THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:

Shemali's Inc. t/a Shemali's License Number: 070233 Order Number: 2018-059

Holder of a

Retailer's Class B License

at premises

3306 Wisconsin Avenue, N.W.

Washington, D.C. 20016

BEFORE:

Donovan Anderson, Chairperson

Nick Alberti, Member Mike Silverstein, Member Ruthanne Miller, Member James Short, Member

ORDER DENYING REQUEST TO EXTEND SAFEKEEPING AND NOTIFICATION OF INTENT TO CANCEL LICENSE

The Alcoholic Beverage Control Board denies the request to extend safekeeping; nevertheless, the Board will refrain from canceling the license if by March 30, 2018, the licensee provides all documents necessary to transfer the license.

On February 7, 2018, the Board reviewed a request filed by Shemali's Inc., t/a Shemali's (Applicant) to extend the safekeeping of the Applicant's Retailer's Class B License, which is designated ABRA License No. 070233.

Under the safekeeping statute,

A license which is discontinued for any reason shall be surrendered by the licensee to the Board for safekeeping. The Board shall hold the license until the licensee resumes business at the licensed establishment or the license is transferred to a new owner. If the licensee has not initiated proceedings to resume operations or transfer the license within 60 days after suspension, the Board may deem this license abandoned after giving notice to the licensee. The licensee has 14 days to respond to the Board's notice to request continued safekeeping.

D.C. Official Code § 25-791(a) (emphasis added); see also D.C. Official Code § 25-791(c) (requiring the Board to review licenses in safekeeping "to ensure that the licensee is making reasonable progress on returning to operation.").

The records of the Alcoholic Beverage Regulation Administration (ABRA) indicate that on February 13, 2017, the Applicant filed a transfer application with the agency. ABRA informed the Applicant on March 10, 2017, that it required numerous documents to process the Applicant's transfer application and identified errors in the application. Nevertheless, the Board's records indicate that these documents and the requested corrections have not been received. As such, the Applicant is not making diligent efforts to resume operations or transfer the license in accordance with the safekeeping law.

ORDER

Therefore, on this 14th day of February 2017, the Board hereby **DENIES** the request to extend safekeeping.

IT IS FURTHER ORDERED that if the Applicant provides ABRA with the following documents and diligently pursues the transfer of the license, the Board will refrain from cancelling the license if an accurate and complete transfer application and all required documents are received by March 30, 2018. The required documents are as follows: (1) A transfer application that is complete and accurate in accordance with the March 10 letter sent by ABRA's Licensing Division; (2) the personal history affidavit and personal information release for Joseph Chemali; (3) the Proof of Citizenship for both officers; (4) a Zoning Certification; (5) a Letter of Intent to Lease; (6) the Articles of Incorporation; (7) a Certificate of Incorporation; (8) the Minutes of the Board of Directors Meeting; (9) a Certificate of Good Standing; (10) Photos of Premises; (11) the Landlord Affidavit; (12) a Police Clearance; and the (13) Business Information Release Authorization.

The Board **ADVISES** the Applicant that the failure to comply with this Order shall result in the cancellation of the license.

A copy of this Order shall be delivered to the Applicant.

District of Columbia Alcoholic Beverage Control Board

Donovan Anderson, Chairperson

Nick Alberti, Member

Mike Silverstein, Member

James Short, Member

Donald Isage, Sr., Member

Bobby Cato, Member

Rema Wahabzadah, Member

Pursuant to 23 DCMR § 1719.1 (2008), 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. 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).