DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF:

:

Empire, LLC

t/a Empire Lounge : Show Cause 1909 9th Street, NW : Hearing Retailer CT - ANC 1B : (Status)

License No. 110702 : Case #19-CMP-00029 :

(Violation of Settlement : Agreement) :

Wednesday, September 11, 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 BOBBY CATO, JR., Member JAMES SHORT, Member RAFI CROCKETT, Member

ALSO PRESENT:

DESSALEGH NIGUSSIE, APPLICANT FERNANDO RIVERO, OAG

1	P-R-O-C-E-E-D-I-N-G-S
2	9:54 a.m.
3	CHAIRPERSON ANDERSON: All right.
4	Let's move on to our Show Cause Hearing (Status).
5	The first case on our Show Cause Hearing (Status)
6	Calendar is Case No. 19-CMP-00029, Empire Lounge,
7	License No. 110702.
8	Would the parties, please, approach
9	and identify themselves for the record, please?
10	MR. RIVERO: Good morning, Board
11	Members. Fernando Rivero for the District of
12	Columbia.
13	CHAIRPERSON ANDERSON: Good morning,
14	Mr. Rivero.
15	MR. NIGUSSIE: Good morning, Board.
16	My name is Dessalegh Nigussie, owner of Empire
17	Lounge.
18	CHAIRPERSON ANDERSON: Good morning,
19	Mr. Nigussie.
20	Are there any preliminary matters in
21	this case?
22	MR. RIVERO: Yes, there are, Board

1	Members. My understanding is that the parties
2	have a global Offer in Compromise to present to
3	the Board today for a number of cases concerning
4	this establishment, each of the six separate
5	cases concern the same violation. It's a noise
6	violation and we have an agreement for all of
7	those today.
8	CHAIRPERSON ANDERSON: Sure. What's
9	that, please?
10	MR. RIVERO: What I will do for the
11	clarity of the record is read the case number for
12	each case first and then state the Offer in
13	Compromise term for that case.
14	CHAIRPERSON ANDERSON: Okay.
15	MR. RIVERO: Before moving on to the
16	next one, I will do this throughout.
17	CHAIRPERSON ANDERSON: Sure, that's
18	fine.
19	MR. RIVERO: The first case is 19-CMP-
20	00029, the fine is \$350. I will talk about the
21	payment term at the end. It is actually 60 days.
22	If the payment is not made in 60 days, the

1 license will be suspended until payment is 2 received. The next case is 19-CMP-00030, the 3 fine is \$350 payable in 60 days or the license 4 5 will be suspended until payment is received. The next case is 19-CMP-00031, the 6 7 fine is \$350 payable within 60 days or the 8 license shall be suspended until payment is 9 received. The fourth case is 19-CMP-00032, the 10 fine is \$350 payable within 60 days or the 11 license will be suspended until payment is 12 13 received. 14 The fifth case is 19-CMP-00035, the 15 fine is a payment of \$350 in 60 days or the 16 license will be suspended until payment is received. 17 18 And the last case is 19-CMP-00053 and 19 the payment is a fine of \$350 within 60 days or 20 the license will be suspended until payment is 21 received.

The total for all cases is a fine of

22

1 \$2,100 payable in 60 days. If it is not paid in 2 that time, the license will be suspended until payment is received. 3 That is the Offer in Compromise, the 4 5 Global Offer in Compromise to cover these six 6 cases. 7 CHAIRPERSON ANDERSON: All right. 8 Good morning, Mr. Nigussie. It's my 9 understanding that there is an Offer in Compromise and the Offer in Compromise is that 10 11 for Case No. 19-CMP-00029, there is a fine of \$350 payable in 60 days. 12 For Case No. 19-CMP-00030 also a fine 13 14 of \$350 payable in 60 days. 15 For the third case, Case No. 19-CMP-16 00031 a fine of \$350 payable in 60 days. 17 Case No. 19-CMP-00032 a fine of \$350 18 payable in 60 days. 19 For Case No. 19-CMP-00035, that there is a fine of \$350 payable in 60 days. 20 And for Case 19-CMP-00053 there is 21 also a fine of \$350 payable in 60 days for a 22

total fine of \$2,100 payable in 60 days. If the fine is not payable in 60 days, your license will be suspended until the fine has been paid.

Is this your understanding, sir, of the Offer in Compromise?

MR. NIGUSSIE: Yes.

CHAIRPERSON ANDERSON: Are you aware that by accepting an Offer in Compromise, that you are giving up your right to a hearing?

MR. NIGUSSIE: That's correct.

CHAIRPERSON ANDERSON: Are you also aware that by accepting and Offer in Compromise, that you are giving up your right to appeal this matter?

MR. NIGUSSIE: Yes.

CHAIRPERSON ANDERSON: With that said,

I then make a motion that the Offer in Compromise

for Case 19-CMP-00029 of \$350 payable in 60 days;

Case No. 19-CMP-00030 of a fine of \$350 payable

in 60 days; Case No. 19-CMP-00031 a fine of \$350

payable in 60 days; Case No. 19-CMP-00032 of a

fine of \$350 payable in 60 days; Case No. 19-CMP-

1	00035 a fine of \$350 payable in 60 days and Case
2	No. 19-CMP-00053 with a fine of \$350 payable in
3	60 days with a total fine of \$2,100 payable in 60
4	days.
5	I make a motion that this Offer in
6	Compromise be accepted. Is there a second?
7	MEMBER CROCKETT: Second.
8	CHAIRPERSON ANDERSON: Ms. Crockett
9	has seconded the motion.
10	All those in favor say aye.
11	ALL: Aye.
12	CHAIRPERSON ANDERSON: Those opposed?
13	The matter passes 4-0-0.
14	Thank you very much. All right. Can
15	you sign-off on this paperwork, sir? And thank
16	you very much.
17	(Whereupon, the Show Cause (Status)
18	Hearing was concluded at 10:00 a.m.)
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<u>C E R T I F I C A T E</u>

This is to certify that the foregoing transcript

In the matter of: ABRA Hearing

Before: Alcoholic Beverage Control Board

Date: 09-11-19

Place: Washington, D.C.

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

Court Reporter

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