

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF: :
:
Empire, LLC, :
t/a Empire Lounge :
1909 9th Street NW : Fact Finding
Retailer CT - ANC 1B : Hearing
License No. 110702 :
:
(Request to add Cover :
Charge to existing :
Entertainment :
Endorsement) :

Wednesday
May 22, 2019

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
JAMES SHORT, JR., Member
MIKE SILVERSTEIN, Member
REMA WAHABZADAH, Member

ALSO PRESENT:

DESSALEGH NIGUSSIE, Licensee

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

2 9:54 a.m.

3 CHAIRPERSON ANDERSON: Our next case
4 is a fact finding hearing and the hearing is
5 Empire Lounge, License No. 110702.

6 Will the parties please approach and
7 identify yourself for the record. Introduce
8 yourself for the record and sign in on the sign-
9 in sheet.

10 MR. NIGUSSIE: Thank you, sir. My
11 name is Dessalegh Nigussie. I'm the owner of
12 Empire Lounge.

13 CHAIRPERSON ANDERSON: I did not hear
14 your last name, sir.

15 MR. NIGUSSIE: My name is Dessalegh
16 Nigussie.

17 CHAIRPERSON ANDERSON: All right.
18 Good morning. You can have a seat, sir. Have a
19 seat at the table.

20 MR. NIGUSSIE: Sorry.

21 CHAIRPERSON ANDERSON: You applied for
22 entertainment endorsement. The Board called you

1 in today for a fact finding hearing. One of the
2 reasons why -- one of the reasons why the Board
3 is concerned about whether or not we should offer
4 you this endorsement on your license.

5 Although these cases have not been
6 adjudicated, there are some infractions that have
7 not come in front of the Board, but it appears
8 that you have racked up a significant amount of
9 settlement terms of violation regarding noise.
10 The Board is aware that there are a significant
11 amount of infractions that are going to come to
12 us for us to make a determination.

13 Since you're asking us for a cover
14 charge endorsement on your license, the Board is
15 concerned how is this going to impact the
16 operation of your license and whether or not this
17 is something that the Board should do at this
18 juncture.

19 We're not asking you today to -- the
20 government has not moved forward in prosecuting
21 these cases so I don't necessarily -- you're not
22 necessarily responding to these cases, but maybe

1 you can explain to us your business model, what
2 type of business you operate, and why is it that
3 for whatever reason the Board is getting all
4 these complaints regarding a settlement -- that
5 you are violating your settlement agreement
6 regarding noise.

7 MR. NIGUSSIE: So the situation --

8 CHAIRPERSON ANDERSON: You can start
9 off by why do you want a cover charge
10 endorsement?

11 MR. NIGUSSIE: Because we run a DJ
12 music type of establishment. Most of my
13 promoters request a cover charge. It will be
14 harder for me to run the business without --

15 CHAIRPERSON ANDERSON: Speak up, sir.

16 MR. NIGUSSIE: It would be much harder
17 for me to run the business without paying them.
18 All of them ask for a cover charge.

19 CHAIRPERSON ANDERSON: Now, I can't go
20 to your business model but you are aware that
21 even if a promoter comes to your establishment,
22 you can't turn over the door and all of this to

1 the promoter. This is your responsibility.

2 MR. NIGUSSIE: Yes, absolutely.

3 CHAIRPERSON ANDERSON: So now what are
4 you doing -- what, if anything, are you doing
5 about these noise violations?

6 MR. NIGUSSIE: The noise violation is
7 I ran into this situation more than I expected.
8 We share one wall with my neighbors so --

9 CHAIRPERSON ANDERSON: Who are your
10 neighbors? What neighbors? What type of
11 neighbors? Is this another establishment or is
12 it a residence?

13 MR. NIGUSSIE: My lounge is on the
14 second and third floor and we share a wall with
15 the apartment next door. I tried to -- I did all
16 the noise insulation for the whole wall that we
17 share. It still didn't stop the bass. The bass
18 is what is creating the problem. I tried to work
19 it out with my neighbors. I've been talking to
20 them.

21 I even afford them to find another
22 convenient place for them to live in. We went

1 back and forth. They finally decided to move out
2 of that apartment and the place is up for office
3 rent now. Hopefully we don't get any noise
4 complaint from them.

