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

IN THE MATTER OF:	:
	:
DC, LLC,	:
t/a Empire Lounge	:
1909 9th Street NW	: Protest Hearing
License #110702	: (Status)
Retailer CT - ANC 1B	:
Case # 20-PRO-00015	:
(Application to Renew	:
the License)	:

Thursday November 19, 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

ALSO PRESENT:

SIMONE ANDREWS, DC ABRA Staff RICHARD BIANCO, Licensee's Counsel PIERSON STOECKLEIN, Protestant

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1	P-R-O-C-E-E-D-I-N-G-S	
2	11:14 a.m.	
3	CHAIRPERSON ANDERSON: All right. The	
4	next case on our calendar is Case Number 19-PRO-	
5	00015, Empire Lounge, License Number 110702. Ms.	
6	Andrews, can you please elevate the rights of the	
7	parties for Empire Lounge, please?	
8	And I believe for Empire Lounge it's	
9	the Westminster Neighborhood Association. I'm	
10	not sure who all the parties are. But all the	
11	parties for Empire Lounge, please elevate their	
12	rights, please. And if your rights are not being	
13	elevated, please identify yourself in the chat.	
14	MS. ANDREWS: Okay, Mr. Chair. I need	
15	to take a moment to remove the parties from the	
16	previous case.	
17	CHAIRPERSON ANDERSON: Sure. Okay.	
18	Thank you.	
19	MR. STOECKLEIN: Ma'am? Ma'am?	
20	MS. ANDREWS: Yes, Mr. Pierson?	
21	MR. STOECKLEIN: Yes. I just wanted	
22	to make sure since we had problems before. I'm	
23	the representative for WNA on this case as well.	
24	MS. ANDREWS: Yes. Your line remain	
25	unmuted.	

1	MR. STOECKLEIN: Thank you very much.			
2	MS. ANDREWS: That's all, Mr. Chair.			
3	CHAIRPERSON ANDERSON: All right. All			
4	right. Can I see all right. Let's start with			
5	the for Empire, let's start with the licensee.			
6	Will the licensee or the licensee's			
7	representative, please identify themselves for			
8	the record, please? And also spell your name for			
9	the record.			
10	MR. BIANCO: Good morning, Mr.			
11	Anderson. My name is Richard Bianco. My last			
12	name is spelled C-O. And I represent Empire			
13	Lounge.			
14	CHAIRPERSON ANDERSON: Mr. Bianco,			
15	could you start back over because we didn't hear			
16	the spelling of your entire name, sir.			
17	MR. BIANCO: Yes, sir. My name is			
18	Richard Bianco. Last name spelled B-I-A-N-C-O.			
19	CHAIRPERSON ANDERSON: Good morning,			
20	Mr. Bianco. Is your client with you this			
21	morning?			
22	MR. BIANCO: He's not.			
23	CHAIRPERSON ANDERSON: Okay. Thanks.			
24	All right. Let's have the protestant. Can you			
25	please identify yourself by spelling your name			

for the record, please? 1 This is Pierson 2 MR. STOECKLEIN: Stoecklein, spelled P-I-E-R-S-O-N, last name S-T-3 O-E-C-K-L-E-I-N, on behalf of Westminster 4 5 Neighborhood Association. CHAIRPERSON ANDERSON: All right. 6 7 I believe there is MR. STOECKLEIN: 8 also a Party of Five in this proceeding. I don't 9 know if their rights have been elevated to speak. CHAIRPERSON ANDERSON: And who is the 10 11 party -- who is Party of Five? 12 MR. STOECKLEIN: Jonathan Lansberry 13 and (simultaneous speaking) Marenstein? 14 CHAIRPERSON ANDERSON: Is a 15 representative from that group on the line? 16 MS. ANDREWS: They are not, sir. 17 CHAIRPERSON ANDERSON: Mr. Stoecklein, 18 have they contacted you to state that they are 19 unable to get through? 20 MR. STOECKLEIN: They indicated last 21 night that they had not yet received Webex links 22 nor had we, in fact, to be honest, Mr. Chairman. 23 It's been a persistent problem. But they did 24 intend to participate. 25 MS. ANDREWS: The Webex invitations

were sent on November 12 to all parties. 1 2 MR. STOECKLEIN: Yes. I can't speak 3 to what they may or may not have received other than to say that they told me that they didn't 4 5 receive them. CHAIRPERSON ANDERSON: Are you able to 6 7 contact them now to see if they can participate? 8 If they're not here, the Board has to dismiss 9 them from the case although they will have an 10 opportunity to give us a reason why they're not 11 So are you able to contact someone to say here. 12 -- and we will provide them the link to 13 participate. 14 MR. STOECKLEIN: Mr. Chairman, I can 15 try to do that. I know that several of them are 16 teachers to be guite candid with you. So it's a 17 challenge for them to respond quickly. The best 18 I can do is try to email them --19 (Simultaneous speaking.) CHAIRPERSON ANDERSON: Well, I'll give 20 21 them a minute, sir. And if they're not here, I 22 have to dismiss them from the case. However, 23 they will be given 10 days to give us reasonable 24 notice why they did not participate. 25 And if they can give us reasonable

notice why they did not participate today then 1 2 the Board will reconsider its position to dismiss 3 them from the protest today because I'm being told that Agency did send the invitation. 4 5 And I'm not sure why in fact they're not here or if they were aware that the hearing 6 7 was scheduled for today, why did they not contact 8 the Board and say can you not provide us with the 9 invitation to how to participate? So it's incumbent on folks to -- if 10 11 they are aware that the hearing is scheduled for 12 today and if they were not provided the contact 13 information for them to participate, then it's 14 incumbent upon them to contact the Agency to say 15 I have not -- I know that I have a hearing, but I 16 have not been provided information on how to 17 participate in this hearing. 18 MR. STOECKLEIN: I'm sorry, Mr. 19 Chairman. Was that directed at me? I'm aware of 20 their obligations. 21 CHAIRPERSON ANDERSON: I'm just making 22 a statement for the record, sir. I wasn't asking 23 for any response from you. I was just making a 24 statement on the record --25 Understood. MR. STOECKLEIN:

