

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

<u>In the Matter of:</u>	)	
	)	
<b>Washington Wholesale Liquor Company, LLC</b>	)	License No. 60518
	)	Order No. 2010-579
Petition for Reconsideration of Washington Wholesale Liquor Company's June 1, 2009, Petition at premises	)	
	)	
3100 V Street, N.W. Washington, D.C. 20009	)	
	)	

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

**ORDER DENYING RECONSIDERATION OF WASHINGTON WHOLESALE  
LIQUOR COMPANY'S JUNE 1, 2009, PETITION**

On June 14, 2010, the Washington Wholesale Liquor Company, LLC, (Petitioner) requested that the Board allow it implement its June 1, 2009, proposal to have Reliable Churchill, LLLP, a Maryland wholesaler, store alcoholic beverages for the Petitioner and transfer ownership to the Petitioner at the time of delivery. The Board notes that the Petitioner and Reliable Churchill, LLLP, are owned by the same parent company. *Board Order No. 2009-225, para. 3.*

This proposal is clearly prohibited by 23 DCMR § 900, which states that:

900.1 It shall be unlawful for any wholesaler to purchase any alcoholic beverage for resale unless the alcoholic beverages are purchased from the primary American source of supply for the brand of alcoholic beverages sought to be resold.

900.2 It shall be unlawful for any wholesaler to sell any alcoholic beverages in the District of Columbia if the alcoholic beverages have not been purchased by the wholesaler from the primary American source of supply. 23 DCMR § 900 (2008).

As stated in Board Order No. 2009-225, “. . . the law states that the purchase must be ‘from the primary American source of supply.’ The ABC laws are clear that the

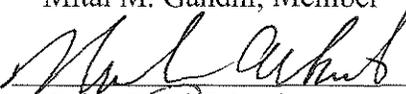
primary American source of supply is “the manufacturer, distiller, rectifier, vintner or importer of the brand of alcoholic beverages at the time that the beverage became a marketable product in the United States, or its duly authorized agent.” 23 DCMR § 109 (2008) (Primary American source). As a wholesaler, Reliable Churchill does not qualify as a primary American source. As such, if the Petitioner went forward with its proposal it would directly violate § 900.2 to sell the transferred alcoholic beverages because they would “not [have] been purchased by the wholesaler from the primary American source of supply.” § 900.2. Consequently, regardless of whatever extenuating circumstances the Petitioner finds itself in, there is no lawful way for the Board to grant the request.

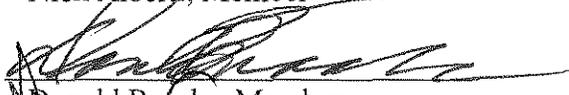
Therefore, the Board does hereby, this 1st day of December 2010, **DENY** reconsideration of the Washington Wholesale Liquor Company’s June 1, 2009, Petition.

District of Columbia  
Alcoholic Beverage Control Board

  
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Pursuant to 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 the service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington D.C. 20001.