

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

In the Matter of:)	
)	
Queen of Sheba, Inc.)	License No.: 073644
t/a Queen of Sheba)	Case No.: 10-CMP-00783
)	Order No.: 2011-459
Holder of a Retailer's Class CR License)	
at premises)	
1503 9th Street, N.W.)	
Washington, D.C. 20001)	

BEFORE: Nick Alberti, Interim Chairperson
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ALSO PRESENT: Queen of Sheba, Inc., t/a Queen of Sheba

Maureen W. Zaniel, Senior Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING RESPONDENT'S MOTION FOR RECONSIDERATION

The Board served Queen of Sheba, Inc., t/a Queen of Sheba, (Respondent), at premises 1503 9th Street, N.W., Washington, D.C., with a Notice of Status Hearing and Show Cause Hearing (Notice) on March 25, 2011, which charged the Respondent with violating D.C. Official Code § 25-113(b)(2)(A) and 23 DCMR § 2107.1. The Board held the Show Cause Status Hearing for this matter on July 6, 2011, and we held the Show Cause Hearing for this matter on August 3, 2011.

The Board originally scheduled this matter for 4:00 p.m. on August 3, 2011. Nevertheless, on July 25, 2011, the Board sent a letter to 1503 9th Street, N.W., informing Embzam Misgina that the hearing had been rescheduled for 1:30 p.m. See *Alcoholic Beverage Regulation Administration (ABRA) Show Cause File No. 073644*. Mr. Misgina did not appear at the 1:30 p.m. hearing, and arrived, only later, around the time we originally scheduled the hearing.

On September 14, 2011, the Alcoholic Beverage Control Board found the Respondent liable for the charges indicated in the Notice. Queen of Sheba, Inc., t/a Queen of Sheba, Board Order No. 2011-378, 3 (D.C.A.B.C.B. Sept. 14, 2011). The Respondent was ordered to pay a \$4,000.00 fine and had its license suspended for five (5) days. Id. at 4.

Subsequently, Mr. Misgina, on behalf of the Respondent, filed a Motion for Reconsideration (Motion) with the Board, dated October 6, 2011. Mr. Misgina asserts that he did not receive the letter from ABRA, which informed him that the hearing had been rescheduled. Mr. Misgina then requests that the Board reconsider its Order. Mr. Misgina's assertions are countered by our records, which indicate that the letter was timely mailed by ABRA. Therefore, we deny the Motion.

ORDER

Based on the foregoing findings of fact and conclusions of law, the Board, on this 26th day of October 2011, **DENIES** the Motion for Reconsideration filed by the Respondent. Copies of this Order shall be sent to the Government and the Respondent.

District of Columbia
Alcoholic Beverage Control Board

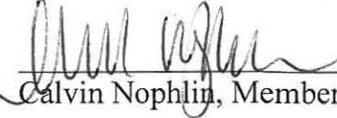


Nick Alberti, Interim Chairperson



Donald Brooks, Member

Herman Jones, Member



Calvin Nophlin, Member

Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (2008), 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, 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).