

Wednesday
October 21, 2020

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DESSALEGN NIGUSSIE, Licensee
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Adjourn.

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

2 11:17 a.m.

3 CHAIRPERSON ANDERSON: Our next case is
4 Case No. 20-CMP -- it's another Summary Suspension
5 hearing -- Case No. 20-CMP-00105, Empire Lounge.

6 Ms. Andrews, can you please elevate the
7 rights of the parties in this case, please?

8 MS. ANDREWS: Sure, Mr. Chair.

9 Mr. Ortiz, you are now a panelist.

10 Mr. Bianco, you are now a panelist.

11 And, Mr. Nigussie, you are now a panelist.

12 That's all, Mr. Chairman.

13 CHAIRPERSON ANDERSON: All right. All
14 right. So, we'll start. This is Empire Lounge, and
15 would the parties introduce themselves for the record,
16 starting with Government?

17 MR. ORTIZ: Stephen Ortiz, on behalf of
18 the District of Columbia. That's S-T-E-P-H-E-N
19 O-R-T-I-Z.

20 CHAIRPERSON ANDERSON: Thank you, Mr.
21 Ortiz.

22 We'll start with the Licensee, and then,
23 (telephonic interference). It appears that the
24 Licensee is represented. So, we'll start with the
25 representative of the Licensee, and then, the Licensee

1 can introduce himself. Go ahead.

2 MR. BIANCO: Good morning, Mr. Chair,
3 Members of the Board.

4 Richard Bianco. I represent the
5 Respondent in this case. And with me is --

6 CHAIRPERSON ANDERSON: Mr. Bianco, I'm
7 sorry, can you spell your name for the record, please?

8 MR. BIANCO: Sure. My name is Richard
9 Bianco. Last name is spelled B-I-A-N-C-O.

10 CHAIRPERSON ANDERSON: And let's have the
11 Licensee introduce himself for the record and spell
12 his name, too, please.

13 MR. NIGUSSIE: Yes, my name is Dessalegn
14 Nigussie. My first name is spelled as
15 D-E-S-S-A-L-E-G-N. And my last name, Nigussie,
16 N-I-G-U-S-S-I-E.

17 CHAIRPERSON ANDERSON: Thank you, Mr.
18 Nigussie.

19 All right. Mr. Ortiz, this is a Summary
20 Suspension hearing, and it's the second Summary
21 Suspension hearing that we have had on this case, for
22 this establishment. But are there any preliminary
23 matters in this case today?

24 MR. ORTIZ: Yes. Board Members, the
25 parties have entered into an Offer in Compromise.

1 CHAIRPERSON ANDERSON: And what are the
2 (telephonic interference), sir?

3 MR. ORTIZ: Regarding this Summary
4 Suspension hearing, there are three terms to the Offer
5 in Compromise.

6 The first one, beginning with suspension,
7 "The ABC license shall be suspended for 60 days, with
8 45 days to be served and 15 days stayed. The date of
9 the 45-day suspension shall be Friday, October 2nd,
10 2020 through Monday, November 16th, 2020, which
11 includes time served during the Summary Suspension
12 period. The ABC license suspension shall be lifted at
13 8:00 a.m. on Tuesday, November 17th, 2020, provided
14 all applicable requirements in this OIC have been
15 satisfied by Respondent."

16 No. 2. "This matter will be referred to
17 the Office of the Attorney General for possible show
18 cause proceedings."

19 And No. 3. "The Respondent shall comply
20 with the Board Order 2020-285."

21 That concludes the Offer in Compromise.

22 CHAIRPERSON ANDERSON: All right. What
23 I'll ask everyone to do, if you're not speaking, mute
24 your microphone, please. So, if you're not speaking,
25 please mute your microphone.

1 Mr. Ortiz, as I stated before, we've had
2 another Summary Suspension hearing on this particular
3 case, this establishment, this particular Licensee,
4 and within a short period of time, we're back here.
5 Why is it that this Offer in Compromise that you are
6 providing to the Board, why do you think that this is
7 sufficient to address the issue of why the Board
8 issued its Summary Suspension hearing in the first
9 place? So, why is it that you believe that this offer
10 that you provide to the Board is appropriate to
11 address the issue?

