

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

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<b>In the Matter of:</b>	)	
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District Still, LLC	)	
t/a District Still	)	
	)	License No.: ABRA-102521
Holder of a	)	Order No.: 2024-607
Retailer's Class A License	)	
	)	
at premises	)	
175 R Street, NE	)	
Washington, D.C. 20002	)	

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**BEFORE:** Donovan Anderson, Chairperson  
James Short, Member  
Silas Grant, Jr., Member

**PARTIES:** District Still, LLC, t/a District Still, Petitioner  
Richard Bianco, Counsel, on behalf of the Petitioner

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**ORDER DENYING SECOND MOTION FOR RECONSIDERATION**

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In Board Order No. 2024-286, issued on May 1, 2024, the Alcoholic Beverage and Cannabis Administration (ABCA) reviewed its records and determined that District Still, LLC, t/a District Still (Respondent), was a license in safekeeping. The Licensee was originally scheduled to pay the Safekeeping fees no later than March 31, 2024. However, the Respondent failed to pay its Safekeeping fees. Additionally, on April 11, 2014, the Respondent was further notified that if it wished to keep its license in Safekeeping, a written safekeeping extension request must be submitted to the Alcoholic Beverage Control Board (Board), or the license will be cancelled, pursuant to the District of Columbia Official Code § 25-791(c). No such request was received by the Licensee; therefore, the license was cancelled. In a letter dated July 12, 2024, the Licensee requested reconsideration. Nevertheless, the request was received after the reconsideration period and was deemed not eligible for reconsideration. A motion for reconsideration was filed by District Still and denied on August 7, 2024 in Board Order No. 2024-569.

Subsequently, District Still hired counsel and filed a second motion for reconsideration. The Board notes that hiring counsel is not a basis for granting a second bite at the apple and the Board will not consider additional information and argument that should have been presented with the first motion. 23 DCMR § 1719.2 (West Supp. 2024). Therefore, the opportunity to raise new arguments and evidence has been waived by District Still.

Even if the Board were to consider the motion, District Still did not demonstrate any facts that corrected the failure to file a timely renewal application and safekeeping application before the Board's cancellation order on May 1, 2024.<sup>1</sup> Furthermore, the Applicant filed an incomplete and late filed application on May 8, 2024 that lacked the appropriate tax compliance certificates, and District Still did not request additional time or an extension of the reconsideration period while it attempted to resolve the outstanding tax issues. As a result, District Still voluntarily waived any right to contest the cancellation.

The Board also does not agree that the present case is similar to other cases where the licensee was allowed to reinstate the licenses where the present licensee held a Retailer's Class A license, which is subject to a quota per D.C. Official Code § 25-331(a), and where the quota has been reached. In such a case, it is not in the District's or other persons interested in obtaining a Class A license to artificially extend the reconsideration period on limited licenses, such as Class As by allowing former license holders to submit untimely reinstatement motions, as this potentially further prejudices the ability of new businesses to enter the market and could create a cloud over whether the Board could issue new Class A licenses should the number of class A licenses fall below the quota.

## ORDER

Therefore, the Board, on this 28th day of August 2024, hereby **DENIES** the motion for reconsideration. A copy of this Order shall be sent to the Respondent.

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<sup>1</sup> Even if the initial application documents were misfiled, lost, destroyed, not submitted properly, or otherwise, District Still admits that it knew this before the cancellation order was entered and it still made no effort to refile the documents in April 2024.

District of Columbia  
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocx.com  
*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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Silas Grant, Jr., Member

Pursuant to D.C. Official Code § 25-433(d)(1) (applicable to alcohol matters) or 22-C DCMR § 9720 (applicable to medical cannabis matters), 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 and Cannabis Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section II 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 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 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).