

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
ROLL CALL HEARING

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IN THE MATTER OF:
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Empire DC, LLC :
t/a Empire Lounge :
09 9th Street NW, : Roll Call
Unit 2A : Hearing
Retailer CT :
License No. ABRA-110702 :
Case #22-PRO-00026 :
:
(Substantial Change - :
Expansion to the First :
Floor Without Change :
in Occupancy) :
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Monday
May 2, 2022

The Alcoholic Beverage Control Board
met via WebEx videoconference, LaVerne Fletcher,
Board's Agent, presiding.

PRESENT:
LAVERNE FLETCHER, ABRA Board's Agent
ALSO PRESENT:
RICHARD BIANCO, Applicant Counsel
DESSALEGN NIGUSSIE, Applicant

1 P-R-O-C-E-E-D-I-N-G-S

2 10:05 a.m.

3 MS. FLETCHER: Okay, good morning
4 everybody. My name is Laverne Fletcher. I'll be
5 conducting the roll call hearing as the Board's
6 agent.

7 I'd like to thank everybody for
8 participating in ABRA's roll call hearings via
9 the WebEx platform, made possible by the DC
10 Office of Open Government.

11 We only have one case on the calendar
12 today. This is the matter of Empire Lounge. The
13 case number is 22-PRO-00026, Empire DC LLC,
14 1909 9th Street, NW, Unit 2A, License Number
15 ABRA-110702.

16 This is a Retailer Class CT,
17 substantial change for an expansion to the first
18 floor without a change in occupancy.

19 The protest issues are adverse impact
20 on peace, order and quiet, residential parking,
21 and vehicular and pedestrian safety, and real
22 property values. Is anyone present on behalf of
23 the applicant?

24 MR. BIANCO: Yes, Ms. Fletcher. This
25 is Richard Bianco. I represent the applicant in

1 this case. Also, we have a representative from
2 the establishment, Mr. Des Nigussie is here as
3 well.

4 MS. FLETCHER: Okay, thank you very
5 much. Mr. Bianco, would you spell your name for
6 the record, please?

7 MR. BIANCO: Absolutely.
8 R-I-C-H-A-R-D, last name is Bianco, B-I-A-N-C-O.

9 MS. FLETCHER: And, Mr. Nigussie,
10 would you do the same? Okay, Mr. Nigussie, I see
11 you. Can you hear me? I think you're muted.

12 MR. BIANCO: Ms. Fletcher, let me make
13 this suggestion. I can spell Mr. Nigussie's
14 name. I don't think he's going to be speaking
15 this morning. But to make sure it's clear for
16 the record, it is --

17 MS. FLETCHER: You know what,
18 Mr. Bianco? You can spell it for me. I've
19 written it down, it appears on the screen. But
20 let me see what you have.

21 MR. BIANCO: Sure. D-E-S-S-A-L-E-G-N
22 N-I-G-U-S-S-I-E.

23 MS. FLETCHER: That's what I've got,
24 thank you.

25 MR. BIANCO: Great.

1 MS. FLETCHER: So, I've made a note
2 that Mr. Nigussie is present. And who is present
3 on behalf of the Westminster Neighborhood
4 Association? Is anyone present on behalf of the
5 Westminster Neighborhood Association?

6 So, Mr. Bianco, just so you know, I
7 got a call from one of the Westminster
8 Neighborhood Association representatives, Pierson
9 Stoecklein, this morning.

10 He had not received a copy of the
11 invitation to appear, which is correct because it
12 was sent to the President of the association, and
13 so we didn't have an email address for
14 Mr. Stoecklein. But I sent him the link before
15 we got started, so I'll give him a minute to show
16 up.

17 MR. BIANCO: Very well.

18 MS. FLETCHER: And I'll spell Pierson
19 Stoecklein's name for the record. His first name
20 is spelled P-I-E-R-S-O-N. The last name is
21 spelled S-T-O-E-C-K-L-E-I-N.

22 So, I'm going to check my emails right
23 now to see if he's having any trouble getting in.
24 I literally just sent him the link before we got
25 started. But one second.

