

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

In the Matter of:)		
)		
Woodward Bros., Inc.)		
t/a The Rhino-Bar & Pumphouse)		
)	Case No.	13-CMP-00161
Holder of a)	License No.	ABRA-000523
Retailer's Class CT License)	Order No.	2014-285
)		
at premises)		
3295 M Street, N.W.)		
Washington, D.C. 20007)		

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

ALSO PRESENT: Charles B. Swan Jr., President, on behalf of Woodward Bros., Inc.,
t/a The Rhino-Bar & Pumphouse, Respondent

Walter Adams, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

**ORDER GRANTING RESPONDENT'S REQUEST TO STAY BOARD ORDER
2014-249**

The Alcoholic Beverage Control Board (Board) found that Woodward Bros., Inc., t/a The Rhino-Bar & Pumphouse, (Respondent), violated District of Columbia (D.C.) Official Code § 25-781(a) and (c), on February 24, 2013. The Board ordered the Respondent to pay a \$3,000.00 fine and have its license suspended for five (5) days. The suspension must run from July 8 through July 12, 2014. The Board dismisses Charge II.

Subsequently, the Respondent filed an appeal with the District of Columbia Court of Appeals and the Board received a petition to stay the Board's prior order. Because once served, a suspension cannot be undone, the Board will hold its decision in this matter in

abeyance until the court rules on the Respondent's petition. Kufлом v. District of Columbia Bureau of Motor Vehicle Services, 543 A.2d 340, 344 (D.C. 1988).¹

The Board notes that it has not received a Motion for Reconsideration from the Respondent; therefore, the Respondent has waived its opportunity to file such a motion in accordance with D.C. Official Code § 25-433(d)(1).

ORDER

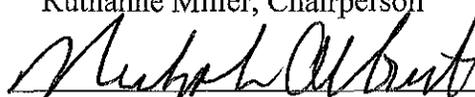
Based on the foregoing, the Board, on this 11th day of July 2011, hereby **STAYS** Board Order No. 2014-249. Copies of this Order shall be sent to the Respondent and the Government.

¹ The Board notes that the Respondent submitted its request by email and there is no indication that the Government is aware of this request. The Board renders the current decision, despite the failure to properly serve the Government, based on the filing of the appeal and the Board's belief that granting the request for a stay will not prejudice the Government. 23 DCMR § 1703.8.

District of Columbia
Alcoholic Beverage Control Board



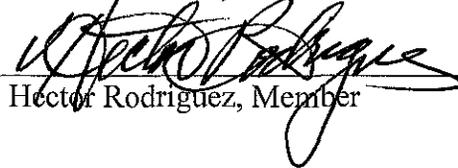
Ruthanne Miller, Chairperson



Nick Alberti, Member

Donald Brooks, Member

Mike Silverstein, Member



Hector Rodriguez, Member

James Short, Member

Pursuant to D.C. Official Code § 25-433, 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, 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).