

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

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IN THE MATTER OF:                   :  
  :  
Empire, LLC,                         :  
t/a Empire Lounge                   :  
1909 9th Street NW                 : Protest  
Retailer CT - ANC 1B                : Hearing (Status)  
License No. 110702                 :  
Case # 22-PRO-00026                :  
  :  
(Substantial Change -               :  
Request to Expand                   :  
Licensed Premises)                 :  
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Wednesday  
June 8, 2022

The Alcoholic Beverage Control Board  
met via WebEx videoconference, Chairperson  
Donovan W. Anderson presiding.

PRESENT:

- DONOVAN W. ANDERSON, Chairperson
- BOBBY CATO, JR., Member
- RAFI ALIYA CROCKETT, Member
- EDWARD S. GRANDIS, Member
- JENI HANSEN, Member
- JAMES SHORT, JR., Member

ALSO PRESENT:

- SARAH FASHBAUGH, DC ABRA Staff
- RICHARD BIANCO, Applicant Counsel
- LYNN JOHNSON, Westminster Neighborhood  
Association
- PIERSON STOECKLEIN, Westminster Neighborhood  
Association
- DANIEL ORLASKEY, ANC 1B02

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

2 10:43 a.m.

3 CHAIRPERSON ANDERSON: Good morning,  
4 everyone.

5 As chairman, chairperson of the  
6 Alcoholic Beverage Control Board for the District  
7 of Columbia, in accordance with D.C. Code Section  
8 2571 (inaudible) of the Open Meetings Act, OMA, I  
9 am welcoming you to the regularly scheduled  
10 meeting of the Alcoholic Beverage Control Board.

11 This meeting is being conducted pursuant to  
12 guidance made available by the District of  
13 Columbia's Office of Open Government regarding  
14 electronic meetings held by public bodies.  
15 Electronic meetings by the ABC Board are  
16 authorized pursuant to Section 2577(a) of the  
17 D.C. Code.

18 Pursuant to the OMA requirements,  
19 notice of today's meeting was provided 48 hours  
20 in advance of the meeting on ABRA's website and  
21 on the District's Central Meeting Calendar.

22 The notice includes the time, date,  
23 agenda, and call-in or login information for  
24 public participation. This electronic meeting is  
25 being hosted by a WebEx account provided by the

1 District of Columbia Government. Please address  
2 any questions of complaints to the OOG at  
3 opengovoffice@dc.gov.

4 My name is Donovan Anderson. I'm  
5 chairman of the board.

6 I would like to introduce the other  
7 members of the ABC Board who are also  
8 participating electronically. Please respond  
9 when I announce your name.

10 Mr. James Short.

11 MEMBER SHORT: Mr. James Short present.

12 CHAIRPERSON ANDERSON: Mr. Bobby Cato.

13 MEMBER CATO: Bobby Cato present.

14 CHAIRPERSON ANDERSON: Ms. Rafi  
15 Crockett.

16 MEMBER CROCKETT: Rafi Crockett  
17 present.

18 CHAIRPERSON ANDERSON: Ms. Jeni Hansen.

19 MEMBER HANSEN: Jeni Hansen present.

20 CHAIRPERSON ANDERSON: Mr. Edward  
21 Grandis. Where are you at, Mr. Grandis?

22 MEMBER GRANDIS: Edward Grandis  
23 present.

24 CHAIRPERSON ANDERSON: Thank you.

25 The board has six members in

1 attendance for the conduct of business today, and  
2 that constitutes a quorum.

3 Before we get underway with today's  
4 hearing calendar, I need to make a few  
5 instructions very clear so that the conduct of  
6 these hearings is understood by everyone.

7 There are ten cases scheduled for  
8 today. Once your case is called, it will take a  
9 moment for our IT specialist to elevate the  
10 rights for each party to enable the camera and  
11 microphone.

12 Then, and only then, will you have the  
13 ability to enable your equipment.

14 If your case is not being heard, you  
15 will remain mute and the camera will be disabled.

16 At the conclusion of each case, the  
17 parties will have the option to leave. If the  
18 party chooses to stay, all cameras and  
19 microphones for the concluded case will be  
20 disabled.

21 Should you have any questions or  
22 require technical assistance during the hearing,  
23 please submit them using the question and answer  
24 feature.

25 Our first case this morning is our

1 protest hearing status, Case No. 22-PRO-00026,  
2 Empire Lounge, License No. 110707(sic).

3 Good morning, Ms. Fashbaugh. Can you  
4 please elevate the rights of the licensee and the  
5 protestant in this case.

