THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:		
Restaurant Enterprises, Inc. t/a Smith Point	Case Nos.:	16-CMP-00211 16-CMP-00322
Holder of a Retailer's Class CT License	License No.:	60131
	Order No.:	2017-155
at premises 1338 Wisconsin Avenue, N.W. Washington, D.C. 20007		

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Mafara Hobson, Member
Jacob Perry, Member

ALSO PRESENT: Restaurant Enterprises, Inc., t/a Smith Point, Respondent

Andrew Kline, Counsel on behalf of the Respondent

Louise Phillips, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

INTRODUCTION

The Alcoholic Beverage Control Board (Board) finds that Restaurant Enterprises, Inc., t/a Smith Point, (hereinafter "Respondent" or "Smith Point") committed two counts of charging a cover charge without an endorsement and one count of providing live entertainment without an endorsement. The Respondent shall pay a fine of $5,750 for the three offenses. The remaining charges are dismissed.

The Board further advises the alcohol industry that this case presented the issue of how the term "disc-jockey booth" is defined in § 25-101(19A). This issue has some relevance to many businesses and the public, because it may impact whether an establishment is required to apply for a substantial change or entertainment endorsement from the Board. In considering the needs of both businesses and the community, the Board interprets a "disc-jockey booth" as "any area containing disc jockey equipment—such as laptops, mixers, speakers, or turntables—that may be occupied by a person for the purpose of playing recorded music so long as the area is in a location visible to the public." *Infra*, at ¶ 22.

The Board's reasoning is described below.

Procedural Background

I. Case No. 16-CMP-00211

Case No. 16-CMP-00211 arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which the Board executed on June 20, 2016. *ABRA Show Cause File No., 16-CMP*-00211, Notice of Status Hearing and Show Cause Hearing, 2 (Jun. 20, 2016). The Notice charges the Respondent with multiple violations, 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 violations:

Charge I: **[On March 5, 2016,] [y]ou substantially changed the operation of the establishment by providing entertainment, when none was previously provided for and without Board approval, in violation of D.C. Official Code § 25-762 . . . .**

Charge II: **[On March 5, 2016,] [y]ou failed to obtain an entertainment endorsement for the establishment, in violation of D.C. Official Code § 25-113a(b)(1) and 23 DCMR § 1002.1 . . . .**

Charge III: **[On March 5, 2016,] [y]our failed to obtain an entertainment endorsement to collect a cover charge, in violation of D.C. Official Code § 25-113a(b)(1) and 23 DCMR § 1002.1 . . . .**

Notice of Status Hearing and Show Cause Hearing, 2-3.

II. Case No. 16-CMP-00322

Case No. 16-CMP-00322 arises from the Notice of Status Hearing and Show Cause Hearing (Second Notice), which the Board executed on June 20, 2016. *ABRA Show Cause File No., 16-CMP*-00211, Notice of Status Hearing and Show Cause Hearing, 2 (Jun. 20, 2016). The Second Notice charges the Respondent with multiple violations, 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 second notice charges the Respondent with the following violations:

Charge I: **[On April 2, 2016,] [y]ou substantially changed the operation of the establishment by providing entertainment, when none was previously provided for and without Board approval, in violation of D.C. Official Code § 25-762 . . . .**

Charge II: **[On April 2, 2016,] [y]ou failed to obtain an entertainment endorsement for the establishment, in violation of D.C. Official Code § 25-113a(b)(1) and 23 DCMR § 1002.1. . . .**

Charge III: **[On April 2, 2016,] [y]ou failed to obtain an entertainment endorsement to collect a cover charge, in violation of D.C. Official Code § 25-113a(b)(1) and 23 DCMR § 1002.1 . . . .**

Both the Government and Respondent appeared at the Show Cause Status Hearing on August 10, 2016. The parties proceeded to a Show Cause Hearing and argued their respective cases on January 25, 2017. At the beginning of the case, the parties stipulated to the facts presented in Case Reports No. 16-CMP-00211 and 16-CMP-00322. *Transcript (Tr.)*, January 25, 2017 at 6. In addition, during closing arguments, the Respondent admitted to the cover charge violations represented by Charge III in both cases. *Id.* at 47-48.[1]

Before issuing this Order, the Board also received and reviewed Proposed Findings of Fact and Conclusions of Law from both parties.

