

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

IN THE MATTER OF: :

Empire DC, LLC :

t/a Empire Lounge :

1909 9th Street NW : Summary Suspension

Retailer CT - ANC 1B : Hearing

License No. 110702 :

Case #12-CMP-00096 and :

Case #20-CMP-00098 :

(ABC Closure - :

September 4, 2020) :

Wednesday  
September 16, 2020

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  
REMA WAHABZADAH, Member

**ALSO PRESENT:**

APPLICANT DESSALEGN NIGUSSIE  
INVESTIGATOR JASON FACCI, ABRA

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

2 10:44 a.m.

3 CHAIRPERSON ANDERSON: Good morning,  
4 everyone. I would like to welcome you to the  
5 regular scheduled meeting of the District of  
6 Columbia Alcoholic Beverage Control Board. Today  
7 is Wednesday, September 16, 2020, and the time is  
8 10:45 a.m.

9 This meeting is being conducted  
10 pursuant to guidance made available by the  
11 District of Columbia Office of Open Government  
12 regarding electronic meetings held by public  
13 bodies during the public health emergency.

14 Pursuant to this guidance, notice of  
15 today's meeting was provided 48 hours in advance  
16 of the meeting on ABRA's website and on the  
17 District's central meeting calendar. The notice  
18 included the time, date, agenda, and call-in or  
19 login information for public participation.

20 This electronic meeting is being  
21 hosted by a WebEx account provided by the  
22 District of Columbia government. Please address  
23 any questions or complaints to the OOG at  
24 [opengovoffice@DC.gov](mailto:opengovoffice@DC.gov).

25 My name is Donovan Anderson, I'm

1 Chairman of the Board. I would like to introduce  
2 the other members of the Board, who are also  
3 participating electronically, pursuant to Mayor's  
4 order 2020-054. Please respond -- please respond  
5 when I announce your name.

6 Mr. Bobby Cato.

7 MEMBER CATO: Bobby Cato present.

8 CHAIRPERSON ANDERSON: Ms. Rema  
9 Wahabzadah.

10 MEMBER WAHABZADAH: Rema Wahabzadah  
11 present.

12 CHAIRPERSON ANDERSON: Ms. Rafi  
13 Crockett.

14 MEMBER CROCKETT: Rafi Crockett  
15 present.

16 CHAIRPERSON ANDERSON: Ms. Jeni  
17 Hansen.

18 MEMBER HANSEN: Jeni Hansen present.

19 CHAIRPERSON ANDERSON: Mr. Ed Grandis.

20 MEMBER GRANDIS: Ed Grandis present.

21 CHAIRPERSON ANDERSON: The Board has  
22 six members in attendance --

23 MEMBER SHORT: Mr. Chairman, James  
24 Short present.

25 CHAIRPERSON ANDERSON: All right, Mr.

1 Short, I had not seen you, so I wasn't aware that  
2 were on. And Mr. Short, again, please announce  
3 yourself.

4 MEMBER SHORT: Mr. James N. Short Jr.  
5 present.

6 CHAIRPERSON ANDERSON: You can turn  
7 your microphone -- you can turn your video on  
8 again, good morning again, Mr. Short.

9 All right, the Board then has seven  
10 members in attendance for the conduct of  
11 business, and that constitutes a quorum. Our  
12 first order of business today we have a summary  
13 suspension hearing. And the case is Case No. 20-  
14 CMP-00096 and 20-CMP-00098, Empire Lounge,  
15 License No. 110702.

16 And once the folks have -- so I would  
17 like once -- I know that you're there, so I'm  
18 waiting for you to show up on my screen. And  
19 once you show up on my screen, I will start with  
20 the government identifying themselves for the  
21 record. And once the government identified  
22 themselves, then we'll have the Licensee.

23 Okay, I see the government is there,  
24 I see the Licensee is there. So I'll start with  
25 you, Mr. Facci, can you please introduce yourself

1 for the record, please.

2 MR. FACCI: Yes, good morning, Mr.  
3 Chairman and members of the Board, Jason Facci on  
4 behalf of the District of Columbia.

