## THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL BOARD

	)		
In the Matter of:	)		
Red & Black, LLC	)		
t/a Vendetta	)		
	j	Case No.	14-PRO-00022
Petition to	Ś	License No.	ABRA-072734
Terminate a Settlement Agreement	í	Order No.	2014-250
for Retailer's Class CT License	í		
	Ś		
at premises	Ś		
1210 H Street, N.E.	í		
Washington, D.C. 20002	Ś		
	Ć		

Red & Black, LLC, t/a Vendetta (Petitioner)

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

**BEFORE:** Ruthanne Miller, Chairperson

Nick Alberti, Member Donald Brooks, Member Mike Silverstein, Member Hector Rodriguez, Member James Short, Member

## ORDER ON DISMISSAL OF PETITION TO TERMINATE A SETTLEMENT AGREEMENT AND DENYING PETITIONER'S REQUEST FOR REINSTATEMENT

The petition filed by Red & Black, LLC, t/a Vendetta (Petitioner) to Terminate its Settlement Agreement (Petition), having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 9, 2014, in accordance with 23 DCMR § 1602.

On June 9, 2014, the Board dismissed the Petition because the Petitioner failed to appear at the Roll Call Hearing.

On June 9, 2014, Joe Englert, on behalf of the Petitioner, submitted a Request for Reinstatement asserting that he was unaware of the date of the Roll Call Hearing. Mr.

Englert indicated that the original Roll Call Hearing scheduled for May 12, 2014, was rescheduled, and he was not notified of the new hearing date.

On May 15, 2014, ABRA staff sent an electronic notice to the Parties informing them the new Roll Call Hearing scheduled for June 9, 2014 at 10:00 a.m. The Petitioner was included on the electronic notice.

Based upon the above, the Board finds that the Petitioner was electronically notified of the new date of the Roll Call Hearing. Nothing in ABRA's record indicates that the electronic transmission of the notice was not received by the Petitioner. Therefore, the Board does not find good cause to reinstate the Petition pursuant to 23 DCMR § 1602.3.

## ORDER

The Board does hereby, this 18th day of June, 2014, **DISMISS** the Petition to Terminate A Settlement Agreement filed by Red & Black, LLC, t/a Vendetta and **DENY** the Petitioner's Request for Reinstatement. Copies of this Order shall be sent to the Petitioner and ANC 6A.

District of Columbia

Alcoholic Beverage Control Board

Donald Brooks, Member

Mike Silverstein, Member

Hector Rodriguez, Member

ames Short, Member

I dissent from the Board's decision.

Ruthanne Miller, Chairperson

I recuse myself from the Board's decision.

Nick Alberti, Member

Pursuant to D.C. Official Code § 25-433, 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 14<sup>th</sup> 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to D.C. Official Code § 25-433, 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).