

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**In the Matter of:**

Empire DC, LLC  
t/a Empire Lounge

Holder of a  
Retailer's Class CT License

at premises  
1909 9th Street, NW  
Washington, D.C. 20001

Case Nos.: 20-CMP-00096  
20-CMP-00098  
License No: ABRA-110702  
Order No: 2020-285

**BEFORE:** Donovan Anderson, Chairperson  
James Short, Member  
Bobby Cato, Member  
Rema Wahabzadah, Member  
Rafi Aliya Crockett, Member  
Jeni Hansen, Member  
Edward S. Grandis, Member

**ALSO PRESENT:** Empire DC, LLC, t/a Empire Lounge, Respondent

Jason Facci, Assistant Attorney General  
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER APPROVING OFFER IN COMPROMISE**

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The above mentioned parties appeared before the Alcoholic Beverage Control Board on September 16, 2020. At the hearing, the parties proposed an offer-in-compromise (OIC) to resolve the summary suspension described in Case Nos. 20-CMP-00096 and 20-CMP-00098. The Board approved the OIC at the hearing.

## **ORDER**

Therefore, on this 16th day of September 2020, the Board **APPROVES** the OIC presented by the parties. The terms of the OIC are as follows:

1. The Respondent shall follow the terms and conditions of the attached OIC as a condition of reopening.
2. The Respondent shall serve a 15-day suspension, which shall include the suspension of the license served prior to the issuance of this Order. The license shall remain suspended from September 4, 2020, until September 18, 2020 at 8:00 a.m. The indefinite suspension previously imposed by the Board shall not expire until all terms and conditions of the OIC have been fulfilled to the satisfaction of the Board.
3. This matter is referred to the Office of the Attorney General for further review as to whether additional enforcement actions are warranted.

The ABRA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia  
Alcoholic Beverage Control Board

eSigned via Seaman'sDocu.com  
*Donovan Anderson*  
Key: 43470295102058944b17000011cc08

Donovan Anderson, Chairperson

James Short, Member

eSigned via Seaman'sDocu.com  
*James Short*  
Key: 259d35cadf0e145d7fab75bd7817d20d

Bobby Cato, Member

eSigned via Seaman'sDocu.com  
*Rema Wahabzadah, Member*  
Key: 4f2ca44b399c74089b19c05b730f1d2f

Rema Wahabzadah, Member

eSigned via Seaman'sDocu.com  
*Rafi Aliya Crockett, Member*  
Key: 1c59461845e175e4010155a5c12011c2

Rafi Crockett, Member

eSigned via Seaman'sDocu.com  
*Jeni Hansen, Member*  
Key: 8217281f5509437d11550f2e4490f

Jeni Hansen, Member

eSigned via Seaman'sDocu.com  
*Edward Grandis, Member*  
Key: 5027b6e7f0f0040ee14adeb52541ce5

Edward S. Grandis, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E St. N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**



IN THE MATTER OF:  EMPIRE DC, LLC t/a EMPIRE LOUNGE,  Respondent.	Case Nos. 20-CMP-00096, 20-CMP-00098 License No. 110702 Retailer Class CT
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**OFFER IN COMPROMISE FOR BOARD APPROVAL**

The District of Columbia, jointly with the licensee (respondent) submits this Offer in Compromise (OIC) to the Alcoholic Beverage Control Board (Board), as authorized by 23 DCMR § 1604.5, for approval by the Board.

The Parties understand that if the Board approves the OIC, this case will conclude. Respondent will be obligated to abide by the terms of the OIC shown below. If the Board does not approve the OIC, the matter will be continued to the Summary Suspension Hearing, currently not scheduled.

The respondent has been advised that there is no obligation to accept an OIC. Respondent has been advised, through service of the Notice of Summary Suspension that at a Summary Suspension Hearing, respondent may: be represented by legal counsel, have subpoenas issued to require the production of witnesses and evidence, produce witnesses and evidence, cross-examine witnesses, and apply to the Board for a qualified interpreter.

The OIC terms are as follows.

- (1) Suspension: Respondent shall serve a 15-day suspension of its ABC license.

The date of the fifteen 15-day suspension shall be Friday, September 4, 2020 through Friday, September 18, 2020, which includes time served during the summary suspension period. The ABC license suspension shall be lifted at 8:00 a.m. on Saturday, September 19 provided all other applicable requirements in this OIC have been satisfied by the respondent.

- (2) Masks: Except when eating or drinking while seated, during the public health emergency, the respondent shall require that all owners and employees of the establishment wear a mask or face covering while present on the licensed premises regardless of whether they are on-duty. The respondent shall also require patrons during the public health emergency to wear masks or face coverings prior to entering or while waiting in line outside of the licensed premises, while traveling to use the restroom, or until they are seated and eating or drinking.