FINDINGS OF FACT

The Board, having considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board's official file, makes the following findings:

I. Background

1. Smith Point holds a Retailer's Class CT License at 1338 Wisconsin Avenue, N.W., Washington, D.C. *ABRA License No. 060131.* Smith Point's license does not include an entertainment endorsement.

II. Facts Related to the Incident on March 5, 2016 (16-CMP-00211).

2. On March 5, 2016, at approximately 10:45 p.m., ABRA Investigator Kevin Puente was notified that ABRA received a noise complaint related to Smith Point by his supervisor. *Case Report No. 16-CMP-0211*, at 1 [*CR I*]. Along with ABRA Investigator Tasha Cullings, the team

[1] "The licensee under a license, class C/R, D/R, C/H, D/H, C/T, or D/T, shall obtain an entertainment endorsement to have a cover charge. For purposes of this section, a cover charge is a fee required by an establishment to be paid by patrons for admission that is not directly applied to the purchase of food or drink." 23 DCMR § 1002.1 (West Supp. 2017).

arrived at the complainant's residence; however, no noise appeared to be emanating into the interior. *Id.* The complainant informed the investigative team that the music had recently stopped becoming audible in his premises. *Id.* In response, the investigative team decided to inform Smith Point's management of the complaint. *Id.*

3. At 11:15 p.m., the investigative team arrived at Smith Point. *Id.* The investigative team identified themselves to an employee and requested to speak with a manager. *Id.* at 2. Michael Tabb approached the investigators and identified himself as the licensed manager for Smith Point. *Id.* at 2. At this time, the investigative team informed Mr. Tabb about the noise complaint. *Id.* The investigators then proceeded to walk around the establishment. *Id.*

4. In one of the corners of the establishment, Investigator Puente observed an individual acting as a disc jockey. *Id.* Investigator Puente described the individual as a disc jockey, because he observed the person in a "DJ booth" with a laptop computer and an object that appeared to be a "mixing" or "tuning board," and observed the person playing music. *Tr.*, 1/25/17 at 11; *CR I*, at Exhibit Nos. 2-4. A picture taken by Investigator Puente shows that the disc jockey equipment is on a table located between a brick wall and a wooden panel. *CR I*, at Exhibit No. 2. Another picture shows that the disc jockey booth is easily visible from the patron areas of the establishment and that two patrons were sitting nearby. *Tr.*, 1/25/17 at 13; *CR I*, at Exhibit No. 1.

5. During their walkthrough, the investigators also witnessed a female employee near the front door accepting money from patrons as they entered. *CR I*, at 2.

III. Facts Related to the Incident on April 2, 2016 (16-CMP-00322).

6. On April 2, 2016, Investigator Puente was notified of a noise complaint near Smith Point by his supervisor. *Case Report No. 16-CMP-00322*, at 1 [*CR II*]. Investigator Puente arrived at the complainant's home around after 1:15 a.m. with ABRA Investigator Tasha Cullings and ABRA Investigator Jason Peru. *Id.* at 1. After they arrived, they could not substantiate the complaint. *Id.* at 1. The complainant identified Smith Point as the source of the noise but indicated that the volume of the noise had decreased before they arrived at his home. *Id.*

7. The investigative team then went to Smith Point. *Id.* Near Smith Point's entrance, Investigator Puente observed a female employee collecting money from patrons. *Id.* at 1-2. He also observed the employee telling patrons that Smith Point had a $5.00 cover charge to enter. *Id.* at 2. The investigators then approached the establishment and asked to speak with the licensed manager. *Id.* Mr. Tabb approached the investigators and he was informed of the noise complaint. *Id.* The investigators then walked around the establishment. *Id.*

8. During the inspection, Investigator Puente observed that the disc jockey booth he had observed previously had a man nearby. *Id.* a 2. Nevertheless, upon observing the investigators, the person moved away from the disc jockey area and walked behind the bar. *Id.*

CONCLUSIONS OF LAW

9. The Board has the authority to fine, suspend, or revoke the license of a licensee who violates any provision of Title 25 of the District of Columbia (D.C.) Official Code pursuant to D.C. Official Code § 25-823(1). D.C. Official Code § 25-830; 23 DCMR § 800, *et seq.* (West Supp. 2017). Furthermore, after holding a Show Cause Hearing, the Board is entitled to impose conditions if the Board determines "that the inclusion of the conditions would be in the best interests of the locality, section, or portion of the District in which the establishment is licensed." D.C. Official Code § 25-447.

