

**Department of Health and Human Services  
DEPARTMENTAL APPEALS BOARD  
Appellate Division**

East End Kitchen and Market, LLC  
Docket No. A-17-39  
Decision No. 2798  
June 19, 2017

**DECISION TO DECLINE REVIEW OF  
ADMINISTRATIVE LAW JUDGE DECISION**

East End Kitchen and Market, LLC (Respondent) filed a notice of appeal of an Administrative Law Judge (ALJ) initial decision, *East End Kitchen and Market, LLC*, DAB CR4765 (Dec. 29, 2016). The ALJ decision imposed a \$5,000 civil money penalty against Respondent for multiple violations of the regulatory restrictions on retail sales of tobacco products. *See* 21 C.F.R. Part 1140.

A notice of appeal “must identify specific exceptions to the initial decision, must support each exception with citations to the record, and must explain the basis for each exception.” 21 C.F.R. § 17.47(c). Respondent’s notice of appeal does not identify any exception to the initial decision. Accordingly, the Board declines to review the case. *See* 21 C.F.R. §17.47(j). The ALJ initial decision becomes final and binding 30 days after this declination. *Id.*

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/s/  
Christopher S. Randolph

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/s/  
Leslie A. Sussan

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/s/  
Sheila Ann Hegy  
Presiding Board Member