

**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 No.: 20-CMP-00105
License No.: ABRA-110702
Order No.: 2020-327

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

Stephen A. Ortiz, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING OFFER IN COMPROMISE

The above mentioned parties have petitioned the Alcoholic Beverage Control Board (Board) to approve an offer-in-compromise (OIC) to settle one or more violations of Title 25 of the D.C. Official Code (Title 25) and Title 23 of the D.C. Municipal Regulations (Title 23) in accordance with D.C. Official Code § 2-509(a).

ORDER

Therefore, on this 21st day of October 2020, the Board **APPROVES** the OIC appended to this Order. The terms of the OIC are as follows:

1. The Respondent admits to a violation of the statutes or regulations listed in the OIC attached to this Order.
2. The Respondent shall follow and abide by the terms and conditions of the attached OIC in accordance with D.C. Official Code §§ 2-509(a), 25-447(f), and 25-823(a)(6).
3. The Respondent waives all rights to notice or appearance before the Board.
4. The Respondent waives the right to a hearing, call witnesses, present evidence, and otherwise contest the charges as provided in Title 25 and Title 23.
5. The Respondent waives the right to judicial review or appeal of this Order. The Respondent further agrees not to collaterally attack the disposition imposed by this Order.
6. The parties agree that the attached OIC constitutes the entire agreement of the parties.

The Show Cause hearing in this matter is cancelled. ABRA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia
Alcoholic Beverage Control Board

eSigned via DocuSign Docs.com
Donovan Anderson
Key: ac43c046604380642750003112007

Donovan Anderson, Chairperson

eSigned via DocuSign Docs.com
Bobby Cato
Key: 2ab160e0f1ab1071047110007

Bobby Cato, Member

eSigned via DocuSign Docs.com
Rema Wahabzadah, Member
Key: 1f20a491c2411856910230673211007

Rema Wahabzadah, Member

eSigned via DocuSign Docs.com
Rafi Aliya Crockett, Member
Key: b56c40114254104031413545c12711007

Rafi Aliya Crockett, Member

eSigned via DocuSign Docs.com
Jeni Hansen, Member
Key: 021729311007064740110605024411007

Jeni Hansen, Member

eSigned via DocuSign Docs.com
Edward Grandis, Member
Key: 50770d1705f9042ae14a0eb32541007

Edward S. Grandis, Member

eSigned via DocuSign Docs.com
James Short
Key: 547e407307c044ac041103308291007

I dissent from the Board's decision.

James Short, Member

Pursuant to 23 DCMR § 1719.1, 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, Reeves Center, 2000 14th Street, N.W., 400S, Washington, D.C. 20009. Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, District of Columbia 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 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).

Finally, in the case of a summary suspension, "A person aggrieved by a final summary action may file an appeal in accordance with the procedures set forth in subchapter I of Chapter 5 of Title 2." D.C. Code § 25-826(d).

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 No. 20-CMP-00105 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: The ABC license shall be suspended for 60-days, with 45-days to be served and 15-days to be stayed for 1 year. The date of the 45-day suspension shall be Friday, October 2, 2020 through Monday, November 16, 2020, which includes time served during the summary suspension period. The ABC license suspension shall be lifted at 8:00 a.m. on Tuesday, November 17, 2020, provided all other applicable requirements in this OIC have been satisfied by the respondent.

(2) Show Cause: This matter will be referred to the Office of the Attorney General for possible Show Cause proceeding.

(3) Board Order: Respondent shall comply with Board Order 2020-285.

Dated: October 21, 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/ Stephen A. Ortiz
STEPHEN A. ORTIZ [1721407]
Assistant Attorney General
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400 Sixth Street, N.W.
Washington, D.C. 20001
(202) 442-9867
(202) 759-0890 (fax)
Stephen.Ortiz@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.


Dessalegn Nigussie (Oct 20, 2020 18:29 EDT)
Empire DC, LLC, Respondent
By: Dessalegn Nigussie
Its: Managing member

October 20, 2020
DATE

/s/ Richard Bianco
Attorney for Respondent

October 20, 2020
DATE

CERTIFICATE OF SERVICE

I certify that on October 20, 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:

Richard Bianco, Esq.
1402 Meridian Place, N.W.
Washington, D.C. 20001
Rich@lawrjb.com

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

/s/ Stephen A. Ortiz
Stephen A. Ortiz
Assistant Attorney General