IV. Standard of Proof

10. In this matter, the Board shall only base its decision on the "substantial evidence" contained in the record. 23 DCMR § 1718.3 (West Supp. 2016). The substantial evidence standard requires the Board to rely on "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Clark v. D.C. Dep't of Employment Servs.*, 772 A.2d 198, 201 (D.C. 2001) *citing Children's Defense Fund v. District of Columbia Dep't of Employment Servs.*, 726 A.2d 1242, 1247 (D.C.1999).

V. The Violations Alleged in Charge I of Both Cases are Dismissed for Lack of Evidence.

11. The substantial change law states, "Before a licensee may make a change in the interior or exterior, or a change in format, of any licensed establishment, which would substantially change the nature of the operation of the licensed establishment as set forth in the initial application for the license, the licensee shall obtain the approval of the Board in accordance with § 25-404." D.C. Code § 25-762(a). The statute then spells out various situations that constitute a substantial change, which include providing an area for live entertainment and related equipment. § 25-762(b)(4), (b)(8), (b)(14).

12. In order to determine whether a matter is a substantial change, the Board must compare the alleged violation against a licensee's "initial application for the license." D.C. Code § 25-762. Without this information in the record, the Board cannot make the necessary findings required to sustain the violation. *Smith Point's Proposed Findings of Fact and Conclusions of Law,* § 20. Therefore, because the Government did not submit the Respondent's application for licensure or subsequent applications amending the initial application into the record, the Board cannot sustain the violations identified in Charge I in both cases.

VI. Smith Point Was Required to Obtain an Entertainment Endorsement Before Providing Disc Jockey Entertainment on March 5, 2016.

13. The Board finds Smith Point guilty of violating the entertainment endorsement requirement on March 5, 2016, but not April 2, 2016.

14. Under § 25-113a(b)(1), "The licensee under a . . . class . . . C/T . . . shall obtain an entertainment endorsement from the Board to be eligible to have entertainment, a cover charge, or offer facilities for dancing." D.C. Code § 25-113a(b)(1). The term "Entertainment" is defined as

"live music or any other live performance by an actual person, including . . . disc jockeys" but does not include "the operation of a jukebox, a television, a radio, or other prerecorded music." D.C. Code § 25-101(21A). In § 25-101(19A)(F), the term "disc jockey" does "not include anyone who plays or changes prerecorded music or programs prerecorded music; provided, that the person does not: . . . Play music from a disc-jockey booth . . . ." D.C. Code § 25-101(19A), (19A)F.

a. Interpreting the term "disc-jockey booth" in § 25-101(19A).

15. Under the general rules of statutory construction, the Board will "first look at the language of the statute by itself to see if the language is plain and admits of no more than one meaning." *Peoples Drug Stores, Inc. v. D.C.*, 470 A.2d 751, 753 (D.C. 1983). This means that words should be given "their ordinary sense and with the meaning commonly attributed to them." *Id.* Thus, "[w]hen the plain meaning of the statutory language is unambiguous, the intent of the legislature is clear, [then the] judicial inquiry need go no further." *D.C. v. Place*, 892 A.2d 1108, 1111 (D.C. 2006)

16. Nevertheless, it has long been recognized that the plain meaning rule does not answer every statutory interpretation question. *Sanker v. United States*, 374 A.2d 304, 307 (D.C. 1977 In some cases, "words are inexact tools at best" and a statute may only offer "superficial clarity." *Peoples Drug Stores, Inc. v. D.C.*, 470 A.2d 751, 754 (D.C. 1983) *citing Harrison v. Northern Trust Co.*, 317 U.S. 476, 63 S.Ct. 361, 87 L.Ed. 407 (1943). Indeed, in some cases "Whether or not the words of a statute are clear is itself not always clear." *Sanker*, 374 A.2d at 307 *citing Barbee v. United States*, 392 F.2d 532, 535 n. 4 (5th Cir.).

