

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

In the Matter of:)
)
FD, LLC)
t/a Unity)
)
Applicant for a Renewal of a)
Retailer's Class CT License)
)
at premises)
1936 9th Street, NW)
Washington, D.C. 20001)
)

Case No.: 20-PRO-00022
License No.: ABRA-109064
Order No.: 2020-726

FD, LLC, t/a Unity, Applicant

Allan Ebert, Counsel, on behalf of the Applicant

Dan Orlaskey and Evan Schlom, on behalf of A Group of Eight Individuals, Protestant

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Aliya Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ORDER DENYING REINSTATEMENT OF APPLICATION

The Application filed by FD, LLC, t/a Unity (Applicant), for renewal of its Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on September 28, 2020, in accordance with D.C. Official Code § 25-601 (2001). On September 28, 2020, the Board dismissed the application, because the Applicant failed to appear at the Roll Call Hearing.

On October 1, 2020, Assistant General Counsel April Randall notified the Applicant and David Fox, counsel of record for the Applicant, via electronic mail, that the Board dismissed the application and that the Applicant had ten (10) calendar days to seek reinstatement. On October 8, 2020, the Applicant contacted the General Counsel, Martha Jenkins, via electronic mail at 1:57 PM, notifying her that he had not heard from the agency and inquired about next steps regarding his application. GC Jenkins responded by electronic mail at 2:33 PM on October 8, 2020, that AGC Randall had indeed contacted him and his attorney and that he needed to continue to work with AGC Randall regarding

his renewal. On November 9, 2020, the Applicant emailed GC Jenkins again and inquired about correspondence he had submitted on October 16, 2020. GC Jenkins responded that the agency had no record of correspondence dated October 16, 2020 and to resubmit the letter. The Applicant then filed a letter dated October 8, 2020, requesting reinstatement of his dismissed application on November 9, 2020.

Applicant's request for reinstatement was also sent to the Protestants on November 9, 2020, and an opposition to the reinstatement was subsequently filed on November 13, 2020. Nevertheless, the Applicant received notice of the dismissal on October 1, 2020, but did not file for reinstatement until November 9, 2020. The Board finds no record of a filing on October 8, 2020 or October 16, 2020. As a result, due to the late filing of the motion past the 10-day filing period set forth in 23 DCMR § 1603.5, any right to reinstatement has been waived.

ORDER

Therefore, the Board, on this 18th day of November, hereby **DENIES** the Motion for Reinstatement filed by the Application. Copies of this Order shall be sent to the Parties.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: 0c48064b99d50594675003312000

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 54744372820de0a0b10303052049c

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256036ad6e1451774b751d7917420d

Bobby Cato, Member

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Rema Wahabzadah, Member
Key: b72ca46f565b74090b10b35b738f16cf

Rema Wahabzadah, Member

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Rafi Aliya Crockett, Member
Key: b560b91845e1f0e4016155e5c1281cc

Rafi Crockett, Member

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Jeni Hansen, Member
Key: 42172031f62f944749105d8c2a41608

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: b027bda70b9040ec14adeb52541ce5

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 St. 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).