

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

 IN THE MATTER OF: :
 :
 Empire DC, LLC, :
 t/a Empire Lounge :
 1909 9th Street, NW :
 License #ABRA-110702 :
 Retailer Class CT :
 ANC 1B :
 Case #20-PRO-00015 :
 (License Renewal) :

Monday
 September 14, 2020

The Alcoholic Beverage Control Board
 met via Video Teleconference, LaVerne Fletcher,
 Board's Agent, presiding.

PRESENT:

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

DESSALEGU NIGUSSIE, Applicant
 PIERSON STOECKLEIN, Protestant/Designated
 Representative, Westminster Neighborhood
 Association (WNA)
 MICHAEL MERENSTEIN, Protestant, WNA
 MICHAEL STANEK, Protestant, WNA
 SHIRA MARGOL, Protestant, WNA
 JONATHAN LOUNSBURY, Protestant, WNA
 LYNN JOHNSON, Protestant, WNA
 ASHLEY LOUNSBURY, Protestant, WNA

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

2 (9:47 a.m.)

3 MS. FLETCHER: I will now take a
4 moment to elevate the rights of each party to
5 this case enable their camera and microphone.

6 MR. MERENSTEIN: So although we've got
7 a call at 10 o'clock, should we unmute 100
8 percent now and turn on our cameras, Ms.
9 Fletcher?

10 MS. FLETCHER: Not yet.

11 MR. MERENSTEIN: Okay, thank you.

12 MS. FLETCHER: You're welcome.

13 MR. MERENSTEIN: I've got to hand it
14 to you, you do a great job. I hope you're
15 appreciated there.

16 MS. FLETCHER: Thank you. I
17 appreciate that. Be right with you.

18 Hi, it's me again. Just letting
19 everyone know that this hearing is scheduled for
20 10 o'clock and so I'm going rejoin you at 10:00
21 and we'll get started. Trying to allow everyone
22 an opportunity to be present at 10:00.

23 MR. MERENSTEIN: Thank you.

24 MS. FLETCHER: You're welcome.

25 (Whereupon, the above-entitled matter

1 went off the record at 9:47 a.m. and resumed at
2 9:57 a.m.)

3 MS. FLETCHER: Good morning, everyone.
4 Thank you for joining the Alcoholic Beverage
5 Regulation Administration's public roll call
6 hearing. My name is LaVerne Fletcher. I'm
7 conducting the roll call hearing as the Board's
8 agent.

9 Today's hearing is being conducted via
10 the WebEx account provided by the D.C. Office of
11 Open Government. There are five cases scheduled
12 for today. Once your case is called, I will
13 elevate the rights for each party to enable their
14 camera and microphone. Then, and only then, will
15 you have the ability to enable your equipment.
16 If your case is not being heard, you will remain
17 mute and your camera will be disabled.

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

22 Should you have any questions or
23 require technical assistance during the hearing,
24 please submit them using the Q&A feature or email
25 simone.andrews2@dc.gov.

1 Who is present on behalf of the
2 applicant please?

3 MR. NIGUSSIE: My name is Dessalegn
4 Nigussie.

5 MS. FLETCHER: Thank you very much.
6 Excuse me one second, Mr. Nigussie. Thank you,
7 very much. The representative of the
8 Westminster Neighborhood Association?

9 MR. JOHNSON: Westminster is here.

10 MS. FLETCHER: You're present on
11 behalf of Westminster Neighborhood Association?

12 MR. JOHNSON: Yes.

13 MS. FLETCHER: Okay, thank you. One
14 second. That was Michael Merenstein?

15 MR. MERENSTEIN: That's me.

16 MS. FLETCHER: Your name disappeared
17 for a second. Give me one minute, thank you.

18 MR. MERENSTEIN: We're going through
19 a renovation so forgive the disaster in the
20 picture.

21 MS. FLETCHER: Oh, I understand.

22 MR. MERENSTEIN: It's crazy, thank
23 you.

24 MS. FLETCHER: Is anybody else present
25 from Westminster?

1 MR. STANEK: Hi, good morning. It's
2 Michael Stanek.

3 MS. FLETCHER: Good morning.

4 MS. MARGOL: This is Shira Margol.

5 MR. LOUNSBURY: Hi, this is Jonathan
6 Lounsbury.

7 MR. STOECKLEIN: This is Pierson
8 Stoecklein.

9 MS. FLETCHER: Okay, one second.

10 MS. FLETCHER: Okay, so right now I'm
11 just going through who's present for the
12 Westminister Neighborhood Association. And so I
13 have Lynn Johnson is present?