5 CHAIRPERSON ANDERSON: I'm not sure if  
6 it -- is it just my screen, or is it -- I see  
7 that Mr. Facci's screen is frozen. I thought it  
8 was just my -- I thought it was just my screen.

9 MR. FACCI: Are you able to hear me,  
10 Mr. Chairman?

11 CHAIRPERSON ANDERSON: Yes, I'm able  
12 -- I thought it was just my screen that was  
13 frozen, so. But I guess it was just you. So you  
14 could introduce yourself for the record, please.

15 MR. FACCI: Yes. Good morning, Mr.  
16 Chairman and members of the Board. Jason Facci  
17 on behalf of the District of Columbia.

18 CHAIRPERSON ANDERSON: Good morning,  
19 and I will have the -- can I have the Licensee  
20 introduce themselves for the record, please.

21 MR. NIGUSSIE: Yes, my name is  
22 Dessalegn Nigussie, I'm the owner of Empire  
23 Lounge.

24 CHAIRPERSON ANDERSON: Can you do me  
25 a favor, sir, Mr. Nigussie, can you please spell

1 your first and last name for the record, please.

2 MR. NIGUSSIE: Yes, my first name is  
3 spelled as D-E-S-S-A-L-E-G-N, and my last name is  
4 spelled as N-I-G-U-S-S-I-E.

5 CHAIRPERSON ANDERSON: All right,  
6 thank you. All right, this is a summary  
7 suspension hearing, and I want to find out from  
8 the government are there any preliminary matters.

9 MR. FACCI: Yes, Mr. Chairman, we do  
10 have an Offer in Compromise.

11 CHAIRPERSON ANDERSON: And what is the  
12 Offer in Compromise?

13 MR. FACCI: Well, with respect to the  
14 charges listed in the summary suspension notice,  
15 the Offer in Compromise terms are as follows.

16 Number one, suspension. The  
17 Respondent shall serve a 15-day suspension of his  
18 ABC license. The day of the 15-day suspension  
19 shall be Friday, September 4, 2020 through  
20 Friday, September 18, 2020, which includes time  
21 served during the summary suspension period.

22 The ABC license suspension shall be  
23 lifted at 8 a.m. on Saturday, September 19,  
24 provided that all applicable requirements in this  
25 Offer in Compromise have been satisfied by the

1 Respondent.

2 Item number two, masks. Except when  
3 eating or drinking while seated, during the  
4 public health emergency, the Respondent shall  
5 require that all owners and employees of the  
6 establishment wear a mask or face covering while  
7 present on the licensed premise --

8 CHAIRPERSON ANDERSON: Mr. Facci --  
9 Mr. Facci, one moment, please. Could I ask  
10 everyone to mute their microphone, please, except  
11 for Mr. Facci. Okay, so I need everyone to mute  
12 their microphone. Okay, go ahead, sir.

13 MR. FACCI: Yeah. The Respondent  
14 shall also require patrons during the public  
15 health emergency to wear masks or face coverings  
16 prior to entering or while waiting in line  
17 outside the licensed premises, while traveling to  
18 use the restroom, or until they are seated and  
19 eating and drinking.

20 Term number three refers to music and  
21 entertainment. The Respondent shall not offer  
22 live music or entertain, including disc jockeys,  
23 while the District of Columbia remains subject to  
24 Mayor's order 2020-067. That's the May 27, 2020  
25 order. And also Mayor's order 2020-075, the June

1 19, 2020 order.

2 In accordance with the Board's notice  
3 of this emergency rulemaking, the Respondent  
4 shall only offer recorded or background music  
5 that is played at a conversational level that is  
6 not heard in the homes of District residents.

7 Term number three refers to operating  
8 hours. The Respondent shall not operate either  
9 inside or outside or sell, serve, or permit the  
10 consumption of alcoholic beverages past midnight  
11 during any day of the week while the District of  
12 Columbia remains subject to Mayor's Order 2020-  
13 067 and Mayor's Order 2020-075, in accordance  
14 with the Board's rulemaking.

