

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

In the Matter of:)

Seven Seas, Inc.,)
t/a Seven Seas Restaurant)

Holder of a Retailer's)
Class CR License)

at premises)
[REDACTED])
[REDACTED])

License No. ABRA-000654

Order No. 2019-113

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

**ORDER GRANTING MOTION FOR REINSTATEMENT OF LICENSE IN
SAFEKEEPING**

Seven Seas, Inc., t/a Seven Seas (Licensee), is the holder of on-premises retailer's license, class CR, located at 5915 Georgia Ave., N.W. According to the Alcoholic Beverage Regulation Administration's (ABRA) records, the license was issued in 1994 and has been in safekeeping since that time. Thus, the Licensee never opened or operated the establishment.

On January 9, 2019, the Board cancelled the license due to the Licensee's failure to pay its safekeeping fees despite receiving proper notification from ABRA. *See In the Matter of Seven Seas, Inc., t/a Seven Seas Restaurant*, Board Order No. 2019-013 (D.C.A.B.C.B. January 9, 2019).

On January 16, 2019, the Licensee filed a timely request for reinstatement of the license which the Board denied for lack of a compelling reason under the law to justify the Licensee's failure to remit timely payment. *See In the Matter of Seven Seas, Inc., t/a Seven Seas Restaurant*, Board Order No. 2019-013 (D.C.A.B.C.B. February 6, 2019).

On February 7, 2019, the Licensee requested a Contested Fact Finding Hearing (Hearing) concerning the cancellation of the license which the Board granted and held on February 27, 2019. At the Hearing, the Licensee proffered evidence to the Board to explain why she missed

the payment. Likewise, the Licensee provided the Board with the steps she has taken to utilize the license, including providing the Board with a current Basic Business License (BBL) issued by the Department of Consumer and Regulatory Affairs, an updated Certificate of Occupancy, and a health inspection report.

Having considered the evidence presented, the Board finds the Licensee's admission that she inadvertently failed to pay her safekeeping fees to be credible. The Board's finding is based on the fact that since acquiring the license in 1994, the Licensee has always paid her renewal fees in a timely manner. Hence, the Licensee does not have a history for being delinquent on her other fee payments.

Nonetheless, the Board is concerned that the Licensee has never utilized the license since acquiring it 1994. She does have a history of representing to the Board that she is very close to opening her establishment, yet she repeatedly requests an extension of the license in safekeeping. For instance, when the Licensee mostly recently requested reinstatement of her license, her support for the request was a commitment to open on or before February 14, 2019. Yet, at the hearing, the Licensee informed the Board that she would not be able to operate until the end March 2019.

Notwithstanding the Licensee's failure to begin operating when she says she would, the Board's concerns are lessened somewhat by the Licensee's efforts to obtain a current BBL, health inspection, and certificate of occupancy. As such, the Board will reinstate the license and grant the extension until March 31, 2019, and possibly until September 30, 2019, should a request be made. However, it must be clearly understood that if the Licensee is not open and operating by September 30, 2019, the Board will cancel the license.

ORDER

The Board does hereby, this 7th day of March, 2019, **REINSTATE** the license located at 5915 Georgia Ave., N.W. and extend the license in safekeeping until March 31, 2019, conditioned upon the payment of any fees and fines that may apply;

IT IS FURTHER ORDERED that the Licensee shall remit payment of any outstanding monies owed to ABRA within 30 days of the date of this Order;

IT IS FURTHER ORDERED that if the Licensee request an extension of the license in safekeeping until September 30, 2019, the Board would approve such request;

IT IS FURTHER ORDERED that the Board will cancel the license if the Licensee is not operating by September 30, 2019.

Copy of this Order shall be sent to the Licensee.

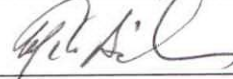
District of Columbia
Alcoholic Beverage Control Board



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).