14 MR. JOHNSON: Yes.

15 MS. FLETCHER: Lynn Johnson is
16 present. Michael Merenstein, you're present.

17 MR. MERENSTEIN: Yes.

18 MS. FLETCHER: Okay, one second. Is
19 anyone else present from the Westminister
20 Neighborhood Association? Is Dan? No, Dan.

21 MR. STOECKLEIN: Pierson Stoecklein is
22 present.

23 MS. FLETCHER: Okay. So, Pierson is
24 present?

25 MR. STOECKLEIN: Correct.

1 MS. FLETCHER: Okay, thank you. Okay,
2 so I have Lynn Johnson and Pierson Stoecklein
3 present on behalf of the Westminister
4 Neighborhood Association. Those are the two
5 individuals present for the Association?

6 MR. STOECKLEIN: That's correct.

7 MS. FLETCHER: Okay, thank you. The
8 Westminister Neighborhood Association has
9 standing as a protestant. I'm going to move now
10 to the group of seven. Shira Margol, you are
11 part of the group of seven.

12 MS. MARGOL: Yes, thank you.

13 MS. FLETCHER: Michael Merenstein, you
14 are part of the group of seven?

15 MR. MERENSTEIN: Yes, ma'am.

16 MS. FLETCHER: Is anyone else present
17 on behalf of the group of seven?

18 MR. LOUNSBURY: Good morning, I am.
19 Jonathan Lounsbury.

20 MS. FLETCHER: Sorry, what was that?

21 MR. LOUNSBURY: I am. Jonathan
22 Lounsbury.

23 MS. FLETCHER: Jonathan?

24 MR. LOUNSBURY: Yes.

25 MS. FLETCHER: Okay, thank you.

1 MR. STANEK: And Michael Stanek is
2 involved in the group of seven.

3 MS. FLETCHER: This is a little bit
4 different than doing it in person, huh?

5 MR. MERENSTEIN: But you're doing a
6 great job so I think we're okay.

7 MS. FLETCHER: Thank you. Okay, so
8 present on behalf of the group of seven, Shira
9 Margol, Michael Merenstein, Michael Stanek,
10 Jonathan Lounsbury. So I count four, is that
11 right?

12 MR. LOUNSBURY: Yeah.

13 MS. FLETCHER: Okay. Initially, you
14 started out with a group of eight. Someone by
15 the name of Shantelle Gupta wrote her name on the
16 protest letter but she didn't sign it, so I'm
17 going to dismiss her because she didn't sign the
18 protest letter.

19 But that leaves you with a group of
20 seven that I'm going to grant conditional
21 standing to because at least four of you are
22 present. You need one more person to appear at
23 an upcoming status hearing in order for the Board
24 to grant you full standing, but today I'm going
25 to grant you conditional standing and we'll

1 proceed.

2 MR. LOUNSBURY: I believe my wife can
3 attend. She's just downstairs with my son. I'll
4 have her come up.

5 MS. FLETCHER: Okay. Well, if she
6 comes up then the group of five -- and what's
7 your wife's name?

8 MR. LOUNSBURY: Ashley Lounsbury.

9 MS. FLETCHER: Ashley, okay, I see
10 her. If she shows up, then you've got a group of
11 five present and I'll grant you full standing
12 because it's a group of five today.

