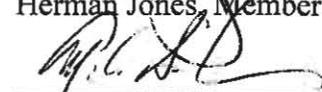
District of Columbia
Alcoholic Beverage Control Board


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 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.

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).