17. In cases where the statutory language is ambiguous or unclear, the Board may consider a holistic reading of the statute. *D.C. v. Place*, 892 A.2d 1108, 1111 (D.C. 2006). A holistic interpretation recognizes that "the meaning of a word cannot be determined in isolation, but must be drawn from the context in which it is used." *Washington v. D.C.*, 137 A.3d 170, 173 (D.C. 2016). A holistic reading seeks to "not be guided by a single sentence or member of a sentence, but look to the provisions of the whole law, and to its object and policy." *Id.* at 173-74.[2] It has also been said that the interpretation of statute should not lead to "absurd results" or avoid "an obvious injustice." *Peoples Drug Stores, Inc. v. D.C.*, 470 A.2d at 754; *D.C. v. Place*, 892 A.2d at 1111.

18. In this case, the statute does not provide guidance on what qualifies as a "disc-jockey booth" under § 25-101(19A)(F). The Board's dictionary provides a definition of a "booth" as "A small enclosed compartment, usually accommodating only one person and providing privacy <phone booth>." *Webster's II New College Dictionary*, 128 (2001) (booth). Although the parties cited the same publisher, they provided slightly different definitions of a "booth" without a citation to the dictionary they chose to reference in their proposed orders. *Smith Point's Proposed Findings of Fact and Conclusions of Law*, § 26; *Government's Proposed Findings of Fact and*

[2] While the Board searched for legislative history relevant to the present case, the addition of a definition of a "disc-jockey booth" to Title 25 of the D.C. Official Code does not appear to have been discussed in the Committee Report related to the bill. *See generally Committee on Business, Consumer, and Regulatory Affairs*, "Report on B20-902, the 'Omnibus Alcoholic Beverage Regulation Amendment Act of 2014 of 2014" (Nov. 17, 2014), *also available at* http://lims.dccouncil.us/Download/32303/B20-0902-CommitteeReport1.pdf.

Conclusions of Law, § 32. While the Board does not doubt that each party has faithfully provided the definition in their respective dictionaries, this simply shows that the term "booth" is broad, ambiguous, and subject to multiple interpretations. Consequently, a holistic analysis of § 25-101(19A)(F) is the only way to derive an appropriate interpretation. *See D.C. v. Place*, 892 A.2d 1108, 1111 (D.C. 2006) ("The courts, however, must not make a fetish out of plain meaning nor should they make a fortress out of the dictionary.") (quotation marks removed).

19. While the term "booth" is defined in the dictionary, once descriptors are added to the term "booth," the dictionary definition no longer captures the meaning of the term. For example, in Charles Schultz's comic strip *Peanuts*, Lucy operates a "psychiatrist booth" that consists of her sitting behind a box with a sign held up above the box by two sticks. A restaurant booth is usually conceived as two padded benches facing a table. Neither of these items are "enclosed" as suggested by the definition. Thus, the dictionary definition of a "booth" does not supply the Board with the common understanding of the term "disc-jockey booth."

20. Turning to other sources of authority, the Board considers Title 25 of the D.C. Official Code as whole, and the policies and objectives underlying Title 25. The District's alcohol laws recognize that community members have the right to know, comment on, and object to the activities of alcohol providers in their neighborhoods. D.C. Official Code §§ 25-201(c)(6), 25-421, 25-601, 25-602. Title 25 also indicates that providing or expanding the area in the establishment where disc jockeys perform or provide "music or entertainment if none was provided previously" is "potentially of concern to the residents of the area surrounding the establishment," and may merit public notice and comment. D.C. Official Code §§ 25-404, 25-762(b), (b)(4), (b)(8).