15 Term number five is dining activities.  
16 Respondent shall only serve food and alcoholic  
17 beverages to patrons seated at tables while the  
18 District of Columbia remains subject to the  
19 Mayor's Order 2020-067 and Mayor's Order 2020-  
20 075, in accordance with the Board's rulemaking.

21 Tables shall be placed so that patrons  
22 in different parties are placed at least six feet  
23 apart from one another, and with no more than six  
24 patrons per table. Respondent shall have a menu  
25 in use containing a minimum of three prepared



1 food items available per purchase and shall  
2 require patrons to purchase one or more prepared  
3 food items per table. Patrons shall not be  
4 permitted to walk around the establishment with  
5 food and/or alcoholic beverages.

6 Term number six refers to bar  
7 activities. Respondent shall not seat patrons at  
8 indoor or outdoor bars that are being staffed or  
9 utilized by a bartender. Patrons shall not be  
10 permitted to stand at an indoor or outdoor bar to  
11 order food or alcoholic beverages.

12 Term number 7 refers to a contact  
13 tracing system. The Respondent shall implement a  
14 reservation system by phone, online, or onsite,  
15 and keep customer logs to facilitate contact  
16 tracing by DC Health.

17 Term number eight is outside  
18 promoters. If Respondent uses outside promoters,  
19 both the Respondent and promoters shall comply  
20 with all applicable laws and regulations,  
21 including Mayor's Order 2020-067, Mayor's Order  
22 2020-075, and the Board's rulemaking.

23 Term number nine refers to capacity.  
24 Respondent shall limit its indoor capacity to no  
25 more than 50% of the lowest indoor occupancy load

1 or seating capacity on its certificate of  
2 occupancy, excluding employees and outdoor  
3 seating, while the District of Columbia remains  
4 subject to Mayor's Order 2020-067 and Mayor's  
5 Order 2020-075, and in accordance with the  
6 Board's rulemaking.

7 Item number ten refers to social  
8 distancing and a walk-through. Prior to lifting  
9 the suspension of the establishment's alcoholic  
10 beverage license, an ABRA investigator shall  
11 conduct a walk-through of the licensed  
12 establishment with Respondent to evaluate the  
13 establishment's compliance with the District's  
14 social distancing requirements.

15 This evaluation shall include an  
16 assessment of the Respondent's compliance with  
17 Mayor's Order 2020-075, Mayor's Order 2020-080,  
18 and 23 DCMR Section 810.2

19 Finally, the last term is show cause.  
20 This matter will be referred to the Office of the  
21 Attorney General for a possible show cause  
22 proceeding.

23 And Mr. Chairman, I will also submit  
24 to the Board that with respect to item number ten  
25 on this list, an ABRA investigator did conduct a

1 walk-through of the establishment last night,  
2 September 15, at 8 p.m., and found that the  
3 establishment was in compliance with this Offer  
4 in Compromise and with the Mayor's Order.

5 He found that bar seating had been  
6 removed and that tables for patrons were  
7 appropriately distanced apart. And he did speak  
8 to the owner of the establishment, who said he  
9 understood the requirements of this Offer in  
10 Compromise and he has put in the required  
11 safeguards of this Offer in Compromise to ensure  
12 compliance with the Mayor's Order.

13 CHAIRPERSON ANDERSON: Thank you, Mr.  
14 Facci. And it is your recommendation to the  
15 Board that the Board should accept this OIC  
16 because it does -- addresses the issues that was  
17 mentioned in the, I'm sorry, in the summary  
18 suspension, the suspension, and that the -- that  
19 all the issues are fully addressed by this OIC if  
20 the Board accepts it?

21 MR. FACCI: Yes, yes, Mr. Chairman.

22 CHAIRPERSON ANDERSON: Right, thank  
23 you. Mr. Nigussie?

24 MR. NIGUSSIE: Yes.

25 CHAIRPERSON ANDERSON: Sorry if I

1 pronounced your name wrong, I do apologize. It  
2 is my understanding that there is an Offer in  
3 Compromise, sir. Are you aware of the Offer in  
4 Compromise that was --

5 MR. NIGUSSIE: Yes, I am.

6 CHAIRPERSON ANDERSON: And are you --  
7 are you in agreement with the Offer in  
8 Compromise, sir?

9 MR. NIGUSSIE: Yes.

10 CHAIRPERSON ANDERSON: Are you aware  
11 that by accepting an Offer in Compromise, that  
12 you're giving up your right to a hearing in this  
13 matter?

