

**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.: 2016-119

**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, and Yvonne Buggs, Commissioner, on  
behalf of Advisory Neighborhood Commission (ANC) 5D

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**ORDER DENYING MOTION FOR RECONSIDERATION**

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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 Protest Status 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).

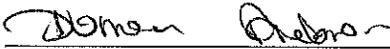
The Board denied a Motion for Reinstatement on February 24, 2016. *LSEMY, LLC, t/a Mike's Market/Trinidad Market*, Case No. 16-PRO-0004, Board Order No. 2016-095, 1-2 (D.C.A.B.C. Feb. 24, 2016). In an email, Commissioner Yvonne Buggs requested reconsideration of indicates that the Board may not have considered her letter, dated February 15, 2016, which explained her reason for missing the hearing on February 10, 2016. She indicates that the Board may have only considered a separate letter, sent by the ANC's chairperson.

The Board denies the motion for reconsideration. First, the filing of two motions on the same matter by one party is improper under the regulations; therefore, the filing by Commissioner Buggs and the chair of ANC 5D on the matter of reinstatement violated the Board's procedures. D.C. Official Code § 1716.7. Second, there is no indication that the present request for reconsideration was served on the other side. 23 DCMR § 1716.1(c). Third, even if the Board credits the February 15 letter, there is no indication that the health emergency was ongoing at the time of the Status Hearing, that the ANC was incapable of notifying the Board of its absence, or that the ANC was incapable of sending a substitute. Therefore, there is no showing of good cause for the failure to miss the hearing. 23 DCMR § 1602.3 (West Supp. 2016).

### **ORDER**

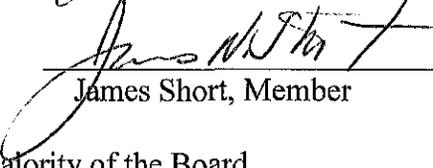
Therefore, the Board, on this 9th day of March 2016, hereby **DENIES** the Motion for Reconsideration. ABRA shall deliver a copy of this Order to the parties.

District of Columbia  
Alcoholic Beverage Control Board

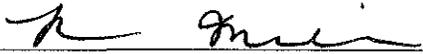
  
\_\_\_\_\_  
Donovan Anderson, Chairperson

  
\_\_\_\_\_  
Nick Alberti, Member

  
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Mike Silverstein, Member

  
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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 14<sup>th</sup> 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).