

**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.: 2021-434

**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

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**ORDER DENYING MOTION FOR RECONSIDERATION**

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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, on July 15, 2021, in Board Order No. 2021-394, the Board denied the motion because defects in protest letters cannot be cured after the protest deadline expires and Mr. Bakhaje did not provide good cause for waiving the requirement when adequate time to file a valid protest letter had been provided. *See* D.C. Code § 25-602(a) (“shall notify the Board in writing . . . within the protest period”).

Mr. Bakhaje subsequently filed a motion for reconsideration; however, the motion does not show that the Board misapplied D.C. Official Code § 25-602(a) in denying reinstatement.

### **ORDER**

Therefore, the Board, on this 4th day of August 2021, hereby **DENIES** the motion for reconsideration. Copies of this Order shall be sent to the Parties.

**IT IS FURTHER ORDERED** that no further motion for reconsideration shall be considered related to the issue addressed above. The Board **ADVISES** Mr. Bakhaje that nothing in this Order prevents him filing an appropriate complaint with ABRA's Enforcement Division.<sup>1</sup>

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<sup>1</sup> Information about filing a complaint with ABRA may be found at <https://abra.dc.gov/service/complaint>.

District of Columbia  
Alcoholic Beverage Control Board

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*Donovan Anderson*  
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Donovan Anderson, Chairperson

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*James Short*  
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James Short, Member

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*Bobby Cato*  
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Bobby Cato, Member

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*Rafi Aliya Crockett, Member*  
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Rafi Crockett, Member

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*Jeni Hansen, Member*  
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Jeni Hansen, Member

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*Edward Grandis, Member*  
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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 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, 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).