1	CHAIRPERSON ANDERSON: as far as			
2	the information I'm being provided by the Agency.			
3	So I'll give all parties were alerted that			
4	this matter was scheduled for a protest hearing			
5	at 10:30. It is now 11:22. So it's been almost			
6	an hour that they should have been on the line.			
7	And if they knew that the hearing was			
8	scheduled for today and if they were not given or			
9	if their statement to you is that they were not			
10	given the credentials on how to participate in			
11	this hearing, then they should have contacted the			
12	Agency to find out what are the credentials to			
13	participate in this hearing today.			
14	So I'm going to as I stated before,			
15	this matter was scheduled for a protest hearing			
16	at 10:30, and it's now 11:22. I called the case.			
17	The Group of Five or more is currently not			
18	online.			
19	This is for Empire Lounge. And if the			
20	Group is not here, I will make a motion that the			
21	Group of Five or more be dismissed from the			
22	Empire Lounge litigation. Is there a second?			
23	MEMBER CATO: Bobby Cato second.			
24	CHAIRPERSON ANDERSON: Mr. Cato has			
25	seconded the motion. I will now have a roll call			

vote on the motion that is before us. Mr. Cato? 1 2 MEMBER CATO: Bobby Cato, I agree. 3 CHAIRPERSON ANDERSON: Ms. Crockett? MEMBER CROCKETT: Rafi Crockett, I 4 5 agree. CHAIRPERSON ANDERSON: Ms. Hansen? 6 7 MEMBER HANSEN: Jeni Hansen, I agree. 8 CHAIRPERSON ANDERSON: Mr. Grandis? 9 MEMBER GRANDIS: Ed Grandis agrees. 10 CHAIRPERSON ANDERSON: And Mr. 11 Anderson, I agree. The matter passes 5-0-0. So 12 the Board has dismissed the Group of Five or more 13 from this litigation. The Board will issue a written decision. 14 15 The Group will have 10 days to give 16 reasonable notice to the Board why they were 17 unable to appear today. If they do not respond 18 or if they do not provide the Board with 19 reasonable cause why they were -- within the time 20 period why they did not participate today, then 21 they will be formally dismissed from this 22 litigation. 23 All right so the two parties in this 24 case right now is the licensee and the 25 Westminster Neighborhood Association. Are there

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any preliminary issues on your side, Mr. Bianco? 1 2 MR. BIANCO: No, sir. Nothing from 3 the applicant. CHAIRPERSON ANDERSON: And from Mr. --4 5 I'm sorry, Mr. -- the Neighborhood Association, what's your name, again, sir? 6 7 MR. STOECKLEIN: Stoecklein, Pierson 8 Stoecklein. 9 CHAIRPERSON ANDERSON: Mr. Stoecklein, 10 do you have any preliminary issues that you need 11 to bring to our attention? 12 MR. STOECKLEIN: We do not. 13 CHAIRPERSON ANDERSON: Thank you. 14 Normally the Board would issue a date for the 15 protest hearing. Unfortunately, we are unable to 16 provide you a date at this time. But we will 17 provide you a date shortly for the protest 18 hearing. 19 If the date does not work for both 20 sides, please contact the Agency, and we will try 21 to reschedule it for a different date. 22 I would advise both parties if you 23 believe that a Settlement Agreement can be 24 reached, that you continue to have discussions 25 and see if you can reach a settlement.

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1	If you're unable to receive a		
2	Settlement Agreement then we can if you're		
3	unable to achieve a Settlement Agreement then		
4	we'll have this hearing. All right.		
5	Now do I need to read the protest		
6	information form I'm sorry, the instructions		
7	for a protest hearing for both parties? Do I		
8	need to read the instructions or are you familiar		
9	with the instructions?		
10	MR. BIANCO: I'm familiar with the		
11	instructions, Mr. Chair.		
12	CHAIRPERSON ANDERSON: Mr. Bianco, and		
13	I know that in our previous case just before this		
14	one, Mr. Stoecklein, I had reviewed the		
15	instructions. Do I need to repeat them for you,		
16	sir?		
17	MR. STOECKLEIN: No. That's not		
18	necessary. Thank you.		
19	CHAIRPERSON ANDERSON: All right.		
20	Thank you very much. Again, I will advise both		
21	parties to have conversations. If either side		
22	needs some guidance from our Agency, you are		
23	welcome to call April Randall at 202-442-4353 or		
24	to call our general counsel, Ms. Jenkins, and we		
25	will provide whatever assistance we can provide		

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1	both parties. That's available to Mr. Bianco and
2	that's also available to Mr. Stoecklein.
3	But good luck in your negotiations.
4	If not, we'll see you in the new year when we
5	have a protest hearing. All right? Thank you
6	very much. Have a great day. All right then.
7	Bye-bye.
8	All right. Have a great day. Thank
9	you. Give me one minute, please.
10	(Whereupon, the above-entitled matter
11	went off the record at 11:28 a.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Empire Lounge

Before: DCABRA

Date: 11-19-20

Place: teleconference

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

near Rans &

Court Reporter

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