21. While it is sufficient on its own that the law finds this activity on the part of a licensee relevant, the Board emphasizes that this statutory concern is not superfluous. In the Board's experience, establishments that focus on providing entertainment through disc jockeys may generate late-night noise, inebriated crowds, demand for late-night parking in residential neighborhoods, and have more safety and quality of life issues than establishments focused solely on food service. Consequently, public policy and Title 25 favor giving the community an opportunity to know and comment on licensed establishments providing live entertainment and music to their customers.

22. The Board also considers that in 2013, in the *Vertigo* case, before the present definition of a disc jockey was enacted, the Board indicated that "merely creating the appearance that an employee is a disc jockey is sufficient to qualify an employee as a disc jockey." *In re Vertigo, Inc., t/a Sultra Lounge/Viet-Thai*, Case No. 12-CMP-00105, Board Order No. 2013-114, ¶ 18 (D.C.A.B.C.B. May 8, 2013). The Board finds this prior ruling persuasive in the interpretation of part (F), because the current statutory language remains consistent with the Board's holding in *Vertigo*; whereby, someone that plays music from a disc jockey booth qualifies as disc jockey because their actions make them appear to be a disc jockey.

23. In light of these considerations, the Board defines a disc jockey booth as any area containing disc jockey equipment—such as laptops, mixers, speakers, or turntables—that may be occupied by a person for the purpose of playing recorded music so long as the area is in a location visible to the public. This definition of a disc jockey booth is intended to include an

enclosed disc jockey booth or merely a foldable table or other stand with disc jockey equipment placed on top.

24. The Board rejects the notion that a disc jockey booth is limited to an enclosed structure, as suggested by Smith Point. *Smith Point's Proposed Findings of Fact and Conclusions of Law,* § 26. First, there is no discernible or significant difference whether a disc jockey performs from a fully enclosed booth or a foldable table. Indeed, in both circumstances, given the technology available, an establishment can just as easily create a nightclub atmosphere with large inebriated crowds and disturbing noise from both set ups. As a result, given the equal impact both types of set ups may have, it makes no sense to demand that one licensee get an entertainment endorsement because they built a fully enclosed structure, while the licensee with the folding table is not under the same obligation.

25. Second, the Board is aware that if it adopts Smith Point's position, and narrows the definition of a disc jockey as suggested, this will result in establishments being able to legally provide entertainment or music without applying for an entertainment endorsement or substantial change. In turn, this would mean that the community would have less opportunity to receive notice of, comment on, and object to activity occurring on the premises that may impact their quality of life and the enjoyment of their own private property.

26. Third, adding the broad and ambiguous term "enclosure" to the meaning of disc jockey booth does not add any clarity to the term. For example, the term "enclosure" does not tell a reasonable person how many or what types of sides, walls, and roofs or other barriers are needed to constitute an "enclosure." As a result, defining the broad and ambiguous phrase disc jockey booth with another broad and ambiguous term is not helpful or instructive.

27. Finally, the Board's interpretation provides adequate guidance for licensees seeking to comply with part (F). First, the definition preserves the right of licensees to merely play recorded music in their establishment. For example, nothing prevents a licensee from setting up speakers throughout the premises and using a remote to change the music selection. Likewise, if the disc jockey equipment and disc jockey is kept in an area not visible to patrons, then this would also not qualify as a disc jockey booth. Second, requiring that the person occupy the area with the disc jockey equipment and requiring that the area be visible to the public, restricts the interpretation to only cover "live" entertainment, which is the focus of the entertainment endorsement. D.C. Official Code § 25-101(21A). And third, the Board's interpretation preserves the right of the community to notice and comment on activities recognized by Title 25 as potentially problematic and avoids the creation of unjust loopholes.

b. Smith Point Provided Disc Jockey Entertainment Without An Endorsement on March 5, 2016, but not April 2, 2016.

28. Turning to the merits, in order to find a violation, the Government must show that Smith Point lacked an entertainment endorsement and provided live entertainment. § 25-113a(b)(1). Pertinent to this case, in order to prove that Smith Point had live entertainment, it must be shown that Smith Point had a disc jockey. § 25-101(21A). To show that Smith Point, in fact, employed a disc jockey, the Government must demonstrate that Smith Point played music from a disc jockey booth. § 25-101(19A), (19A)F. As noted above, "the Board defines a disc jockey booth as any area containing disc jockey equipment—such as laptops, mixers, speakers, or turntables—that

may be occupied by a person for the purpose of playing recorded music so long as the area is in a location visible to the public." *Supra*, at ¶ 22.

