

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

**In the Matter of:** )

Four Kicks, LLC )  
t/a Lunchbox )

Applicant for a New )  
Retailer's Class CR )

at premises )  
5335 Wisconsin Avenue, N.W. )  
Washington, D.C. 20015 )

Case No. 14-PRO-00058  
License No. ABRA-095410  
Order No. 2014-331

Four Kicks, LLC, t/a Lunchbox (Applicant)

James Bonham, on behalf of A Group of Five or More Individuals

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

**ORDER REVOKING APPLICANT'S STIPULATED LICENSE**

Four Kicks, LLC, t/a Lunchbox, (Applicant) has filed an Application for a new Retailer's Class CR License at 5335 Wisconsin Avenue, N.W., Washington, D.C., with the Alcoholic Beverage Control Board (Board). *See* ABRA Licensing File No. ABRA-095410. The Alcoholic Beverage Regulation Administration (ABRA) posted a Notice of Public Hearing on the Applicant's premises on June 13, 2014. *See* ABRA Licensing File No. ABRA-095410, Notice of Public Hearing. The last day to file a petition against the Application was on July 28, 2014, and the Roll Call Hearing in this matter was held on August 11, 2014.

ABRA regulations allow an applicant for a Retailer's Class CR License to obtain a Stipulated License before the Board approves the request for licensure. Title 23 of the District of Columbia Municipal Regulations (DCMR) § 199. Under a Stipulated License, the Applicant is entitled to sell, serve, and permit the consumption of alcohol on its premises during the protest period. 23 DCMR §§ 199, 200.1(c). Once issued, the Applicant "must stop serving alcoholic

beverages under the stipulated license if a valid protest is filed against the applicant during the 45-day protest period.” 23 DCMR § 200.1(c).

ABRA records indicate that the Board issued the Applicant a Stipulated License. *See* ABRA Licensing File No. ABRA-095410. On August 11, 2014, the Board Agent conducted the Roll Call Hearing and A Group of Five or More Individuals was granted conditional standing to protest the Application.

The Board adopts the determination of the Board Agent at the Roll Call Hearing. Therefore, because the Group of Five or More Individuals has filed a valid protest against the Application, the Board must allow the Stipulated License to expire as of August 11, 2014, the date of the Roll Call Hearing under 23 DCMR § 200.1(c).

### **ORDER**

Therefore, the Board, on this 10<sup>th</sup> day of September, 2014, hereby **ORDERS** that the Stipulated License issued to Four Kicks, LLC, t/a Lunchbox, has **EXPIRED**. The Applicant shall immediately **CEASE AND DESIST** selling, serving, or permitting the consumption of alcohol on its premises. The Board also adopts the finding and recommendations of its Agent at the Roll Call Hearing. Copies of this Order shall be sent to the Applicant and James Bonham, on behalf of A Group of Five or More Individuals.

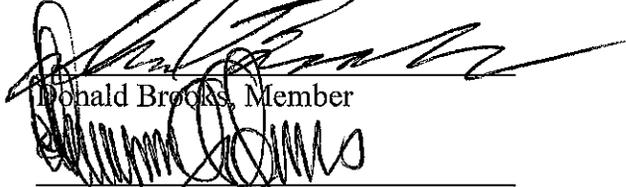
District of Columbia  
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



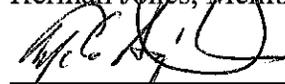
Nick Alberti, Member



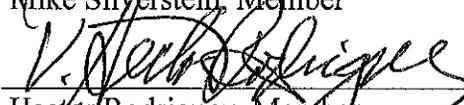
Donald Brooks, Member



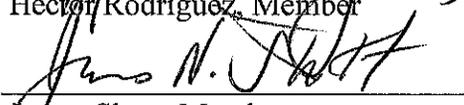
Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14<sup>th</sup> Street, N.W., Suite 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 D.C. Official Code § 25-433, 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).