12 MR. ORTIZ: Well, as you mentioned the
13 previous Summary Suspension, that suspension was for
14 a total of 15 days. As you can see, this one is a
15 total of 60 days, which is at least quadruple what the
16 previous one was. Additionally, the 15 days of
17 suspension that would be stayed for one year further
18 incentivizes the establishment to continue to abide by
19 the Mayor's Order. Additionally, you had that further
20 discipline in the show cause hearing that has been
21 referred to the Office of the Attorney General. And
22 I believe that, with the 60 days being suspended
23 coupled with the show cause hearing that will be had,
24 possibly had later on, that would allow the
25 establishment, and really make the establishment

1 comply with the Mayor's Order.

2 CHAIRPERSON ANDERSON: Okay. Thank you,
3 Mr. Ortiz.

4 Prior to going to the Licensee -- rather,
5 to the Licensee and Mr. Bianco, Mr. Bianco, it's my
6 understanding of the OIC -- and on behalf of your
7 client, is there any representation that you want to
8 make to the Board regarding this Offer in Compromise?

9 MR. BIANCO: Yes, just briefly. I would
10 note that, for previous issues that this particular
11 establishment had, they were unrepresented, and they
12 have brought me in specifically to deal with this
13 issue. So, I've had the opportunity to go through the
14 Mayor's Order and compliance strategies with them and
15 will continue to do that through the course of my
16 representation.

17 And the other thing that I would ask the
18 Board to consider is the length of this suspension is
19 long in the context of the public health emergency.
20 Income is limited across the board for all
21 establishments, and serving 45 days, and potentially
22 up to 60 days, of a suspension is, I think, the
23 closest thing that the OAG and I were able to come up
24 with that is not a death sentence for this
25 establishment. It's pretty close. So, this is, from

1 an economic perspective, a very, very severe
2 punishment for this establishment. And if the Board
3 accepts it, we're hopeful that they'll be able to come
4 back from the suspension, but in the current climate
5 there's no guarantee.

6 CHAIRPERSON ANDERSON: Thank you for your
7 information, Mr. Bianco. And so, is your client aware
8 that, by accepting the Offer in Compromise, that
9 they're giving up their right to a hearing?

10 MR. BIANCO: That would be yes.

11 CHAIRPERSON ANDERSON: And is your client
12 also aware that, by accepting the Offer in Compromise,
13 that they are giving up their right to appeal this
14 matter?

15 MR. BIANCO: Yes.

16 CHAIRPERSON ANDERSON: Just to make a
17 statement, Mr. Nigussie, I don't want you to
18 (telephonic interference) your attorney, but I just
19 hope that -- I don't know what decision I'm going to
20 make recommendations with, but I do hope that you
21 fully comprehend the terms of the OIC, and that if you
22 accept the OIC, that it's not (telephonic
23 interference) that you fully understand the terms and
24 implications of what it means to have this OIC, sir.
25 (Telephonic interference), so I just thought I'd put

1 that out there.

2 Do we have any questions by any Board
3 members?

4 (No response.)

5 Hearing no questions from the Board
6 members, in this case I'm going to make a
7 recommendation to the Board that the Board accept the
8 terms of the OIC. And the terms of the OIC are as
9 follows:

10 Is that, for (telephonic interference), a
11 suspension, that the ABC license shall be suspended
12 for 60 days, with 45 days to be served and 15 days
13 stayed for one year. The date of the 45-day
14 suspension shall be Friday, October 2nd, 2020 through
15 Monday, November 16th, 2020, which includes time
16 served during the Summary Suspension period. The ABC
17 license suspension shall be lifted at 8:00 a.m. on
18 Tuesday, November 17th, 2020, provided that all
19 applicable requirements in this OIC have been
20 satisfied by the Respondent.

21 No. 2, the show cause. The matter shall
22 be referred to the Office of the Attorney General for
23 a possible show cause hearing.

24 And No. 3, that the Respondent shall
25 comply with Board Order 2020-085 (sic).

1 So, those are the terms of the OIC. I'm
2 recommending to the Board that the Board accept this
3 OIC. And is there a second?

4 MEMBER CROCKETT: Rafi Crockett seconds.

5 CHAIRPERSON ANDERSON: Ms. Crockett has
6 seconded the motion, and we will have a roll call vote
7 on the motion that was properly seconded by Ms.
8 Crockett.

