

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

In the Matter of:)
)
Harar Grocery, LLC)
t/a Rainbow Market Beer & Wine Grocery)
Market)
)
Applicant for a New)
Retailer's Class B License)
)
at premises)
626 Kennedy Street, N.W.)
Washington, D.C. 20011)
)

Case No.: N/A
License No.: ABRA-116536
Order No.: 2021-263

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: Harar Grocery, LLC, t/a Rainbow Market Beer & Wine Grocery
Market, Applicant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING APPLICATION

The Alcoholic Beverage Control Board reviewed the application filed by Harar Grocery, LLC, t/a Rainbow Market Beer & Wine Grocery Market, (Applicant) for a New Retailer's Class B License at 626 Kennedy Street, N.W., Washington, D.C. The Applicant's proposed location is in the Ward 4 Moratorium Zone, which, in accordance with D.C. Official Code § 25-340.01, prohibits the issuance of a Retailer's Class B License unless the business qualifies as a "full-service grocery store." D.C. Official Code §§ 25-311(e), 25-340.01(b), (d).

In order to qualify as a "full-service grocery store," the business must offer "for sale a full line of food products" in six of seven categories of products. D.C. Code § 25-101(22A). Nevertheless, the Board is not persuaded that the Applicant currently offers or will offer a sufficient number of products in each required category to qualify as a full-

service grocery store. Therefore, the Board is not persuaded that the present application is compliant with the law.

The Board advises that should the Applicant file a second application for a full-service grocery store at the same location, the Board expects a more detailed and developed list of products the store will offer and explanation of how the business will keep its shelves stocked with the required products.

ORDER

Therefore, the Board, on this 12th day of May 2021, hereby **DENIES** the Application for New Retailer's Class B License. The Board advises that this denial does not preclude the filing of a new application pursuant to D.C. Official Code § 25-338 as the failure to comply with the full-service grocery store requirements are a technical deficiency. Copies of this Order shall be sent to the Applicant.

District of Columbia
Alcoholic Beverage Control Board

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Donovan Anderson
Key: a2482b02e69d5f9e4e4730003d1ccc16

Donovan Anderson, Chairperson

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James Short
Key: 5470c9739220e2e5c1a332e4294077

James Short, Member

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Bobby Cato
Key: 2080f2ca87e419541f4075a77941d2274

Bobby Cato, Member

Rema Wahabzadah, Member

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Rafi Aliya Crockett, Member
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Rafi Crockett, Member

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Jeni Hansen, Member
Key: 82172691c5529447491b5f8b62e4182c

Jeni Hansen, Member

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Edward Grandis, Member
Key: 5027bd47f0f0940ec14ad1b52541ce1

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 14th 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).