29. Smith Point did not hold an entertainment endorsement approved by the Board at the time ABRA investigators visited the establishment. *Supra*, at ¶ 1. On March 5, 2016, Investigator Puente observed a man playing music from a laptop computer and other pieces of equipment that looked like a mixing or tuning board. *Supra*, at ¶ 4. This equipment was located on table sitting between a brick wall and a wooden panel that was clearly visible to the patrons of the establishment. *Id.* There is no credible evidence in the record that the equipment observed by Investigator Puente served any other purpose other than playing and manipulating the music. Furthermore, it was located in an area visible to the patrons of the establishment and occupied by the man playing music from the equipment.[3] Under these circumstances, the Board finds that the Government sustained the violation described by Charge II in Case No. 16-CMP-00211.

30. Despite the finding of a violation on March 5, 2016, the Board does not reach the same conclusion regarding the incident on April 2, 2016. On April 2, 2016, while Investigator Puente observed the same set-up from the earlier investigation, the man walked away from the disc jockey booth. *Supra*, at ¶ 8. Consequently, the Board is not persuaded that the disc jockey booth was sufficiently occupied to qualify the man as a disc jockey; therefore, the Board finds Charge II in Case No. 16-CMP-00322 unsubstantiated, because it has not been shown that Smith Point offered live entertainment on April 2, 2016.

II. Penalty

31. A violation of the entertainment endorsement requirement by collecting an unlawful cover charge constitutes a secondary tier violation. 23 DCMR § 800 (West Supp. 2017). Smith Point has previously committed secondary tier violations twice in the past three years. *Investigative History*, ABRA License No. 60131. This means that the two cover charge offenses qualify as third secondary tier offenses, which means the fine range for the offenses falls between $750 and $1,000. 23 DCMR § 802

32. A violation of the entertainment endorsement requirement by offering live entertainment constitutes a primary tier violation. § 800. Smith Point has previously committed two primary tier violations in the past three years. *Investigative History*, ABRA License No. 60131. This means that the violation qualifies as a third primary tier offense, which means that the fine range falls between $4,000 and $6,000. 23 DCMR § 801 (West Supp. 2017).

ORDER

Therefore, the Board, on this 5th day of April 2017, finds that Restaurant Enterprises, Inc., t/a Smith Point, guilty of the three violations described above. The Board imposes the following penalty on Smith Point:

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[3] It should also be noted that even if the Board adopted Smith Point's position, the Respondent would still be guilty of the offense on March 5, 2016, because the brick wall and wooden panel in the disc jockey booth would constitute a sufficient enclosure. *Supra*, at ¶ 4.

(1) Charge I (substantial change violation) in Case Numbers 16-CMP-00211 and 16-CMP-00322 are dismissed.

(2) For the violation described in Charge II (entertainment violation) in Case Number 16-CMP-00211, Smith Point shall pay a fine of $4,000.

(3) Charge II (entertainment violation) in Case Number 16-CMP-00322 shall be dismissed.

(4) For the violation described in Charge III (cover charge violation) in Case Number 16-CMP-00211, Smith Point shall pay a fine of $750.

(5) For the violation described in Charge III (cover charge violation) in Case Number 16-CMP-00322, Smith Point shall pay a fine of $1,000.

IT IS FURTHER ORDERED that the Respondent must pay all fines imposed by the Board within thirty (30) days from the date of this Order, or its license shall be immediately suspended until all amounts owed are paid.

IT IS FURTHER ORDERED, in accordance with 23 DCMR § 800.1, the violations found by the Board in this Order shall be deemed three separate secondary tier violations.

IT IS FURTHER ORDERED that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision.

The ABRA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia
Alcoholic Beverage Control Board

Donovan Anderson, Chairperson

Nick Alberti, Member

Mike Silverstein, Member

James Short, Member

Mafara Hobson, Member

Jacob Perry, 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, Reeves Center, 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 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).