9 Mr. Short?

10 MEMBER SHORT: Mr. Short, I vote no.

11 CHAIRPERSON ANDERSON: Mr. Cato?

12 MEMBER CATO: Cato, I agree.

13 CHAIRPERSON ANDERSON: Ms. Wahabzadah?

14 MEMBER WAHABZADAH: Rema Wahabzadah, I
15 agree.

16 CHAIRPERSON ANDERSON: Ms. Crockett?

17 MEMBER CROCKETT: Rafi Crockett, I agree.

18 CHAIRPERSON ANDERSON: Ms. Hansen?

19 MEMBER HANSEN: Jeni Hansen, I agree.

20 CHAIRPERSON ANDERSON: Mr. Grandis?

21 MEMBER GRANDIS: Ed Grandis, I agree.

22 CHAIRPERSON ANDERSON: And Mr. Anderson,
23 I agree.

24 The Board has agreed to accept the terms
25 of the OIC 7-0-0.

1 Thank you.

2 Again, I want to implore on the Licensee
3 that we're in a public health emergency.

4 MEMBER SHORT: Mr. Chairman?

5 CHAIRPERSON ANDERSON: Yes, Mr. Short?

6 MEMBER SHORT: I did not vote. I voted
7 against.

8 CHAIRPERSON ANDERSON: Oh, I'm sorry. I
9 apologize, Mr. Short.

10 So, the vote was 6-to-1 with Mr. Short in
11 opposition. All right. That's the final vote. I do
12 apologize, Mr. Short.

13 But I want to say to the Licensee that
14 we're in a public health emergency, and the decision
15 that's made by the Board, it's not punitive. We
16 understand, the Board does understand, and the Board
17 empathizes with all establishments that you need to
18 open to be productive, to continue your livelihood.
19 All the Board is asking all its licensees is that the
20 Mayor has issued some guidance. Comply with the
21 guidance. That's all we're asking. Comply with the
22 guidance.

23 I mean, there are establishments -- I
24 mean, you could be closed. We are allowing you to be
25 open. We're allowing you to serve food. We all know

1 that most people make money off our call. So, we know
2 that. But serve food; have people wear masks, and
3 have people be seated.

4 You're not going to make all the money
5 currently that you used to make, but you're making
6 some. And it's unfortunate that you're now prevented
7 from making a living because you have not complied
8 with, you have not complied with the Board, with the
9 Mayor's Order and a previous order.

10 We want you to survive. We want to
11 support your business. But all that the Board is
12 asking you to do, sir, is to work with us. Work with
13 us. We are hoping that this emergency or the
14 coronavirus will be something that we look back on.

15 But, while this is still active, the
16 numbers are increasing, the recommendations that might
17 be coming from Health Department is that you need to
18 close down, and we don't want to do that. So, what
19 we're trying to do is to ensure that the Health
20 Department does not make recommendations to the Mayor
21 that we close these establishments down. And the only
22 way that can occur is if these establishments, your
23 establishments and other establishments, comply with
24 the requirements that are in place. That is all that
25 we're asking.

1 So, again, I thank the Government, Mr.
2 Bianco, and you, Mr. Nigussie. And I apologize, I'm
3 bad with names, but I'm trying my best.

4 MR. NIGUSSIE: It's all right.

5 CHAIRPERSON ANDERSON: We're hoping that
6 we don't have to see you again. I don't like, I tell
7 people I don't like seeing people in these forums
8 because it's never -- you always appear before the
9 Board here when there's a problem.

10 So, I'm hoping that your business
11 survives. Okay? I hope so. I mean, I know it's a
12 long closure, but I hope your business survives. I
13 want your business to survive. But I just want you to
14 make sure that you comply with these guidelines that
15 are in place, so we can all survive and look forward
16 to the end of this virus. Okay?

17 MR. NIGUSSIE: All right. Thank you.

18 CHAIRPERSON ANDERSON: All right. Thank
19 you.

20 Again, I want to thank the parties for
21 working this out.

22 And have a great day. Thank you very
23 much.

24 MR. ORTIZ: Thank you, Board Members.
25 Have a good day.

1 CHAIRPERSON ANDERSON: All right. Thank
2 you. Bye-bye.

3 (Whereupon, at 11:31 a.m., the hearing was
4 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: DCABRA

Date: 10-21-20

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

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