

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

In the Matter of:	)	
	)	
A&F, LLC	)	Case No.: 14-CC-00057
t/a L Street Market	)	License No.: 079164
	)	Order No.: 2015-063
Holder of a Retailer's Class B License	)	
	)	
at premises	)	
1100 4th Street, NE	)	
Washington, D.C. 20002	)	

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

**ALSO PRESENT:** Afework Dawit, on behalf of A& F, LLC t/a L Street Market, Respondent  
  
Fernando Rivero, Assistant Attorney General  
Office of the Attorney General for the District of Columbia  
  
Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER DENYING RESPONDENT'S MOTION FOR RECONSIDERATION**

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On January 14, 2015, the Alcoholic Beverage Control Board imposed a fine of \$4,000.00 on A&F, LLC t/a L Street Market, (Respondent) and ordered the license suspended for ten days with six of those suspension days to be served from January 20 through January 25, 2015, and four days to be stayed for a one-year period which should not go into effect unless the Board finds that the Respondent committed a violation within one year from the date of its order. *Licensing File No. ABRA-079164, Investigative History; See also A&F, LLC t/a L Street Market, Case No. 14-CC-00057, Board Order No. 2015-017 (D.C.A.B.C.B. Jan. 14, 2015).* In its Order,

the Board found that the Respondent sold alcoholic beverages to an underage male on April 14, 2014 in violation of D.C. Code § 25-781 (a)(1). *A&F, LLC t/a L Street Market*, Case No. 14-CC-00057, Board Order No. 2015-017 (D.C.A.B.C.B. Jan. 14, 2015). The Board deemed this violation to be the Respondent's second Sale to Minor violation within two years. *Id.*

On February 3, 2015, the Board received a Motion for Reconsideration requesting a reduction in the fine payment imposed by the Board, and argued that the since Respondent has put forth considerable effort to stop selling alcoholic beverages to minors, the Board should reconsider the penalty set forth in Board Order No. 2015-017. *Mot. for Recon.*, 1.

### **Discussion**

The Board affirms its prior Order and denies the Respondent's Motion for Reconsideration. First, the Board finds that the Respondent's Motion fails to conform to the requirements of a petition for reconsideration. Under 23 DCMR 1719.3, a petition for reconsideration shall state briefly the matters of record alleged to have been erroneously decided, the grounds relied upon, and the relief sought. 23 DCMR § 1719.3. In this matter, the Respondent has failed to demonstrate that the Board erroneously decided any of its Conclusions of Law in its order. *See* 23 DCMR § 1719.3.

In addition, the Board sees no reason to depart from its penalty determination. Here, the Board made its determination based upon substantial evidence on the record showing that the Respondent violated D.C. Code § 25-781 (a)(1) for a second time within two years. By imposing a fine of \$4,000 and a suspension for ten days with six of those suspension days to be served and four days to be stayed, the Board did not exceed the maximum penalty allowed by law. *See* D.C. Code § 25-781 (a)(2). Further, ABRA records indicate that not only is this the Respondent's second sale to minor violation within two years, it is the third sale to minor violation recorded for this license. *Licensing File No. ABRA-079164*, Investigative History. Based on these facts, the Board finds that the Respondent's request for leniency of the imposed penalty as unpersuasive.

### **ORDER**

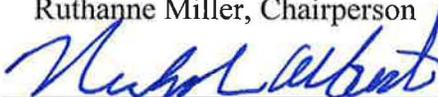
Therefore, based on the foregoing, the Board, on this 25<sup>th</sup> day of February 2015, **DENIES** the Motion for Reconsideration filed by A&F, LLC t/a L Street Market. ABRA shall deliver copies of this Order to the Government and the Respondent.

**IT IS FURTHER ORDERED** that the penalty fines totaling \$4,000 set forth in Board Order No. 2015-017 are still in effect. The Board **ADVISES** that during the time of consideration of the Motion for Reconsideration filed by the Respondent, these fines were temporarily suspended.

**IT IS FURTHER ORDERED** that the Respondent is to pay these penalty fines by no later than thirty (30) days from the date of this Order or its license shall be suspended until all outstanding fines are paid.

District of Columbia  
Alcoholic Beverage Control Board

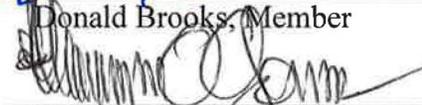
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Ruthanne Miller, Chairperson



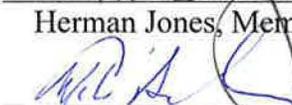
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Nick Alberti, Member



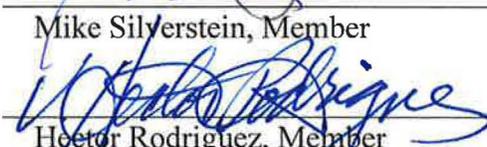
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Donald Brooks, Member



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Herman Jones, Member



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Mike Silverstein, Member



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Hector Rodriguez, Member



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James Short, 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, Reeves Center, 2000 14th Street, N.W., 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, District of Columbia 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 (April 2004) 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).