13 MR. LOUNSBURY: I'll get her.

14 MR. MERENSTEIN: Thank you, Ms.
15 Fletcher.

16 MS. FLETCHER: You're very welcome.
17 I'll wait until Mr. Lounsbury comes back.

18 MR. LOUNSBURY: Thank you for your
19 patience. She'll be just another minute or two.

20 MS. FLETCHER: Okay, thank you. I'm
21 just going to mute you for a moment. Thank you.
22 Are we still waiting for Ashley?

23 MR. MERENSTEIN: I think they may have
24 a newborn and she's trying to get --

25 MS. FLETCHER: Oh, that's no problem

1 at all.

2 MR. MERENSTEIN: Yes, I'm not sure,
3 but I --

4 MS. FLETCHER: There she is.

5 MS. LOUNSBURY: Hi.

6 MS. FLETCHER: Hi, Ashley. Thank you
7 for appearing. What this now means is that
8 standing is granted to the group of five.

9 MR. LOUNSBURY: Okay.

10 MS. FLETCHER: And so you're free to
11 leave, Ashley. We can proceed without you now, I
12 just needed to see your face.

13 MS. LOUNSBURY: Okay, great. Thank
14 you.

15 MS. FLETCHER: Thank you.

16 MS. FLETCHER: So we have two groups
17 of protestants. We have the Westminster
18 Neighborhood Association granted standing as a
19 protestant. We have a group of five granted
20 standing as a protestant -- and for the group of
21 seven, I'm sorry, it's a group of seven. So
22 who's going to be the designated representative
23 for the group of seven? Is it going to be Shira
24 Margol or Michael Merenstein for the group of
25 seven?

1 MR. MERENSTEIN: Pierson, if you're
2 still on the call, I believe it was -- I thought
3 it was going to be him. If not, it needs to be
4 me. I'm happy to do it.

5 MS. FLETCHER: Pierson is the --

6 MR. STOECKLEIN: -- it needs to be me,
7 Michael, because I'm the representative for the
8 group.

9 MR. MERENSTEIN: Okay. Forgive my
10 ignorance, okay. If we need someone designated,
11 I'm happy to do it.

12 MS. FLETCHER: Okay, and that's -- who
13 was that, Michael?

14 MR. MERENSTEIN: That's Michael.

15 MS. FLETCHER: Group of seven?

16 MR. MERENSTEIN: Yes, ma'am.

17 MS. FLETCHER: You were listed as one
18 of the designated representatives so we'll keep
19 you as such. And yes, Pierson, I have you down
20 as the designated representative for the
21 Westminster Neighborhood Association.

22 MR. STOECKLEIN: That's correct, and
23 Ms. Fletcher, is it possible to have another
24 designated representative from the group of seven
25 just in case? I know, for example, Shira's a

1 teacher during the day so --

2 MS. FLETCHER: Yes.

3 MR. STOECKLEIN: -- if we could have
4 a co-representative, I think that would help that
5 group procedurally.

6 MS. FLETCHER: Yes, we have Shira
7 Margol as a designated representative as well.
8 Is that who you select or someone else?

9 MR. STOECKLEIN: Is there anybody else
10 from the group that feels like, depending on when
11 Ms. Fletcher is able to schedule us for the
12 upcoming status hearing that a during the day
13 meeting might be feasible under the
14 circumstances? Because it would be most likely
15 something during business hours?

16 MR. LOUNSBURY: Yes, I think I can be
17 flexible.

18 MR. STOECKLEIN: Thanks Jonathan.

19 MS. FLETCHER: That's Jonathan?

20 MR. LOUNSBURY: It is, yes.

21 MS. FLETCHER: Okay. So Jonathan
22 Lounsbury is going to be the backup designated
23 representative. Thank you. And Shantelle Gupta
24 was dismissed because she didn't sign the protest
25 letter, and that is pursuant to 23 DCMR 1602.3.

1 Any questions so far?

2 MR. LOUNSBURY: No, ma'am.

3 MS. FLETCHER: We need to set a date
4 for a mediation. At a later date you're going to
5 receive a date for a status hearing and a protest
6 hearing once those dates have been set with the
7 Board. But we can proceed with a date for
8 mediation. And if the case is settled in
9 mediation, there won't be a need for a status
10 hearing or protest hearing. Let's just proceed
11 with the date for mediation.

