

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

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|-----------------------------|---|-------------------------|
| <b>In the Matter of:</b>    | ) |                         |
|                             | ) |                         |
|                             | ) |                         |
| Empire DC, LLC              | ) | Case Nos.: 22-251-00017 |
| t/a Empire Lounge           | ) | 22-251-00017(a)         |
|                             | ) | License No: ABRA-110702 |
| Holder of a                 | ) | Order No: 2020-288      |
| Retailer's Class CT License | ) |                         |
|                             | ) |                         |
| at premises                 | ) |                         |
| 1909 9th Street, NW         | ) |                         |
| Washington, D.C. 20001      | ) |                         |

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

**ALSO PRESENT:** Empire DC, LLC, t/a Empire Lounge, Respondent  
  
Richard Bianco, Counsel, on behalf of the 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

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**ORDER APPROVING THE OFFER-IN-COMPROMISE**

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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 16th day of June 2022, 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 Summary Suspension Hearing is cancelled. ABRA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia  
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: ac430b9b9d45f09e4b730093d1dccc8

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Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com  
*James Short*  
Key: 547ae373f020de6ac8d1b332dd2849ec

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James Short, Member

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Bobby Cato, Member

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Rafi Crockett, Member

eSigned via SeamlessDocs.com  
*Jeni Hansen, Member*  
Key: 82172831f0509447491b56f5c2a41885

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Jeni Hansen, Member

eSigned via SeamlessDocs.com  
*Edward Grandis, Member*  
Key: 5027bda7f9f0040ec14adeb52541ce5

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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 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).

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



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|---|---|
| IN THE MATTER OF:<br><br>EMPIRE DC, LLC t/a<br>EMPIRE LOUNGE<br><br>Respondent. | Case No. 22-251-00017<br>License No. 110702<br>Retailer Class: CT |
|---|---|

**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 § 1611.5, for approval by the Board.

The Parties understand that if the Board approves the OIC, appeal and judicial review are waived under 23 DCMR § 1611.6 and the case will conclude. If the Board does not approve the OIC, the matter will proceed to a Show Cause Hearing.

The above-captioned matter involves the summary suspension of the Respondent’s liquor license based on an investigation that an imminent danger to the health and safety of the public exists. Therefore, this OIC will not be classified as a primary tier or secondary tier violation.

The respondent has been advised that there is no obligation to accept the OIC. Respondent has been advised, through service of the Notice of Status Hearing and Show Cause Hearing that at a Show Cause 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) Security Plan: Prior to the Board lifting the suspension, the Respondent shall submit a security plan to ABRA . The security plan shall be reviewed and accepted by the Board prior to lifting the suspension of the establishment's alcoholic beverage license. The security plan shall comply with all applicable laws and regulations, Title 25 of the D.C. Code, including D.C. Code §§ 25-113, 25-402 and 25-403, and incorporate the matters set forth below.

(2) Security Personnel: On any night that the establishment is open, Respondent shall maintain, at a minimum, two on-duty security personnel from 10:00 p.m. until closing. The security plan shall detail the minimum number of security personnel that will be on-duty each day and their specific duty hours. The security plan shall detail the placement of security personnel within the establishment and shall include an explanation of the rationale regarding that placement.

(3) Weapons Abatement Screenings: Respondent must not allow patrons to bring weapons into the establishment at any time. Security personnel will screen patrons through the use of physical searches, also known as "pat downs," and a magnetometer wand or similar device designed to detect weapons. All security personnel must be trained and be able to perform these weapons abatement screenings. When Respondent is required to have security personnel on-site, as outlined in paragraph (2), they must check all patrons who enter the establishment and must not allow any patron to reenter the establishment without conducting additional weapons screenings.

(4) Confiscation of Weapons: Respondent shall document in the incident log, the type and number of weapons, and the date on which any weapons are recovered from patrons. Respondent shall surrender confiscated weapons to the Metropolitan Police Department (MPD). Respondent shall document the date and time of the consultation with MPD and shall include the officer's name and badge number.

(5) Recording Incidents: Respondent shall maintain a log to record incidents of violence or injury at the establishment. The log shall include where possible the names and contact information of victims, witnesses, and assailants involved. The incident log shall be maintained on a standard form, include names of staff involved, and signed by the establishment's supervising authority. Incidents shall be recorded where possible within 24 hours. The incident log shall not be discarded for at least five years from the date of the occurrence and shall be made available to MPD or ABRA investigators upon request.

(6) Security Plan Training: All security personnel shall be trained on the terms of the security plan, to include weapons abatement screening of patrons and the use of the magnetometer wand.

Dated: June 16, 2022.

Respectfully submitted,

KARL A. RACINE  
Attorney General for the District of Columbia

CHAD COPELAND  
Deputy Attorney General  
Civil Litigation Division

/s/ Kimberly M. Johnson  
KIMBERLY M. JOHNSON [435613]  
Chief, Civil Enforcement Section

/s/ Charles J. Coughlin  
CHARLES J. COUGHLIN [1016993]  
Assistant Chief, Civil Enforcement Section

/s/ Stephen A. Ortiz  
STEPHEN A. ORTIZ  
Assistant Attorney General  
Suite 10100  
400 Sixth Street, N.W.  
Washington, D.C. 20001  
(202) 442-9867  
(202) 741-0574 (fax)  
Stephen.Ortiz@dc.gov

/s/ Janika Jordan  
JANIKA JORDAN [1765160]  
Assistant Attorney General  
400 Sixth Street, N.W., Suite 10100  
Washington, D.C. 20001  
(202) 631-9418  
Janika.Jordan@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.

Richard J. Bianco  
Richard Bianco  
Counsel for Respondent

6/16/22  
Date

**CERTIFICATE OF SERVICE**

I certify that on June 16, 2022, the foregoing Offer in Compromise for Board Approval was served by electronic mail to:

Richard Bianco, Esq.  
2001 L Street, N.W., Suite 500  
Washington, D.C 20036  
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