14 MR. NIGUSSIE: That's correct, yes.

15 CHAIRPERSON ANDERSON: And are you  
16 also aware that by accepting an Offer in  
17 Compromise, that you would be giving up your  
18 right to appeal this matter?

19 MR. NIGUSSIE: Yes.

20 CHAIRPERSON ANDERSON: All right,  
21 thank you, sir. Are there any questions by any  
22 Board member to either the government or to the  
23 Licensee? No Board member -- no, I'm sorry, no  
24 questions by the Board members, all right.  
25 Hearing that there are no questions by any Board

1 members, what I will then do is -- I apologize,  
2 thought I was all prepared, I apologize.

3 What the Board -- Mr. Nigussie, do you  
4 have access to a camera?

5 MR. NIGUSSIE: Yes.

6 CHAIRPERSON ANDERSON: Can you turn  
7 your camera on, please. All right, now that I  
8 know what you look like --

9 MR. NIGUSSIE: I apologize.

10 CHAIRPERSON ANDERSON: That -- I would  
11 make sure that you are actually the owner of this  
12 establishment and that -- so we're looking at a  
13 picture, and I'm not sure if the parties have  
14 seen each other. But you are the owner of this  
15 establishment, the picture I'm looking at is the  
16 owner of the establishment, is that correct?

17 MR. NIGUSSIE: That's correct.

18 CHAIRPERSON ANDERSON: All right, so  
19 I just want to make sure that since we're not in  
20 the boardroom, sir.

21 MR. NIGUSSIE: Right.

22 CHAIRPERSON ANDERSON: And anyone  
23 could just, because you were not on camera, I  
24 just want to make sure that at least everyone can  
25 see the person who is stating that they are the -

1 - that they are who they say that you are. Okay,  
2 that's fine.

3 All right, so what the Board is going  
4 to do, we're going to consider -- we're going to  
5 consider this OIC. The Board is going to go in  
6 executive session for about ten minutes and come  
7 back. So what I'll ask that you do is just stay  
8 on the line until the Board comes back. So just  
9 before we go in executive session, so let me read  
10 the statement.

11 As Chairperson of the Alcohol and  
12 Beverage Control Board for the District of  
13 Columbia and according to DC Official Code  
14 Section 2474B of the Open Meetings Act, I move  
15 that the ABC Board hold a closed meeting for the  
16 purpose of seeking legal advice from our Counsel  
17 on Case No. 20-CMP-00096 and 20-CMP-00098, Empire  
18 Lounge, pursuant to DC Official Code Section  
19 2574B or of the Open Meetings Act, and deliberate  
20 upon Case No. 20-CMP-00096 and 20-CMP-00098,  
21 Empire Lounge, for the reasons cited in DC  
22 Official Code Section 2574B(13) of the Open  
23 Meetings Act.

24 Is there a second?

25 MEMBER SHORT: Mr. Short, I second.

1 CHAIRPERSON ANDERSON: Mr. Short has  
2 seconded the motion. I will now take a roll call  
3 vote on the motion that has been properly  
4 seconded by Mr. Short.