12 MR. STOECKLEIN: Ms. Fletcher, I
13 apologize, this is Pierson Stoecklein on behalf
14 of the WNA group. I've been here since the
15 beginning, but there's another gentleman on the
16 line. I presume that he represents Empire
17 Lounge. Was he announced and recorded into the
18 docket?

19 MS. FLETCHER: There's another
20 gentleman on the line?

21 MR. STOECKLEIN: Yes, there appears to
22 be another gentleman. I don't know how to
23 pronounce his name, but it's spelled N-I-G-U-S-S-
24 I-E.

25 MS. FLETCHER: Spell that again?

1 MR. NIGUSSIE: That's me, the owner.

2 MS. FLETCHER: The owner?

3 MR. NIGUSSIE: The owner of Empire
4 Lounge, yes. That's who -- he was talking about
5 me, I believe.

6 MS. FLETCHER: Oh, so Mr. Nigussie,
7 there's someone else on the line? Is that what
8 I'm hearing?

9 MR. STOECKLEIN: No, it's just Mr.
10 Nigussie. I just wasn't sure who -- I wanted to
11 confirm on that.

12 MS. FLETCHER: Oh, I see. Okay. So
13 Mr. Nigussie is the owner. Okay, so I'm looking
14 at the calendar for mediation, and I'll give you
15 the next available day for mediation, and you can
16 let me know if you're available.

17 The next available day for mediation
18 is Thursday, September 24. Is that a good day?

19 MR. NIGUSSIE: What time?

20 MS. FLETCHER: At 10:00, 11:00, 1:00
21 or 2:00.

22 MR. NIGUSSIE: Can we do 10:00, maybe
23 9:00?

24 MS. FLETCHER: Would that be good for
25 Westminister and the group of seven?

1 MR. JOHNSON: That works for
2 Westminister.

3 MR. MERENSTEIN: Yes, absolutely works
4 for Westminister.

5 MR. LOUNSBURY: That works for me from
6 the group of seven. I don't know if it works for
7 you, Michael.

8 MR. MERENSTEIN: It absolutely does.
9 10 o'clock on the 24th works for me. Thanks.

10 MS. FLETCHER: Is it 10 o'clock or 9?

11 MR. NIGUSSIE: 9:00.

12 MR. MERENSTEIN: This is Michael, I
13 can do 9 o'clock as well.

14 MR. LOUNSBURY: Yes, this is Jonathan.
15 I can also do 9:00.

16 MS. MARGOL: Hi, this is Shira. And
17 as you guys mentioned, I have a tight teaching
18 schedule so I won't be able to make it.

19 MS. FLETCHER: Okay, that's fine. No
20 problem, thank you.

21 MR. NIGUSSIE: Can a representative
22 talk to you, be there instead of her, or she has
23 to be there?

24 MS. FLETCHER: What was that question
25 Mr. Nigussie?

1 MR. NIGUSSIE: For the 9 o'clock, she
2 says she has a tight schedule, a teaching
3 schedule --

4 MS. FLETCHER: That's fine. We just
5 need a designated representative.

6 MR. NIGUSSIE: I'm sorry.

7 MS. FLETCHER: Any other questions?

8 MR. JOHNSON: Can you confirm are you
9 setting it for 10 or 9?

10 MS. FLETCHER: It's for 9 o'clock.
11 Mediation is set for September 24, 9 o'clock a.m.

12 MR. JOHNSON: Thank you.

13 MS. FLETCHER: Okay, any other
14 questions?

15 MR. STOECKLEIN: No, ma'am.

16 MS. FLETCHER: Well, thank you for
17 participating. This roll call hearing is
18 concluded.

19 (Whereupon, the above-entitled matter
20 went off the record at 10:16 a.m.)

21

22

23

24

25

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This is to certify that the foregoing transcript

In the matter of: Empire Lounge

Before: DCABRA

Date: 09-14-20

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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