

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

In the Matter of:

Empire, LLC

Applicant for a New
Retailer's Class CT License

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

Case No.: 18-PRO-00069

License No.: ABRA-110702

Order No.: 2018-611

Empire, LLC (Applicant)

Erica Behrens, on behalf of a Group of Five or More Individuals

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Donald Isaac, Sr., Member
Bobby Cato, Member
Rema Wahabzadah, Member

**ORDER ON SETTLEMENT AGREEMENT AND
WITHDRAWAL OF PROTEST**

The Application filed by Empire, LLC (Applicant), for a new Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on October 1, 2018, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Board reflect that the Applicant and a Group of Five or More Individuals have entered into a Settlement Agreement (Agreement), dated October 12, 2018, that governs the operation of the Applicant's establishment.

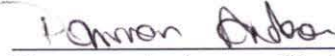
The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Erica Behrens, on behalf of the Group of Five or More Individuals, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by the Group of Five or More Individuals.

Accordingly, it is this 17th day of October, 2018, **ORDERED** that:

1. The Application filed by Empire, LLC for a new Retailer's Class CT License, located at 1909 9th Street, NW, Washington, D.C., is **GRANTED**;
2. The Protest of the Group of Five or More Individuals in this matter is hereby **WITHDRAWN**;
3. The above-referenced Settlement Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant and Erica Behrens, on behalf of a Group of Five or More Individuals

District of Columbia
Alcoholic Beverage Control Board



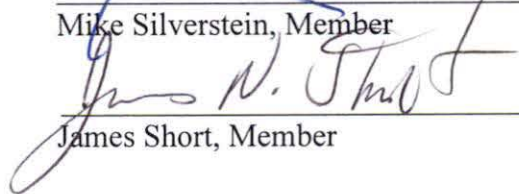
Donovan Anderson, Chairperson



Nick Alberti, Member



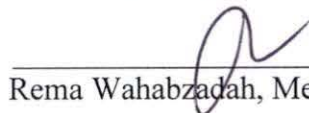
Mike Silverstein, Member



James Short, Member

Donald Isaac, Sr., Member

Bobby Cato, Member



Rema Wahabzadah, 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 14th 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 Street, 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).

Cooperative Agreement

This Agreement ("Agreement") made this 12th day of October, 2018 between Empire LLC t/a TBD ("Applicant"), 1909 9th Street NW, License #ABRA-110702, and a Group of 9 Protestants represented by Emily Kennelly ("Protestants").

Whereas, through this agreement, both parties aim to create an environment whereby the applicant may operate as a viable contributing business within the community; and

Whereas, the parties wish to state their mutual intention to promote the success, peace, order, and quiet of the community;

Now, therefore, the parties agree as follows:

Entertainment

The parties agree that the applicant will have a disc jockey from 8:00 PM to 2:00 AM Sunday through Thursday and from 8:00 PM to 3:00 AM Friday and Saturday.

The parties agree that the applicant will have amplified music.

The parties agree that amplified music will be set at the level necessary to prevent protestants from hearing music inside their units; and that disc jockeys will be required to play music at this level only.

The parties agree that the disc jockey will be located on the second floor, on the side opposite the common wall shared by the applicant and protestants.

The parties agree that the applicant will use promoters, but promoters will not take over the operation of the establishment. The applicant agrees to maintain operation of the establishment at all times when promoters are present.

Peace, Order, and Quiet

The parties agree that the applicant will keep windows closed at all times when music is being played and keep doors closed except when patrons enter or exit the establishment

The parties agree that the applicant will have speakers on both the 2nd and 3rd floor of the establishment, but speakers will be directed away from the common wall shared by the applicant and the protestants.

The parties agree that the applicant will designate a person to man the entrance to the establishment to maintain order outside of the establishment.

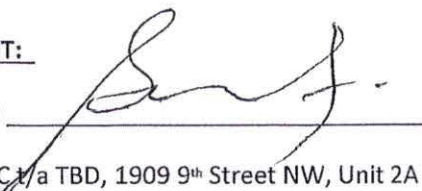
The applicant agrees that he (Dessalegn Nigussie) and at least one employee with undergo ABC Managers License training approved by the Alcoholic Beverage Regulation Administration (ABRA) within 90 days from the date of this agreement.

Signage

The applicant agrees to post signs provided by ABRA.

APPLICANT:

Signature: _____



10/12/18

Printed Name: Mr. Dessalegn Nigussie

Empire LLC, a TBD, 1909 9th Street NW, Unit 2A

PROTESTANT: (Emily Kennelly on behalf of a Group of 9)

Signature: _____



Printed Name: Emily Kennelly