

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

In the Matter of:

TGW Convenience Store, LLC
t/a A & S Grocery

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

at premises
4748 Sheriff Road, N.E.
Washington, D.C. 20019

Case No.: 21-PRO-00003
License No.: ABRA-101367
Order No.: 2021-079

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Aliya Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ALSO PRESENT: TGW Convenience Store, LLC, t/a A & S Grocery, Applicant

Wendell C. Robinson, Counsel, on behalf of the Applicant

Anatwan Holmes, Chairperson, Advisory Neighborhood
Commission (ANC) 7C, Protestant

ORDER DENYING MOTION FOR REINSTATEMENT

The Application filed by TGW Convenience Store, LLC, t/a A & S Grocery (Applicant), for a class change of its Retailer's Class B License to a Retailer's Class A License, was the subject of a protest, and came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on January 25, 2021, in accordance with D.C. Official Code § 25-601 (2001). Nevertheless, the Applicant did not appear at the scheduled hearing. On January 27, 2021, in Board Order No. 2021-046, the Board dismissed the Application due to the failure to appear.

Subsequently, the Applicant filed a motion for reinstatement, which was objected to by Advisory Neighborhood Commission (ANC) 7C. The Applicant also filed a reply to the ANC's opposition. The motion argues for reinstatement on the grounds that counsel did not receive the instructions for attending the online hearing. *Mot. at 1-2.* Nevertheless,

ABRA's records show that counsel's email was included in the online Roll Call Hearing set up by the agency. *Attendee List (A & S Grocery)* (Jan. 14, 2021).

Moreover, on January 5, 2021, counsel was advised of the date and time of the Roll Call Hearing, instructions for accessing the hearing, and notice that instructions would be sent "(2) business days from the submission of [the party's] contact information." *Email from April Randall to Wendell Robinson*, 1-2 (Jan. 5, 2021). The email also indicated that the invitation to the hearing would state in the subject line: "Invitation to join Web seminar." As a result, had the Applicant followed the instructions in the January 5 notice, the Applicant should have been well aware as to whether a proper electronic invitation to the hearing had been sent before the hearing occurred, and had an adequate opportunity to address any deficiencies in the invitation process before the hearing. Therefore, the Board is not satisfied that there is sufficient cause for reinstatement.

ORDER

Therefore, the Board, on this 10th day of February 2021, hereby **DENIES** the motion for reinstatement filed by the Applicant. Copies of this Order shall be sent to the Parties.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac433b29205252044b73093d1acc08

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547aa371983c5e4c4a811b3332d1248e7

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256d3cadfb6146d74b75bd7917d20d

Bobby Cato, Member

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Rema Wahabzadah, Member
Key: b12ca46b590b74099b19b25b738f15cf

Rema Wahabzadah, Member

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Rafi Aliya Crockett, Member
Key: b560e01845e119e401d153a5c1291e0c

Rafi Crockett, Member

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Jeni Hansen, Member
Key: 82172031f60944f891b358c2a1e890

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda71f0040ac14adeb52541ce5

Edward S. Grandis, 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 St. 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).