

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

In the Matter of:)	
)	
Smith Commons DC LLC, t/a Smith Commons)	
)	Case No.: 14-AUD-00011
Holder of a)	License No.: 084598
Retailer's Class CR License)	Order No.: 2015-098
)	
at premises)	
1245 H Street, N.E.)	
Washington, D.C. 20002)	

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

ALSO PRESENT: Nate Bush, Esq., on behalf of Smith Commons DC, LLC t/a Smith Commons

Walter Adams II, Assistant Attorney General, on behalf of the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

**ORDER GRANTING THE GOVERNMENT'S MOTION TO DISMISS AND
ISSUING A MANDATORY WARNING**

This case arises from a Notice of Status Hearing and Show Cause Hearing (Notice) issued by the Alcoholic Beverage Control Board (Board) in the matter of Smith Commons DC LLC t/a Smith Commons located at 1245 H Street, N.E. Washington, D.C.

The Alcoholic Beverage Regulation Administration (ABRA) served the Investigative Report in Case Number 14-AUD-00011 on the Respondent on March 15, 2014. ABRA also served the Notice in this matter on January 9, 2015. The Notice charges the Respondent with one violation, which if proven true, would justify the imposition of a fine, as well as the suspension or revocation of the Respondent's license.

Specifically, the Notice charges the Respondent with the following violation:

Charge I: [On January 30, 2014] [y]ou failed to post your ABC license to manufacture, sell or permit the consumption of alcoholic beverages conspicuously in the licensed establishment in violation of D.C. Official Code § 25-711(a)...

ABRA Show Cause File No., 14-AUD-00011, Notice of Status Hearing and Show Cause Hearing, 2-3 (January 9, 2015).

At the Show Cause Hearing held on March 11, 2015, the Government moved the Board to dismiss the charge. The Respondent consented to the Government's motion.

The Board grants the Government's Motion to Dismiss the charge. Further, the Board, pursuant to D.C. Official Code § 25-711 (a), issues a Mandatory Warning for the violation charged in Case No. 14-AUD-00011.

ORDER

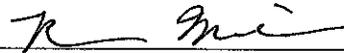
Therefore, the Board, on this 11th day of March, 2015, hereby **GRANTS** the Government's Motion to Dismiss.

IT IS FURTHER ORDERED that the Respondent shall be issued a Mandatory Warning for its violation of D.C. Official Code § 25-711 (a).

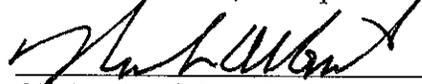
A copy of this Order and the OIC shall be sent to the Respondent and to the Government.

District of Columbia
Alcoholic Beverage Control Board

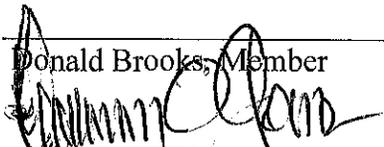
District of Columbia
Alcoholic Beverage Control Board



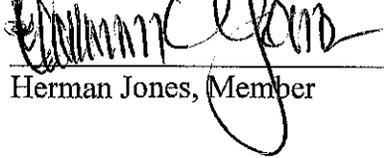
Ruthanne Miller, Chairperson



Nick Alberti, Member



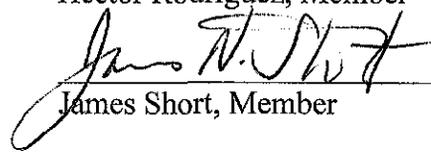
Donald Brooks, Member



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, 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).