

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

In the Matter of:)
)
Solomon Enterprises, LLC)
t/a Climax Restaurant & Hookah Bar)
)
Holder of a) License No. ABRA-088290
Retailer's Class CT License) Order No.: 2018-689
)
)
at premises)
900 Florida Ave., N.W.)
Washington, D.C. 20001)
)

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Donald Isaac, Sr., Member
Bobby Cato, Member
Rema Wahabzadah, Member

NOTICE OF CONTESTED SAFEKEEPING HEARING

Solomon Enterprises, LLC, t/a Climax Restaurant & Hookah Bar (Licensee), is hereby directed to appear before the Alcoholic Beverage Control Board (Board), located at the Reeves Center, 2000 14th Street, N.W., Ste. 400, Washington, D.C. 20009, on January 26, 2019, at 10:00 a.m. to demonstrate whether its license qualifies for an additional period of safekeeping or should be deemed abandoned and cancelled pursuant to D.C. Official Code § 25-791 for the reasons stated below.

The safekeeping hearing shall be held as a contested case pursuant to 23 DCMR § 1600.3(e). The hearing shall rely on the procedures provided by the D.C. Administrative Procedure Act (D.C. Official Code §§ 2, 501, *et seq.*) and the hearing procedures provided by Title 25 of the D.C. Official Code and Title 23 of the D.C. Municipal Regulations.

All pleadings, or any other written communication, addressed to the Board, should be delivered to Martha Jenkins, General Counsel, 2000 14th Street, N.W., Ste. 400, Washington, D.C. 20009. You should contact General Counsel Martha Jenkins at (202) 442-4456 upon

receipt of this notice to discuss any potential settlement, consent order, or stipulation that you want the Board to consider in accordance with D.C. Official Code § 2-509(a).

All documents referenced in this notice are incorporated by reference, and also form the basis of the counts described below. Please find the relevant materials on ABRA's website or contact ABRA's Public Information Office if you seek to obtain copies of any document(s). Please also note that the Board has the right to obtain additional information regarding the application(s) under 23 DCMR § 500.3.

Under D.C. Official Code § 2-5096(b), the Licensee may personally appear at the hearing and may be represented by counsel. At the scheduled hearing, the Licensee has the right to produce witnesses and evidence on his or her behalf and to cross-examine witnesses. The Licensee may also examine evidence produced and have subpoenas issued on his or her behalf to require the production of witnesses and evidence.

The Board reserves the right to amend this notice in accordance with D.C. Official Code § 2-509 based on new information that is discovered during the hearing process. The Board also reserves the right to schedule additional hearings to address preliminary motions or additional information received by the Board during the hearing process.

All hearings are conducted before the Board in the English language. If a party or witness is deaf, or because of a hearing impediment cannot readily understand or communicate the spoken English language, the party or witness may apply to the Board for the appointment of a qualified interpreter. Please note that under D.C. Official Code § 2-509, the Licensee's failure to appear at the time and place set for the hearing, either in person or through counsel, or both, will not preclude the Board from proceeding in this matter, entering a default judgment, or cancelling your license.

ORDER


The Board does hereby, this 8th day of November, 2018, **ORDER** the Licensee to appear for a Contested Safekeeping Hearing on January 16, 2018, at 10:00 a.m. Please note that at the hearing, the Board will consider cancelling the license for any or all of the following reasons:

1. Based on the license holder's failure to appear at safekeeping renewal hearings on October 12, 2018, and November 8, 2018, the license must be deemed abandoned and discontinued pursuant to D.C. Official Code § 25-791;
2. The license holder has not demonstrated to the satisfaction of the Board that it intends to resume business or is making reasonable progress in resuming business pursuant to D.C. Official Code § 25-791; and
3. The license holder has not demonstrated reasonable cause for the purpose of extending its safekeeping status pursuant to D.C. Official Code § 25-791.

IT IS FURTHER ORDERED that the Licensee's failure to appear at the hearing in person, by counsel, or both, will result in the Board cancelling the license.


Copy of this Order shall be sent to the Applicant.

District of Columbia
Alcoholic Beverage Control Board

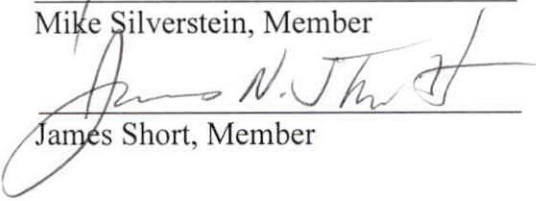


Donovan Anderson, Chairperson

Nick Alberti, Member



Mike Silverstein, Member



James Short, Member

Donald Isaac, Member



Bobby Cato, Member

Rema Wahabzadah, 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, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 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 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).