

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

In the Matter of:)
)
TM Liquors, Inc.)
t/a Big Ben Liquors)
)
Applicant for Renewal of a)
Retailer's Class A License)
)
at premises)
1300 North Capitol Street, NW)
Washington, D.C. 20001)
)

Case No.: 21-PRO-00026
License No.: ABRA-060652
Order No.: 2021-394

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: TM Liquors, Inc., t/a Big Ben Liquors, Applicant

Payam Bakhaje, Resident

ORDER DENYING MOTION FOR RECONSIDERATION

The Application filed by TM Liquors, Inc., t/a Big Ben Liquors (Applicant), for renewal of its Retailer's Class A License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 28, 2021.

On June 28, 2021, the Board dismissed the Protest of Payam Bakhaje because he failed to provide his mailing address in the protest letter. *See* 23 DCMR § 1602.3 (West Supp. 2021). In addition, Mr. Bakhaje did not state a basis upon which standing to file a protest could be granted. *See* D.C. Code § 25-601. Payam Bakhaje timely filed a Request for Reinstatement with the Board, which is opposed by the Applicant. Nevertheless, defects in protest letters cannot be cured after the protest deadline expires and Mr. Bakhaje has not provided good cause for waiving the requirement when adequate time to file a valid protest letter has been provided. *See* D.C. Code § 25-602(a) ("shall notify the Board in writing . . . within the protest period").

ORDER

Therefore, the Board, on this 15th day of July 2021, hereby **DENIES** the motion for reconsideration. Copies of this Order shall be sent to the Parties.

Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac43cb98c6d5f00e4b73009d1dccc8

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547ae973f620e6c8d1b332d2d49c

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 286d3cadfba146d7f4b75bd7917d20d

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b560e91845e1f8e4016155e5c12f81cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 82172931f0509447491b56f9c2a41889

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda7f9f0040ec14adeb52541ce5

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 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).