

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

**In the Matter of:** )  
)  
JY Rigg’s Liquors, Inc. )  
t/a Rigg’s Liquors )  
)  
Application for Renewal of )  
Retailer’s Class A License )  
)  
at premises )  
5581 South Dakota Avenue N.E. )  
Washington, D.C. 20011 )  
)

Case No. 15-PRO-00043  
License No. ABRA-060532  
Order No. 2015-321

JY Rigg’s Liquors, Inc. t/a Rigg’s Liquors (Applicant)  
  
Ronald Austin, Chairperson, Advisory Neighborhood Commission (ANC) 4B (Protestant)

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

---

**ORDER DENYING PROTESTANT’S REQUEST FOR REINSTATEMENT**

---

The Application filed by JY Rigg’s Liquors t/a Rigg’s Liquors, for renewal of its Retailer’s Class A License, having been timely protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 1, 2015, in accordance with D.C. Official Code § 25-601 (2015).

On June 1, 2015, the Board dismissed the Protest of ANC 4B because the ANC failed to appear at the Roll Call Hearing. *See JY Rigg’s Liquors, Inc. t/a Rigg’s Liquors*, Case No.: 15-PRO-00043, Board Order No. 2015-288 (D.C.A.B.C.B. June 3, 2015). The ANC’s attendance at the Roll Call Hearing is required under 23 DCMR § 1603.3.

On June 4, 2015, the ANC requested Reinstatement. *ABRA Protest File 15-PRO-00043, ANC’s Request for Reinstatement* dated June 4, 2015. In its request, the ANC cited the failure to

receive written notice as its reason for failing to appear at the Roll Call Hearing on June 1, 2015. *Id.* Further, the ANC argued that the Applicant did not properly post placards announcing its application for license renewal. *Id.*

As set forth in 23 DCMR § 1602.3, the failure to appear in person or through a designated representative at the Roll Call Hearing may result in denial of the license application or dismissal of a protest, unless, in the discretion of the Board, good cause is shown. 23 DCMR § 1602.3.

Under 23 DCMR § 1601.7, the Board shall consider whether, in its discretion, the party has shown good cause for his or her failure to appear at Board hearings. 23 DCMR § 1601.7. Examples of good cause for failure to appear include, but are not limited to: sudden, severe illness or accident; death or sudden illness in the immediate family such as spouse, partner children, parents, siblings; incarceration; or severe inclement weather. 23 DCMR § 1601.6.

In this matter, the Board, in its discretion, does not find that the ANC's reason for failing to attend the Roll Call Hearing constitutes good cause. First, the Board does not find the ANC's argument that it did not receive notice of the Roll Call Hearing to be credible. The Board takes administrative notice of Alcoholic Beverage Regulation Administration (ABRA) records which indicate that the Notice of Roll Call Hearing (Notice) was mailed to the ANC Chairperson's address of record on or about May 19, 2015. This Notice was not returned for failure of delivery. In addition, the ANC received a placard notice detailing the deadline for filing petitions as well as the date of the scheduled Roll Call Hearing. *ABRA Protest File 15-PRO-00043, Placard Notice*. Receipt of this placard notice was evidenced by the ANC's timely filing of its Protest on April, 22, 2015. *ABRA Protest File 15-PRO-00043, ANC Protest Letter*, dated April 22, 2015. Thus, the Board does not find that the ANC's argument that it did not receive written notice and that the Applicant did not properly post placards inside the establishment constitutes good cause. For these reasons, the Board denies the ANC's Request for Reinstatement.

### ORDER

The Board does hereby, this 24th day of June, 2015, **DENIES** the Request for Reinstatement filed by the ANC.

Copies of this Order shall be sent to the Applicant and ANC 4B.

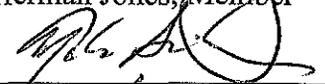
District of Columbia  
Alcoholic Beverage Control Board

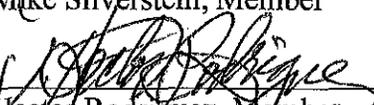
  
Ruthanne Miller, Chairperson

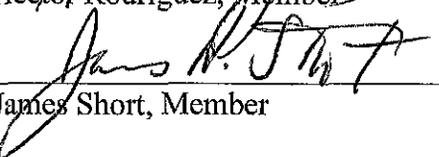
  
Nick Alberti, Member

  
Donald Brooks, Member

  
Herman Jones, Member

  
Mike Silverstein, Member

  
Hector Rodriguez, Member

  
James Short, Member

Pursuant to 23 DCMR § 1719.1 (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, 2000 14th Street, NW, 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, 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).