5 Mr. Short.

6 MEMBER SHORT: Mr. Short, I do.

7 CHAIRPERSON ANDERSON: Mr. Cato.

8 MEMBER CATO: Bobby Cato, I agree.

9 CHAIRPERSON ANDERSON: Ms. Wahabzadah.

10 MEMBER WAHABZADAH: Rema Wahabzadah,  
11 I agree.

12 CHAIRPERSON ANDERSON: Ms. Crockett.

13 MEMBER CROCKETT: Rafi Crockett, I  
14 agree.

15 CHAIRPERSON ANDERSON: Ms. Hansen.

16 MEMBER HANSEN: Jeni Hansen, I agree.

17 CHAIRPERSON ANDERSON: Mr. Grandis.

18 MEMBER GRANDIS: Edward Grandis, I  
19 agree.

20 CHAIRPERSON ANDERSON: And Mr.  
21 Anderson, I agree. As it appears that the motion  
22 has passed, I hereby give notice that the ABC  
23 Board will recess this proceeding to hold a  
24 closed meeting in the ABC Board conference room,  
25 pursuant to Section 2574B of the Open Meetings

1 Act. The Board will move into executive session,  
2 we should be back in about ten minutes.

3 You don't -- you can stay on the line,  
4 and you'll stay on the line and we'll alert you  
5 when we're ready to come back. So we will come  
6 back shortly to make a decision whether or not  
7 the Board will accept the OIC. So stay on the  
8 line.

9 All the Board members, sign off and  
10 we'll ask to go into executive session. All  
11 right, thank you.

12 (Whereupon, the above-entitled matter  
13 went off the record at 11:02 a.m. and resumed at  
14 11:16 a.m.)

15 CHAIRPERSON ANDERSON: All right,  
16 we're back on the record. As I said before, it's  
17 my understanding there was an OIC, and the term,  
18 this is a matter of Empire Lounge. If you see my  
19 -- sometimes I think I have a, I see my screen  
20 freezes, so I'll just keep track of that.

21 So we're back on the record for Empire  
22 Lounge, and there was an OIC that was presented.

23 And the terms of the OIC is that, the  
24 first term is that there is a suspension that  
25 Respondent shall serve a 15-day suspension of its



1 ABC license. The date of the 15-day suspension  
2 shall be Friday September 4, 2020 through Friday,  
3 September 18, 2020, which includes time served  
4 during the summer suspension period.

5 The ABC license suspension shall be  
6 lifted at 8 a.m. on Saturday, September 19,  
7 provided all other applicable requirements in  
8 this OIC have been satisfied by the Respondent.

9 The second term of the OIC is that, it  
10 covers masks, that except when eating or drinking  
11 while seated, during the public health emergency,  
12 the Respondent shall require that all owners and  
13 employees of the establishment wear a mask or  
14 face covering while present on the licensed  
15 premises, regardless of whether they are on duty.

16 The Respondent shall also require  
17 patrons during the public health emergency to  
18 wear masks or face coverings prior to entering or  
19 while waiting in line outside the licensed  
20 premises, while traveling to the restroom, or  
21 until they are seated and eating or drinking.

22 The third term regarding music and  
23 entertainment, Respondent shall offer -- shall  
24 not offer live music or entertainment, including  
25 disk jockeys, while the District of Columbia

1 remains subject to the Mayor's Order 2020-067,  
2 May 27, 2020, and Mayor's Order 2020-075, issued  
3 June 19, 2020, in accordance with the Board's  
4 notice of fifth emergency rulemaking dated June  
5 22, 2020 Board rulemaking.

6 The Respondent shall only offer  
7 recorded or background music that is played at a  
8 convention -- conversational level that is not  
9 heard in the homes of District residents.

10 Number four, outstanding hours.  
11 Respondent shall not operate either inside or  
12 outside or sell, serve, or permit the consumption  
13 of alcoholic beverages past midnight during any  
14 day of the week while the District of Columbia  
15 remains subject to the Mayor's Order 2020-067 and  
16 Mayor's Order 2020-075, in accordance with the  
17 Board's rulemaking.

18 Number five, dining activities.  
19 Respondent shall only make -- shall only serve  
20 and alcoholic beverages to patrons seated at  
21 tables while the District of Columbia remains  
22 subject to Mayor's Order 2020-067 and Mayor's  
23 Order 2020-075, in accordance with the Board's  
24 rulemaking.

25 Tables shall be placed so that patrons

1 in different parties are placed at least six feet  
2 apart from one another, with no more than six  
3 patrons per table. Respondent shall have a menu  
4 in use containing a minimum of three prepared  
5 food items available for purchase and shall  
6 require patrons to purchase one or more prepared  
7 food items per table.

