

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

In the Matter of:)	
)	
The Wine Room LLC)	
t/a The Wine Room)	
Holder of a)	License No.: 071265
Retailer's Class CR License)	Order No.: 2010-424
at premises)	
1065 Wisconsin Ave, N.W.)	
Washington, D.C. 20007)	
)	
Respondent)	
)	
Safekeeping – Georgetown)	

BEFORE: Charles Brodsky, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Calvin Nophlin, Member
Mike Silverstein, Member

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

Pursuant to 23 DCMR § 1611, the Alcoholic Beverage Control Board (Board) held a Fact Finding Hearing on July 28, 2010 regarding the safekeeping status of the Retailer's Class CR License held by The Wine Room, t/a The Wine Room (Respondent), at premises 1065 Wisconsin Ave, N.W., Washington, D.C. The hearing was held to allow the Board to obtain current information on the status of the license held in safekeeping by the Alcoholic Beverage Regulation Administration pursuant to D.C. Official Code § 25-791.

In making the following decision, the Board considered evidence presented at the Fact Finding Hearing, the testimony of the witnesses, the arguments of counsel, and the documents comprising the Board's official file in making the following:

FINDINGS OF FACT

1. The Respondent hold a Retailer's Class CR License located at premises 1065 Wisconsin Ave, N.W., Washington, D.C. *See* License File No. 071265. The Respondent's license was surrendered to ABRA in 2006 to be held in safekeeping pursuant to D.C. Official Code § 25-791. *Transcript (Tr.)*, 7/28/10 at 3.
2. The Board issued Notice to the Licensee by registered mail dated July 2, 2010, to appear for a Fact Finding Hearing on July 28, 2010. *See* Fact Finding File No. 071265. The Notice requested the Licensee to provide information to the Board regarding the status of the license, to demonstrate reasonable progress in returning to operation and to provide good cause why the license should remain in safekeeping. *See* Fact Finding File No. 071265.
3. The Licensee failed to appear at the Fact Finding Hearing on July 28, 2010. *Tr.* at 2. The Board called as its witness Danielle Balmelle who is employed by ABRA as the Program Manager for the Licensing Division. *Tr.*, at 2. As part of Ms. Balmelle's duties, she is responsible for reviewing licenses held in safekeeping and for ensuring licensees have made timely payments on license renewal fees. *Tr.*, at 2. The testimony of Ms. Balmelle indicated that the license was seized by the U.S. Marshal's Office in 2006 and that the Licensee has not timely paid its renewal fees. *Tr.*, at 3. Additionally, efforts by Ms. Balmelle to contact the Licensee have been unsuccessful despite repeated telephonic and written attempts. *Tr.*, at 3. The Licensee currently owes \$15, 600.00 in renewal fee payments to ABRA. *See* ABRA Administrative File No. 071265; *Tr.*, at 3.

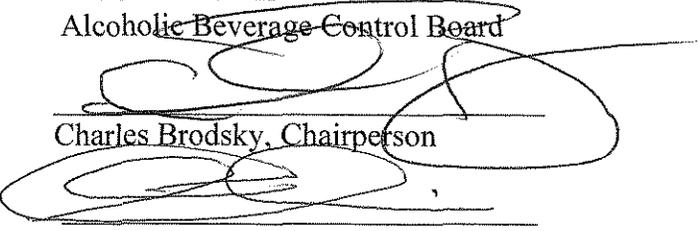
CONCLUSIONS OF LAW

4. Under D.C. Official Code § 25-791, the Board has the authority to deem a license abandoned and to cancel a license in safekeeping if the owner is not making reasonable progress in returning to operation. In this instance, the Board finds that the Licensee's failure to appear at the Fact Finding Hearing coupled with its failure to make timely payments to renew its license fees as well as demonstrate any reasonable progress to return to operations is indicative of abandonment. As such, the Board deems the Respondent's license abandoned and cancels the license effective August 4, 2010.

ORDER

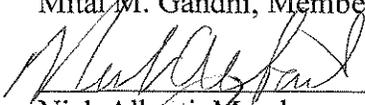
THEREFORE, it is hereby **ORDERED** on this 4th day of August, 2010, that the Retailer's Class CR license held by The Wine Room, t/a The Wine Room, at premises 1065 Wisconsin Ave, N.W., Washington, D.C., be **CANCELLED** effective August 4, 2010.

District of Columbia
Alcoholic Beverage Control Board

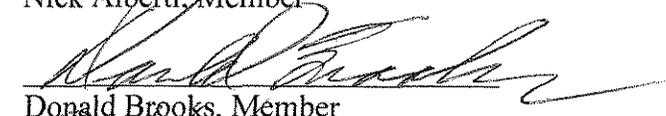


Charles Brodsky, Chairperson

Mital M. Gandhi, Member



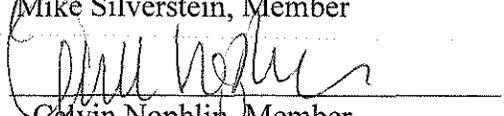
Nick Alberti, Member



Donald Brooks, Member



Mike Silverstein, Member



Calvin Nophlin, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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, 1250 U Street, N.W., Suite 300, Washington, D.C. 20009.