

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

In the Matter of:)

M & M Beer & Wine, Inc.)
t/a M & M Market)

License No.: 078461
Order No.: 2019-318

Holder of a)
Retailer's Class B License)

at premises)
[REDACTED])
[REDACTED])

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

PARTIES: M & M Beer & Wine, Inc., t/a M & M Market, Petitioner

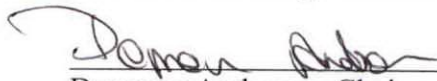
Workneh Churnet, Counsel, on behalf of the Petitioner

ORDER DENYING SECOND MOTION FOR RECONSIDERATION

The Alcoholic Beverage Control Board cancelled ABRA License No. 078461 held by M & M Beer & Wine, Inc. (Petitioner) in Board Order No. 2018-718, which was issued on December 5, 2018. After receiving a motion for reconsideration, the Board affirmed the cancellation in Board Order No. 2019-028, on January 9, 2019. Petitioner now claims that the Board should reverse based on the Licensee's sworn testimony that he did not receive notice of the fee. The Board notes that this new information should have been presented with the first motion for reconsideration; therefore, the Applicant has waived consideration of this new information in this forum. 23 DCMR § 1719.4 (West Supp. 2019) ("If a petition is based . . . on a new matter, that matter shall be . . . accompanied by a statement that the petitioner could not by due diligence have known or discovered the new matter prior to the date the case was presented to the Board . . ."). All of the information in the Petitioner's second motion for reconsideration could have been included in the first motion. As a result, the present motion is repetitive and out of order. Therefore, on this 1st day of May 2019, the Board hereby **DENIES** the motion for reconsideration filed by the Petitioner. Copies of this Order shall be provided to the Licensee by

ABRA. The Board further advises the Petitioner that no further motions on this matter shall be considered in this forum.

District of Columbia
Alcoholic Beverage Control Board



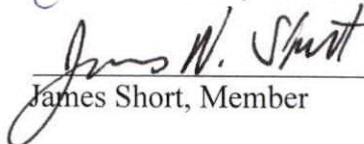
Donovan Anderson, Chairperson



Nick Alberti, Member

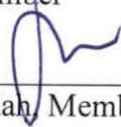


Mike Silverstein, Member



James Short, 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).