

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

_____)	
In the Matter of:)	
)	
TBM Holdings, LLC)	Case No.: N/A
t/a Driftwood Kitchen)	License No: 086210
)	Order No: 2018-495
Holder of a)	
Retailer's Class CR License)	
)	
at premises)	
400 H Street, N.E.)	
Washington, D.C. 20002)	
_____)	

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

ALSO PRESENT: TBM Holdings, LLC, t/a Driftwood Kitchen, Applicant

Karen Todd, Counsel, on behalf of the Applicant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING MOTION FOR HEARING

In Board Order No. 2018-473, issued on August 1, 2018, the Alcoholic Beverage Control Board affirmed the cancellation of the license held by TBM Holdings, LLC, t/a Driftwood Kitchen, (Driftwood) because it failed to file a timely motion for reconsideration. *In re TBM Holdings, LLC, t/a Driftwood Kitchen*, ABRA License No. 086210, Board Order No. 2018-473, 1-2 (D.C.A.B.C.B. Aug. 1, 2018).

Subsequently, Driftwood filed a motion for a hearing, stay, and reconsideration of the Board's prior Order. The basis for this second round of post decision motions are due to claims that Driftwood informed ABRA's Licensing manager that it wanted to place their license in safekeeping; nevertheless, this claim does not appear relevant to Driftwood paying its licensing

fees. *Mot. for Hearing Request.* Driftwood further claims that the ownership never received any notification regarding their renewal or licensing fees; nevertheless, this is not the case, as ABRA's records show that renewal and fee notifications were sent by email and hard copy on April 4, 2018. Moreover, ABRA's records show that Board Order No. 2018-189 was mailed to Driftwood by regular mail on April 26, 2018.

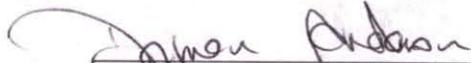
While the Board has decided this matter on the merits, the Board further notes that the motion is not eligible for reconsideration because there is no reason for Driftwood to have failed to include these new claims in its first motion for reconsideration pursuant to 23 DCMR § 1719.4 (West Supp. 2018).

Therefore, the Board does not credit any claims that Driftwood lacked adequate notice, and the matter is not subject to further consideration in this forum at this time.

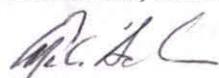
ORDER

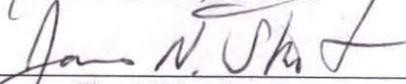
Therefore, the Board, on this 8th day of August 2018, hereby **DENIES** the motion for hearing filed by Driftwood and affirms the cancellation of Driftwood's license. The ABRA shall deliver a copy of this order to Driftwood.

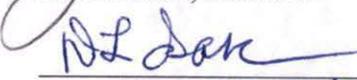
District of Columbia
Alcoholic Beverage Control Board


Donovan Anderson, Chairperson

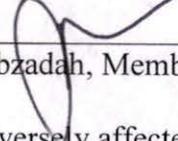

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Rema Wahabzadah, Member

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. 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. 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).