

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

1 for the record, please?

2 MR. STOECKLEIN: This is Pierson
3 Stoecklein, spelled P-I-E-R-S-O-N, last name S-T-
4 O-E-C-K-L-E-I-N, on behalf of Westminster
5 Neighborhood Association.

6 CHAIRPERSON ANDERSON: All right.

7 MR. STOECKLEIN: I believe there is
8 also a Party of Five in this proceeding. I don't
9 know if their rights have been elevated to speak.

10 CHAIRPERSON ANDERSON: And who is the
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

1 were sent on November 12 to all parties.

2 MR. STOECKLEIN: Yes. I can't speak
3 to what they may or may not have received other
4 than to say that they told me that they didn't
5 receive them.

6 CHAIRPERSON ANDERSON: Are you able to
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 here. So are you able to contact someone to say
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 quite 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.)

20 CHAIRPERSON ANDERSON: Well, I'll give
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

1 notice why they did not participate today then
2 the Board will reconsider its position to dismiss
3 them from the protest today because I'm being
4 told that Agency did send the invitation.

5 And I'm not sure why in fact they're
6 not here or if they were aware that the hearing
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?

10 So it's incumbent on folks to -- if
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 MR. STOECKLEIN: Understood.

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

1 vote on the motion that is before us. Mr. Cato?

2 MEMBER CATO: Bobby Cato, I agree.

3 CHAIRPERSON ANDERSON: Ms. Crockett?

4 MEMBER CROCKETT: Rafi Crockett, I

5 agree.

6 CHAIRPERSON ANDERSON: Ms. Hansen?

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
14 written decision.

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

1 any preliminary issues on your side, Mr. Bianco?

2 MR. BIANCO: No, sir. Nothing from
3 the applicant.

4 CHAIRPERSON ANDERSON: And from Mr. --
5 I'm sorry, Mr. -- the Neighborhood Association,
6 what's your name, again, sir?

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.

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

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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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: 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.



Court Reporter

NEAL R. GROSS

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