5 CHAIRPERSON ANDERSON: Any questions
6 by any board members?

7 MEMBER SILVERSTEIN: Yes.

8 CHAIRPERSON ANDERSON: Go ahead, Mr.
9 Silverstein.

10 MEMBER SILVERSTEIN: Sir, you say
11 you're trying to work with them but I see here
12 one, two, three, four, five, six, seven, eight,
13 nine different cases that have yet to be
14 adjudicated, but these are not the complaints of
15 the neighbors.

16 These are our investigators saying
17 that there was enough that they witnessed to go
18 forward with the violation charge against you.
19 It's not as though this is just some neighbor who
20 doesn't like you or doesn't like the people
21 involved. What's the problem here?

22 MR. NIGUSSIE: The other problem with

1 enforcing the volume is with -- like we decide
2 the volume we're going to set the music to.
3 Sometimes when the music change the bass like
4 with some music instrument and everything gets
5 different.

6 I don't know what type of volume it is
7 but they hear it in their apartment. That's part
8 of the problem. We try to sustain the level but
9 still, depending on different music, the bass is
10 going to come out. That's what is creating the
11 problem.

12 CHAIRPERSON ANDERSON: Is it just one
13 apartment?

14 MR. NIGUSSIE: Just one apartment.

15 CHAIRPERSON ANDERSON: Just one
16 apartment.

17 MR. NIGUSSIE: All the complaints come
18 from the same person.

19 CHAIRPERSON ANDERSON: And you're
20 saying that person has moved out?

21 MR. NIGUSSIE: They moved out and the
22 space is up for rent as an office.

1 MEMBER SILVERSTEIN: Why?

2 MR. NIGUSSIE: They decided to find
3 another convenient place.

4 MS. WAHABZADAH: I'm sorry. Did you
5 say that they are now zoning it for office space?

6 MR. NIGUSSIE: I checked online and
7 the place is up for office space.

8 CHAIRPERSON ANDERSON: What's the
9 address?

10 MR. NIGUSSIE: The address of the
11 place?

12 CHAIRPERSON ANDERSON: Yes.

13 MR. NIGUSSIE: 1911 9th Street.

14 CHAIRPERSON ANDERSON: 1911 what?

15 MR. NIGUSSIE: 9th Street.

16 CHAIRPERSON ANDERSON: Is this your
17 place or the other place?

18 MR. NIGUSSIE: The other place.

19

20 CHAIRPERSON ANDERSON: The other place
21 is 1911 9th Street?

22 MR. NIGUSSIE: That's right.

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CHAIRPERSON ANDERSON: NW?

MR. NIGUSSIE: NW.

CHAIRPERSON ANDERSON: Any other questions by any other board members? All right. Anything else you want to say, sir?

MR. NIGUSSIE: No, thank you. Thank you for the opportunity to hear me.

CHAIRPERSON ANDERSON: All right. We'll take this matter under advice. Thank you.

(Whereupon, the above-entitled matter went off the record at 10:02 a.m.)

<p style="text-align: center;">A</p> <p>a.m 2:2 9:11 above-entitled 9:10 absolutely 5:2 add 1:9 address 8:9,10 adjudicated 3:6 6:14 advice 9:9 afford 5:21 agreement 4:5 ahead 6:8 Alcoholic 1:2,14,14 amount 3:8,11 ANC 1:7 Anderson 1:16,18 2:3 2:13,17,21 4:8,15,19 5:3,9 6:5,8 7:12,15,19 8:8,12,14,16,20 9:1,3 9:8 apartment 5:15 6:2 7:7 7:13,14,16 appears 3:7 applied 2:21 approach 2:6 asking 3:13,19 aware 3:10 4:20</p>	<p>convenient 5:22 8:3 cover 1:9 3:13 4:9,13 4:18 creating 5:18 7:10 CT 1:7</p>	<p>impact 3:15 infractions 3:6,11 instrument 7:4 insulation 5:16 Introduce 2:7 investigators 6:16 involved 6:21</p>	<p>online 8:6 operate 4:2 operation 3:16 opportunity 9:7 owner 2:11</p>
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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

Before: DCABRA

Date: 05-22-19

Place: Washington, DC

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

Neal R Gross

Court Reporter

NEAL R. GROSS

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