8 Patrons shall not be permitted to walk  
9 around the establishment with food and/or  
10 electronic or -- and/or alcoholic beverages.

11 Six, bar activities. Respondent shall  
12 not seat patrons at indoor or outdoor bars that  
13 are being staffed or utilized by a bartender.  
14 Patrons shall not be permitted to stand at an  
15 indoor or outdoor bar in order to order food or  
16 beverage activities.

17 Number seven, contact tracing system.  
18 Respondent shall implement a reservation system  
19 by phone, online, or onsite and keep customer  
20 logs to facilitate contact tracing by DC Health.

21 Number eight, outside promoters. If  
22 Respondent uses outside promoters, both the  
23 Respondent and promoter shall comply with all  
24 applicable laws and regulations, including  
25 Mayor's Order 2020-067, Mayor's Order 2020-075,

1 and the Board's rulemaking.

2 Number nine, capacity. Respondent  
3 shall limit its indoor capacity to no more than  
4 50%, 50% of the lowest indoor occupancy load or  
5 seating capacity on its certificate of occupancy,  
6 excluding employees and outdoor seating, while  
7 the District of Columbia remains subject to  
8 Mayor's Order 2020-067 and Mayor's Order 2020-075  
9 in accordance with the Board's rulemaking.

10 Number ten, social distance and walk-  
11 through. Prior to lifting the suspension of the  
12 establishment, Alcoholic Beverage License and ABC  
13 investigators shall conduct a walk-through of the  
14 licensed establishment to evaluate the  
15 establishment's compliance with the District's  
16 social distancing requirements.

17 This evaluation shall include an  
18 assessment of the Respondent's compliance with  
19 the Mayor's Order 2020-075, Mayor's Order 2020-  
20 080, and 23 DCMR Section 810.2. And Mr. Facci  
21 then presented the OIC, advised the Board that  
22 this was done at 8 p.m. yesterday, September 15.

23 And number 11, show cause. The matter  
24 shall be referred to the Office of the Attorney  
25 General for possible show cause hearings. That

1 is the term of the OIC. The Board -- so  
2 therefore I make a motion that we accept the OIC.  
3 Is there a second?

4 MEMBER GRANDIS: Ed Grandis will  
5 second.

6 CHAIRPERSON ANDERSON: Mr. Grandis has  
7 seconded the motion. I will now make a -- I will  
8 now take a roll call vote on the motion that has  
9 been properly seconded.

10 Mr. Cato.

11 MEMBER CATO: Bobby Cato, I agree.

12 CHAIRPERSON ANDERSON: Ms. Wahabzadah.

13 MEMBER WAHABZADAH: Rema Wahabzadah,  
14 I agree.

15 CHAIRPERSON ANDERSON: Ms. Crockett.

16 MEMBER CROCKETT: Rafi Crockett, I  
17 agree.

18 CHAIRPERSON ANDERSON: Ms. Hansen.

19 MEMBER HANSEN: Jeni Hansen, I agree.

20 CHAIRPERSON ANDERSON: Mr. Grandis.

21 MEMBER GRANDIS: Edward Grandis, I  
22 agree.

23 CHAIRPERSON ANDERSON: And Mr.

24 Anderson, I agree. The matter therefore passes

25 6-0-0.

1 I would like to thank both the  
2 government and the Licensee for working this  
3 matter out, and I do hope that by the terms of  
4 the OIC, that the interests of the District of  
5 Columbia are protected.

6 Any comments by any Board members?  
7 All right, well, this concludes this matter, and  
8 I want to thank the government and the Licensee  
9 for their participation. Thank you very much.  
10 All right.

11 All right, so both the government and  
12 the Licensee, they can log off because the  
13 hearing is over. All right, so.

14 MR. FACCI: Thank you, have a great  
15 day.

16 CHAIRPERSON ANDERSON: All right,  
17 thank you very much. All right then.

18 (Whereupon, the proceedings went off  
19 the record at 11:24 a.m.)  
20  
21  
22  
23  
24  
25

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