1 MS. FLETCHER: Okay, did
2 Mr. Stoecklein appear yet? I don't think so.
3 Just give him a couple more minutes. I just
4 forwarded him the link again.

5 Mr. Bianco and Mr. Nigussie, I'm going
6 to go ahead and give you the dates for the
7 upcoming proceedings, and hopefully he can log in
8 by the time I'm done with that.

9 MR. BIANCO: Okay.

10 MS. FLETCHER: The status hearing is
11 scheduled for June 8th at 10:30 a.m. June 8th at
12 10:30. The protest hearing is scheduled for
13 July 20, 2022, at 1:30.

14 MR. BIANCO: Do we have a mediation
15 date yet, Ms. Fletcher?

16 MS. FLETCHER: I'll run some by you.

17 MR. BIANCO: Okay.

18 MS. FLETCHER: Let's see. Let's see
19 here. I will give you the next available day,
20 which is Wednesday, May 11. Or we could actually
21 do Monday, May 9, at 11:30, if that's good for
22 you. Otherwise, we can move to Wednesday,
23 May 11, any time of day.

24 MR. BIANCO: I see.

25 MR. NIGUSSIE: Monday what time?

1 MS. FLETCHER: What did you say,
2 Mr. Nigussie?

3 MR. NIGUSSIE: Monday what time?

4 MS. FLETCHER: Oh, Monday at
5 11:30 a.m.

6 MR. BIANCO: That actually works for
7 me. So, that's fine.

8 MS. FLETCHER: Monday at 11:30. So,
9 Mr. Bianco, what I'd like to do is not dismiss
10 the Westminster Neighborhood Association. They
11 haven't logged in, but I know they intend to
12 come. I don't know if he's having any trouble,
13 but I just sent him the link just before we got
14 started.

15 So, I don't want to dismiss him. What
16 I'd like to do is to grant conditional standing
17 to the Westminster Neighborhood Association. Oh,
18 I think I see somebody that I didn't see before.
19 Who is Kassem? Is that the court reporter?

20 So, I see the name of Keayon Kassem.
21 Who is that?

22 MR. NIGUSSIE: That's my friend.
23 (inaudible).

24 MS. FLETCHER: Mr. Nigussie, did you
25 say that's a friend of yours?

1 MR. NIGUSSIE: Yes.

2 MS. FLETCHER: Okay. Because he's
3 present and I've mentioned his name, I'm going to
4 have to spell it for the court reporter. One
5 second. Mr. Kassem, can you hear me?

6 I'm going to go ahead and spell his
7 name. I can see him on the screen, even though
8 apparently he's on mute.

9 Mr. Kassem's name is spelled -- I'm
10 assuming it's a gentleman, Mr. Nigussie?

11 MR. NIGUSSIE: Yeah.

12 MS. FLETCHER: Okay, his first name is
13 spelled K-E-A-Y-O-N. His last name is spelled
14 K-A-S-S-E-M. Okay, so Mr. Bianco, Mr. Stoecklein
15 is not here still.

16 MR. BIANCO: Correct.

17 MS. FLETCHER: What I would actually
18 like to do, unless you are opposed, is to go
19 ahead and grant the association standing. I
20 don't know why they're not here, but he did call.
21 So, I'm just assuming he's trying to get it.

22 But I'm okay doing whatever you would
23 be comfortable with.

24 MR. BIANCO: Sure. So, my request
25 would be for dismissal of the protest. It's

1 10:15. I realize he's trying to reach out, but
2 he's not here. And I would like to make that
3 position is noted for the record.

4 MS. FLETCHER: Okay. So, what I will
5 do in light of that, Mr. Bianco, I will dismiss
6 the protest. He's not present, that is the
7 process.

8 I did note that he did call prior to
9 the roll call hearing, and that he intended to be
10 here, but he is not here. And so, I'm going to
11 dismiss the protest and -- one second.

12 Before I do that, I'd like to do one
13 other thing. I'm trying to not dismiss because
14 he's not here, but I'm going to do everything I
15 can to give him a chance to appear.