6 MS. FASHBAUGH: Good morning. Please  
7 stand by.

8 Richard Bianco, your rights have been  
9 elevated.

10 Lynn Johnson, your rights have been  
11 elevated.

12 Pierson Stoecklein, your rights have  
13 been elevated.

14 That is all, Mr. Chair.

15 CHAIRPERSON ANDERSON: Good morning.  
16 Thank you.

17 Lynn Johnson, Pierson Stoecklein, if  
18 you have a camera can you please turn your camera  
19 on, please.

20 MR. JOHNSON: Yes. Thank you.

21 CHAIRPERSON ANDERSON: Thank you, sir.  
22 Pierson Stoecklein.

23 MR. JOHNSON: He is --

24 CHAIRPERSON ANDERSON: I'm sorry?

25 MR. JOHNSON: He is attending another

1 meeting at the moment. He should be here  
2 shortly.

3 CHAIRPERSON ANDERSON: All right, fine.

4 MR. STOECKLEIN: I'm available. My  
5 camera's just not available. I apologize, Mr.  
6 Chair.

7 CHAIRPERSON ANDERSON: Okay. Then it's  
8 authorized. Thank you.

9 All right. Good morning, everyone.  
10 And let me have the parties identify themselves  
11 for the camera, please -- I'm sorry, for the  
12 hearing. Please spell and state your name,  
13 please.

14 We'll start with the licensee Mr.  
15 Bianco.

16 MR. BIANCO: Good morning, Mr. Chair,  
17 members of the board, my name is Richard Bianco.  
18 Name is spelled R-I-C-H-A-R-D, last name is  
19 Bianco, B-I-A-N-C-O.

20 CHAIRPERSON ANDERSON: Will your client  
21 be here this morning, Mr. Bianco?

22 MR. BIANCO: I'm sorry?

23 CHAIRPERSON ANDERSON: Will your, will  
24 your client be here this morning?

25 MR. BIANCO: Oh. Thank you. No, he

1 will not be.

2 CHAIRPERSON ANDERSON: Okay, thank you.

3 All right. Mr. Johnson, spell and  
4 state your name for the record, and your  
5 affiliation, sir.

6 MR. JOHNSON: Yes. Lynn Johnson, L-Y-  
7 N-N J-O-H-N-S-O-N.

8 CHAIRPERSON ANDERSON: And what, who do  
9 you represent, sir? What organization are you  
10 with?

11 MR. JOHNSON: The Westminster  
12 Neighborhood Association.

13 CHAIRPERSON ANDERSON: Mr. Stoecklein,  
14 can you please spell and state your name for the  
15 record, please?

16 MR. STOECKLEIN: Yes. Pierson  
17 Stoecklein, spelled P-I-E-R-S-O-N S-T-O-E-C-K-L-  
18 E-I-N. I'm here on behalf of the Westminster  
19 Neighborhood Association.

20 CHAIRPERSON ANDERSON: I'm sorry, what  
21 was it, you're also from the Westminster  
22 Neighborhood Association? Is that correct,  
23 please, sir?

24 MR. STOECKLEIN: Yes, Mr. Chair.

25 CHAIRPERSON ANDERSON: Mr. Bianco, who

1 are the protestants in this case, please?

2 MR. BIANCO: The protestants are the  
3 Westminster Neighborhood Association, and ANC 1B,  
4 who do not appear to be present.

5 MR. ORLASKEY: This is Daniel Orlaskey.  
6 I'm here.

7 CHAIRPERSON ANDERSON: I'm sorry, sir.  
8 Can you -- I didn't see you. All right.

9 Mr. Orlaskey, can you please spell and  
10 state your name for the record, please?

11 MR. ORLASKEY: Sure. It's Daniel, D-A-  
12 N-I-E-L, Orlaskey, O-R-L-A-S-K-E-Y. I am  
13 commissioner for ANC 1B02.

14 CHAIRPERSON ANDERSON: All right, thank  
15 you.

16 Now, this is one of the reasons why I  
17 always ask folks to, to turn their cameras on  
18 because at least I will see faces and so that I  
19 will know to ask faces that I, that I see to  
20 identify themselves for the record.

21 But when your camera is not on, it's  
22 hard for me to know that whoever is on this, on  
23 the line is here for the case.

24 So, thank you. Thank you, sir.

25 All right. Are there any preliminary



1 matters in this case? And when I say preliminary  
2 matters, I am talking about any type of  
3 scheduling type of issue that, that directly  
4 relates to the request for substantial change by  
5 the, by the establishment.

6 Any preliminary issues that need to be  
7 brought to our attention, Mr. Bianco?

8 MR. BIANCO: No, Mr. Chair, nothing  
9 from the licensee.

10 CHAIRPERSON ANDERSON: Mr. Johnson, any  
11 preliminary matters that you need to bring to the  
12 attention of ABRA?

13 Mr. Johnson? I can't -- you're on,  
14 you're on mute, Mr. Johnson.

15 Mr. Johnson, you're on -- Unmute your  
16 telephone, sir. I can't hear you.

17 MR. JOHNSON: Can you hear me now?

18 CHAIRPERSON ANDERSON: Yes, sir. I can  
19 hear you.

20 MR. JOHNSON: Okay. So, I've got  
21 technical problems over here.

22 But we have no issues.

23 CHAIRPERSON ANDERSON: Thank you.

24 Mr. Orlaskey, any preliminary matters?

25 MR. ORLASKEY: I just have one

1 question. Have these two protests now, the WNA  
2 protest and the ANC protest, been combined into  
3 one?

