

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

In the Matter of:

LSEMY, LLC
t/a Mike's Market/Trinidad Market

Applicant for a New
Retailer's Class A License

at premises
1322 Florida Avenue, N.E.
Washington, D.C. 20002

Case No.: 16-PRO-00004
License No.: 100653
Order No.: 2016-095

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

PARTIES: LSEMY, LLC, t/a Mike's Market/Trinidad Market, Applicant

Adam Roberts, Chairperson, on behalf of Advisory Neighborhood
Commission (ANC) 5D

ORDER DENYING MOTION FOR REINSTATEMENT

The Alcoholic Beverage Control Board (Board) dismissed the protest of Advisory Neighborhood Commission (ANC) 5D based on its failure to send a representative to the Roll Call Hearing related to the Application of LSEMY, LLC, t/a Mike's Market/Trinidad Market. *In re LSEMY, LLC, t/a Mike's Market/Trinidad Market*, Case No. 16-PRO-00004, Board Order No. 2016-058, 1 (D.C.A.B.C.B. Feb. 10, 2016).

ANC 5C filed a Motion for Reinstatement in this case, which indicated that it may have made some procedural errors in this case and urges the Board to consider the importance of this case to the community. *Letter from Adam Roberts, Chairperson, ANC 5C, to the Alcoholic Beverage Control Board*, 2-3 (Feb. 17, 2016). Under § 1602.3, the importance of the matter or the procedural errors made by a party do not constitute good cause for missing a required hearing. Consequently, ANC 5C has not presented the Board with sufficient grounds to merit reinstatement.

ORDER

Therefore, the Board, on this 24th day of February 2016, hereby **DENIES** the Motion for Reconsideration. ABRA shall deliver a copy of this Order to the parties.

District of Columbia
Alcoholic Beverage Control Board

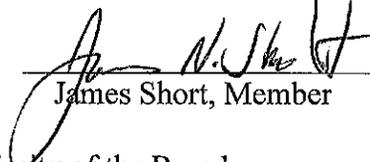


Donovan Anderson, Chairperson



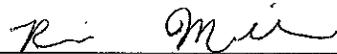
Nick Alberti, Member

Mike Silverstein, Member



James Short, Member

I dissent from the position taken by the majority of the Board.



Ruthanne Miller, Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). 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).