

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

In the Matter of:

Fernando Postigo
t/a Sol Mexican Grill

Applicant for a Substantial Change to a
Retailer's Class CT License

at premises
1251 H Street, N.E.
Washington, D.C. 20002

Case No.: 15-PRO-00124

License No.: 092192

Order No.: 2016-098

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

PARTIES: Fernando Postigo, t/a Sol Mexican Grill, Applicant

Jay Williams, Commissioner, on behalf of Advisory Neighborhood
Commission (ANC) 6A

ORDER DENYING MOTION FOR REINSTATEMENT

The Alcoholic Beverage Control Board (Board) dismissed the Application of Fernando Postigo, t/a Sol Mexican Grill, (Applicant) based on his failure to appear at a required hearing. *In re Fernando Postigo, Sol Mexican Grill*, Case No. 15-PRO-00124, Board Order No. 2016-052, 1-2 (D.C.A.B.C.B. Feb. 17, 2016).

In a Motion for Reinstatement, the Applicant claims he missed the hearing due to confusion regarding the date due to a prior postponement. There is no indication that this failure to appear has been caused by ABRA or the Board. Under § 1602.3, the Applicant's proffer does not satisfy the "good cause" requirement. 23 DCMR § 1602.3 (West Supp. 2016).

ORDER

Therefore, the Board, on this 24th day of February 2016, hereby **DENIES** the Motion for Reconsideration. ABRA shall deliver a copy of this Order to the parties.

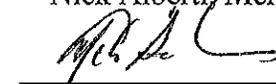
District of Columbia
Alcoholic Beverage Control Board



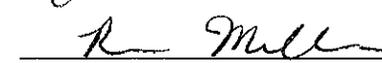
Donoyan Anderson, Chairperson



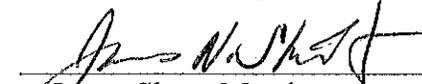
Nick Alberti, Member



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).