

another Commissioner to substitute for her at the hearing. Additionally, she regretted that time did not permit her to communicate her emergency to the Board prior to the hearing.

As set forth in 23 DCMR § 1602.2, 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 § 1602.3, the Board shall consider whether, in its discretion, the party has shown good cause for his or her failure to appear at Board hearings. 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 § 1602.3.

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. Commissioner Buggs acknowledged in the Motion that a family emergency precluded her attendance and that she attempted to find an alternative Commissioner to attend the hearing. She further acknowledged that time did not permit her to call the agency regarding the emergency.

The Board finds that just as easily as Commissioner Buggs was able to attempt to secure another Commissioner to appear at the Roll Call Hearing, she could have just as easily contacted the agency to notify it that neither she nor an alternative Commissioner would be in attendance.

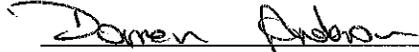
Thus, the Board does not find that the ANC's argument constitutes good cause. For these reasons, the Board denies the ANC's Request for Reinstatement of the Protest.

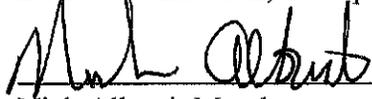
ORDER

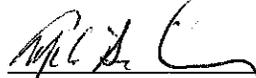
The Board does hereby, this 17th day of February, 2016, **DENY** the reinstatement of ANC 5D as a protestant of the Application filed by Yi Kheng Ung Liquors, LLC, t/a Roses Queen Liquors, for a Substantial Change to change its hours of operation and sales

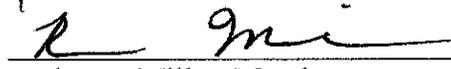
Copies of this Order shall be sent to the Applicant and ANC 5D.

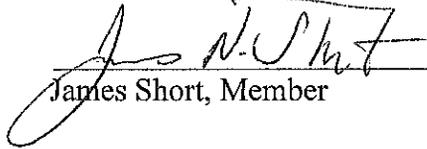
District of Columbia
Alcoholic Beverage Control Board


Donovan Anderson, Chairperson


Nick Alberti, Member


Mike Silverstein, Member


Ruthanne Miller, Member


James Short, 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).