4 CHAIRPERSON ANDERSON: I don't  
5 understand your question, sir.

6 MR. ORLASKEY: Well, in the past we've  
7 had similar or the same issues in a protest. The  
8 board has decided to combine them for expediency?

9 CHAIRPERSON ANDERSON: All right. In  
10 this particular case what we, if this matter goes  
11 to a protest hearing I will ask for someone to  
12 take the lead. However, the ANC has its -- the  
13 ANC itself has jurisdiction to move forward with  
14 this hearing.

15 And the neighborhood association, the  
16 association itself as an entity, it also has  
17 jurisdiction to move forward.

18 And the reason why, the reason why I'm  
19 stating that, because if the ANC was to agree to  
20 a settlement agreement with the licensee, and if  
21 the civic association -- I'm sorry. Is this a,  
22 is it a civic association or neighborhood  
23 association?

24 MR. JOHNSON: Neighborhood association.

25 CHAIRPERSON ANDERSON: If the

1 neighborhood association, if they elected not to  
2 move -- not to join in on the settlement  
3 agreement, we would still move forward. If there  
4 was a group of five or more, then that, their  
5 protest, would fall.

6 But for expediency purposes what we  
7 will ask if this matter goes to a protest  
8 hearing, if this matter goes to a protest  
9 hearing, then we will ask that a designated  
10 representative be put forth to represent both the  
11 ANC and the association.

12 Any other questions, sir?

13 MR. ORLASKEY: No. That's it.

14 CHAIRPERSON ANDERSON: Okay, thank you.

15 All right. Hearing no other  
16 preliminary matters, this matter has been  
17 scheduled for a protest hearing on July 20th, at  
18 1:30. July 20th, at 1:30 p.m.

19 Do I need to read the instructions for  
20 a protest hearing or are folks familiar with the,  
21 with the instructions for a protest hearing?

22 MR. BIANCO: Applicant will waive.

23 MR. JOHNSON: And we will waive.

24 CHAIRPERSON ANDERSON: All right.

25 MR. ORLASKEY: Sorry. The ANC will

1 also waive.

2 CHAIRPERSON ANDERSON: All right.

3 Thank you.

4 Now, as you are aware, and this is  
5 something that I will just point out to both  
6 parties, this is a protest for a two thousand --  
7 no, I'm sorry, this is substantial change. This  
8 is a substantial change.

9 No, this is not a, this is not a, this  
10 is not a protest on the renewal from 2019. This  
11 is just a protest on the substantial change.

12 Is that correct?

13 MR. BIANCO: That's correct. The 2019  
14 renewal I believe was resolved several months  
15 ago. This is a substantial change to expand the  
16 size but not occupancy of the premises. And then  
17 we have a renewal upcoming in September.

18 CHAIRPERSON ANDERSON: Okay, fine.

19 And that's something that folks can  
20 also, with the renewal coming up in September, I  
21 can also advise the parties that you don't have  
22 to do that. But if the ANC is, if the ANC or the  
23 civic association is contemplating protesting the  
24 renewal of the application, this is something  
25 that could be discussed that both parties --

1 Well, you know, let me not say that because I  
2 don't, I don't know whether or not these  
3 organizations are protesting, if they have filed  
4 a protest. So, let me not -- let me hold that,  
5 let me hold that.

6 I just, I will -- All right, let me  
7 hold that.

8 Just generally, once you, following  
9 this hearing, you will get an email from Imani  
10 Moreland that provides you with a PIP. I just  
11 want to remind parties that seven days prior to  
12 the hearing you must disclose documents and  
13 witnesses that will be relied on at the hearing.

14 And, also, because these hearings are  
15 now being in virtual, that each side is limited  
16 to one hour to present its case. And you will  
17 only have your -- you can only have five  
18 witnesses.

19 All right? So, the board supports  
20 settlement agreements, if the parties wish to  
21 discuss that. But if the parties aren't able to  
22 agree, then this matter will have its protest  
23 hearing on July 20th, at 1:30 p.m.

24 All right. Thank you very much. And  
25 have a great day.

1 MR. BIANCO: You, too.

2 MR. ORLASKEY: Thank you.

3 MR. JOHNSON: One clarification, if I  
4 may. You just mentioned 9:30. And I had written  
5 down earlier 1:30.

6 CHAIRPERSON ANDERSON: I'm sorry. I  
7 did say 1:30, Mr. Johnson. July 20th at 1:30.

8 MR. JOHNSON: All right. Thank you.

9 (Whereupon, at 10:57 a.m., the hearing  
10 was concluded.)

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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: 06-08-22

Place: teleconference

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



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Court Reporter

**NEAL R. GROSS**

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