- (3) Music and Entertainment: Respondent shall not offer live music or entertainment (including disc jockeys) while the District of Columbia remains subject to Mayor's Order 2020-067 (May 27, 2020) and Mayor's Order 2020-075 (June 19, 2020) in accordance with the Board's Notice of Fifth Emergency Rulemaking (June 22, 2020) (Board's Rulemaking). The Respondent shall only offer recorded or background music that is played at a conversational level that is not heard in the homes of District residents.

- (4) Operating Hours: Respondent shall not operate either inside or outside or sell, serve or permit the consumption of alcoholic beverages past midnight during any day of the week while the District of Columbia remains subject to Mayor's Order 2020-067 and Mayor's Order 2020-075 in accordance with the Board's Rulemaking.
- (5) Dining Activities: Respondent shall only serve food and alcoholic beverages to patrons seated at tables while the District of Columbia remains subject to Mayor's Order 2020-067 and Mayor's Order 2020-075 in accordance with the Board's Rulemaking. Tables shall be placed so that patrons in different parties are placed at least six feet apart from one another, with no more than six patrons per table. Respondent shall have a menu in use containing a minimum of three (3) prepared food items available for purchase and shall require patrons to purchase one or more prepared food items per table. Patrons shall not be permitted to walk around the establishment with food and/or alcoholic beverages.
- (6) Bar Activities: Respondent shall not seat patrons at indoor or outdoor bars that are being staffed or utilized by a bartender. Patrons shall not be permitted to stand at an indoor or outdoor bar to order food or alcoholic beverages.
- (7) Contact Tracing System: Respondent shall implement a reservation system by phone, on-line, or on-site and keep customer logs to facilitate contact tracing by DC Health.

- (8) Outside Promoters: If respondent uses outside promoters, both the respondent and promoters shall comply with all applicable laws and regulations, including Mayor's Order 2020-067, Mayor's Order 2020-075 and the Board's Rulemaking.
- (9) Capacity: Respondent shall limit its indoor capacity to no more than fifty percent (50%) of the lowest indoor occupancy load or seating capacity on its certificate of occupancy, excluding employees and outdoor seating, while the District of Columbia remains subject to Mayor's Order 2020-067 and Mayor's Order 2020-075 in accordance with the Board's Rulemaking.
- (10) Social Distancing Walk-through: Prior to lifting the suspension of the establishment's alcoholic beverage license, an ABRA investigator shall conduct a walk-through of the licensed establishment with respondent to evaluate the establishment's compliance with the District's social distancing requirements. This evaluation shall include an assessment of the respondent's compliance with Mayor's Order 2020-075, Mayor's Order 2020-080, and 23 DCMR § 810.2.
- (11) Show Cause: This matter will be referred to the Office of the Attorney General for possible Show Cause proceeding.

Dated: September 8, 2020.

Respectfully submitted,

KARL A. RACINE  
Attorney General for the District of Columbia

TONI MICHELLE JACKSON  
Deputy Attorney General  
Public Interest Division

/s/ Fernando Rivero

FERNANDO RIVERO [478765]  
Assistant Chief, Civil Enforcement Section

/s/ Jason Facci  
JASON FACCI [1027158]  
Assistant Attorney General  
Suite 10100  
400 Sixth Street, N.W.  
Washington, D.C. 20001  
(202) 788-2083  
(202) 759-0890 (fax)  
Jason.Facci@dc.gov

ATTORNEYS FOR THE DISTRICT OF COLUMBIA

**CONSENT OF RESPONDENT**

By this Offer in Compromise, I agree to accept and perform its terms. I acknowledge the validity of the OIC and waive a hearing to which I would have a right under D.C. Code § 25-826. I also recognize that I am waiving any right to appeal an adverse ruling of the Board that might have followed any such hearing. By this settlement, I waive all such rights. I sign this OIC without reservation, and I fully understand its meaning and my rights.

/s/ Dessaiegn Nigussie  
Respondent

September 8, 2020  
DATE



**CERTIFICATE OF SERVICE**

I certify that on September 8, 2020, the foregoing Offer in Compromise for Board Approval was served by electronic mail or by U.S. mail, first class postage pre-paid, to:

Dessaiegn Nigussie  
Managing Member  
Empire DC, LLC  
t/a Empire Lounge  
1909 9th Street, N.W.  
Washington, D.C. 20001  
empirelounge@gmail.com

Martha Jenkins  
General Counsel, ABRA  
2000 14th Street, N.W., Suite 400 South  
Washington, D.C. 20009  
Martha.Jenkins@dc.gov

*/s/ Jason Facci*  
Jason Facci  
Assistant Attorney General