

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

In the Matter of:)	
)	
Beg Investments, LLC)	Case No. 14-PRO-00030
t/a Twelve Restaurant & Lounge)	License No. ABRA-076366
)	Order No. 2014-218
Application for Renewal of a)	
Retailer's Class CT License)	
)	
at premises)	
1123-1125 H Street, N.E.)	
Washington, D.C. 20002)	

Beg Investments, LLC, t/a Twelve Restaurant & Lounge (Applicant)

Jay Williams, Commissioner, Advisory Neighborhood Commission (ANC) 6A (Protestant)

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

**ORDER TO CEASE AND DESIST AND ORDER CANCELLING ABRA LICENSE
NO. 076366**

The Application filed by Beg Investments, LLC, t/a Twelve Restaurant & Lounge, for renewal of his Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on April 21, 2014, in accordance with D.C. Official Code § 25-601 (2001).

On April 21, 2014, in Board Order No. 2014-130, the Board dismissed the Application, because the Applicant failed to appear at the Roll Call Hearing. In re Beg Investments, LLC, t/a Twelve Restaurant & Lounge, Case No. 14-PRO-00030, Board Order No. 2014-130 (D.C.A.B.C.B. May 1, 2014). The Applicant was instructed in the order that he had ten days to file for reinstatement with the Board. Id. Nevertheless, the Board did not receive a Motion for Reinstatement from the Applicant.

Under § 25-315(c),

If an application for license renewal is made the subject of contested proceedings and the license expires before the Board's decision on the renewal application, the

Board may extend the expiration date during the pendency of the decision on the renewal application.
D.C. Official Code § 25-315(c).

The Board regulations further add that

- 100.1 Licenses that have been made the subject of protest hearings shall be extended as provided by this section.
- 100.2 If the Board has not issued a decision on the matter, and the license has expired, the license shall continue in effect until such time as the Board has rendered a final decision.
- 100.3 In the case of protested applications for the renewal of a license and for transfer to a new owner, the license shall continue in effect until the Board has rendered a final decision.

23 DCMR §§ 100.1-100.3 (West Supp. 2014).

The law permits licensees to operate under an expired liquor license until all pending protests are resolved. In this case, the final decision of the Board regarding the Applicant's renewal application was to dismiss the application for failing to appear at a required hearing. Following this dismissal, the Board did not receive a motion for reinstatement from the Applicant; therefore, the decision in Board Order No. 2014-130 is final. Consequently, under § 25-315(c) and § 100.3, the Board can no longer allow the Applicant to operate under an expired license. Finally, based on the Board's dismissal of the Application in Board Order No. 2014-130, the Board is obligated to cancel the license.

ORDER

Therefore, pursuant to D.C. Official Code § 25-829, Beg Investments, LLC, t/a Twelve Restaurant & Lounge is hereby ordered by the Board on this 14th day of May 2014 to **CEASE AND DESIST selling, serving, or permitting the consumption of alcoholic beverages** at 1123-1125 H Street, N.E., Washington, D.C.

IT IS FURTHER ORDERED that ABRA License No. 076366 has expired and is hereby **CANCELLED**.

The Board further notes that the signature page of Board Order No. 2014-130 contains a clerical error by recording Mr. Alberti's vote as an abstention. In fact, Mr. Alberti recused himself from participating in the protest. Therefore, the Board **AMENDS** the signature block above Mr. Alberti's signature in Board Order No. 2013-130 to read: "I recuse myself from the decision reached by the majority."

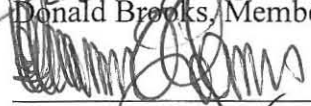
District of Columbia
Alcoholic Beverage Control Board



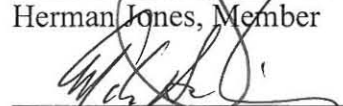
Ruthanne Miller, Chairperson



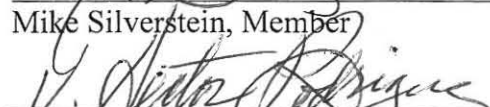
Donald Brooks, Member



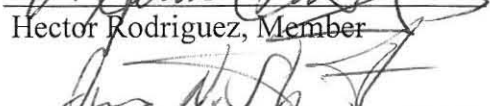
Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, Member

I recuse myself from the decision reached by the majority in this matter. I also note that Board Order No. 2014-130 contains a clerical error on the signature page by listing my vote as an abstention. Instead, the order should state that I recused myself from the matter.



Nick Alberti, Member

Pursuant to D.C. Official Code § 25-829(b)(1), you may submit a written request to the Board for a hearing within fifteen (15) days of service of this Order. Additionally, you may submit a written request to the Board for an expedited hearing pursuant to D.C. Official Code § 25-829 (c)(1) within ten (10) days of service of this Order. A written request for a hearing should be addressed to the Board and sent to the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 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 D.C. Official Code § 25-433, 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).