16 I don't see a telephone number, or I
17 would give him a call. Let's see. Mr. Bianco,
18 do you mind giving me a moment to give him a
19 call?

20 MR. BIANCO: No. Go through your
21 process, Ms. Fletcher. I'm happy to accommodate.

22 MS. FLETCHER: Okay, thank you.

23 MS. FLETCHER: (On the phone.) Hi,
24 Mr. Johnson. Hi, this is Laverne Fletcher with
25 ABRA. I'm calling because the roll call hearing

1 is actually in progress. And I did get a call
2 from Mr. Stoecklein. I sent him a link to the
3 hearing, but he hasn't appeared yet.

4 I sent it -- yeah, I sent it to him a
5 couple of times. I can send it to him again. Do
6 you mind, in case, have your link handy?

7 The one that I have is
8 pstoeckl@gmail.com. Yeah, I don't know, but if
9 you have yours, you can forward it to him and he
10 can log in. I'll wait and see if you're able to
11 do it. I already sent it to you. I sent it on
12 April 26th.

13 Okay, well I sent it. But, you know,
14 it's technology. Things happen. But I did send
15 it to you and I sent it to him this morning. So,
16 I just wanted to reach out. And you said he
17 tried to contact you because he's trying to get
18 in?

19 I know. I know. So, I'm actually --
20 hold on one second. And just so you know, the
21 applicant is patiently allowing me to try to get
22 this invite to you. Yeah, I'm talking email.
23 Mm-hmm.

24 Well, yeah, so what I'm going to
25 do -- so that call-in number is also in your

1 invitation. Yeah, just a second. So, what I'm
2 going to do is this. I'm going to consider you
3 to be present because I'm talking to you. If you
4 had called in, we would be doing the same thing.

5 And so, I'm going to consider you to
6 be present. I've made a note that Mr. Stoecklein
7 had difficulty getting in. Thank you for
8 answering this call this morning, Mr. Johnson.

9 So, I will now not have to dismiss your protest.

10 Okay, take care. Bye-bye. So, Mr. Bianco?

11 MR. BIANCO: Yes.

12 MS. FLETCHER: So, you heard the whole
13 conversation. Or, at least on my side. So,
14 because I was able to talk to Mr. Johnson on the
15 phone, I'll go ahead and grant standing to the
16 protestant.

17 He was asking me if I could give a
18 phone number for Mr. Stoecklein to call in, but
19 it's sufficient that he was on the line. He's
20 the President of the association.

21 And so, I'm going to grant standing to
22 the Westminster Neighborhood Association, in
23 light of the fact that I spoke with Mr. Johnson
24 and there is the option to call in as well,
25 although I called him. He's still on the phone.

1 And, Mr. Bianco, I'm going to send
2 Mr. Johnson an email with these dates. I just
3 decided not to keep you on the line any longer.
4 And I will go ahead and conclude this roll call,
5 Mr. Bianco, unless you have anything else you'd
6 like to say before we close.

7 MR. BIANCO: Nothing further,
8 Ms. Fletcher. Thank you very much.

9 MS. FLETCHER: Okay. Well, thank you
10 everybody. And I'll see you soon in mediation.

11 MR. BIANCO: Thank you very much.

12 MS. FLETCHER: Okay, thank you. The
13 roll call is concluded. Bye everybody.

14 (Whereupon the above-entitled matter
15 went off the record at 10:22 a.m.)

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1	<p>apparently 7:8</p> <p>appeared 9:3</p> <p>appears 3:19</p> <p>applicant 2:23,25 9:21</p> <p>April 9:12</p> <p>association 4:4,5,8, 12 6:10,17 7:19 10:20,22</p> <p>assuming 7:10,21</p>	<p>contact 9:17</p> <p>conversation 10:13</p> <p>copy 4:10</p> <p>correct 4:11 7:16</p> <p>couple 5:3 9:5</p> <p>court 6:19 7:4</p> <p>CT 2:16</p>	G
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Empire Lounge

Before: DC ABRA

Date: 05-02-22

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

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