

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
 :
Pub Crawl: :
Date of Event: March 9, 2013 : Fact-
Applicant(s): David : Finding
Lindenauer on Behalf of : Hearing
Lindy Promotions :
Event Name: 11th Annual :
Leprechaun Lap :
 :
(The names of the :
establishments participating :
in the Pub Crawl are :
available upon request) :
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February 20, 2013

The Alcoholic Beverage Control
Board met in the Alcoholic Beverage Control

Hearing Room, 2000 14th Street, N.W., Suite
400S Washington, D.C. 20009, Chairperson
Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

MIKE SILVERSTEIN, Member

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

(10:06 a.m.)

CHAIRPERSON MILLER: All right.

The next case I have on my calendar is a Fact-Finding Hearing for a Pub Crawl, that is by Lindy Promotions. Are they here? Okay.

When you are ready, if you could introduce yourselves for the record?

MR. WEINER: My name is Josh Weiner, Vice President of Operations from Lindy Promotions.

CHAIRPERSON MILLER: Okay.

MS. ABRAMSON: Jennifer Abramson, Event Coordinator from Lindy Promotions.

INVESTIGATOR MARTIN: Good morning, Felicia Martin, Investigator with ABRA.

CHAIRPERSON MILLER: Good morning, everyone. If you could just give us a quick overview of your pub crawl to start, that would be helpful.

MR. WEINER: This is going to be

1 the 12th Annual Leprechaun Lap, which is an
2 Irish-themed pub crawl, that will be taking
3 place in the Dupont area. There will be two
4 registration locations and 21 bars
5 participating.

6 I also have an updated addendum
7 for you all. One bar slightly changed and we
8 modified that and updated it for you. Oh, we
9 have updated it. One of the bars changed that
10 we listed.

11 MEMBER ALBERTI: Say again,
12 please?

13 MR. WEINER: One of the bars out
14 of the 20 that were listed in our original
15 application has since changed, so we updated
16 the geographic map and addresses for you all.

17 CHAIRPERSON MILLER: Okay.

18 MR. WEINER: So the event will
19 take place from 1:00 to 9:00 p.m. on Saturday,
20 March 2nd. There are designated drink
21 specials at each of the participating
22 establishments. The registration process,

1 people come to one of the two registration
2 locations between 1:00 and 6:00 p.m.

3 There they are IDed and provided a
4 wristband that is placed directly on their
5 wrist, at that time, to attest they are 21.
6 From there, they are free to go at their
7 leisure to any of the bars that are
8 participating. Also, there will be security
9 at all of the bars as provided by those
10 particular establishments.

11 CHAIRPERSON MILLER: Okay. Did
12 you say this was the 12th Annual?

13 MR. WEINER: This will be the 12th
14 Annual, yes.

15 CHAIRPERSON MILLER: Okay. So
16 were you here last year?

17 MR. WEINER: Yes, I was.

18 CHAIRPERSON MILLER: And the year
19 before?

20 MR. WEINER: Not the year before.

21 CHAIRPERSON MILLER: Okay.

22 MR. WEINER: But last year, yes.

1 CHAIRPERSON MILLER: Is it similar
2 to last year's event?

3 MR. WEINER: It is exactly the
4 same with the exception of a couple of bars
5 are different that are participating.

6 CHAIRPERSON MILLER: Okay. Have
7 you had the bars approved by ABRA?

8 MR. WEINER: We provided the list.
9 We have not heard any that were rejected.
10 Previously, when we have always provided that
11 list, we have heard notification that any of
12 them are not able to participate and,
13 therefore, we do not allow them all.

14 CHAIRPERSON MILLER: Okay. When
15 did you provide the list?

16 MR. WEINER: The initial letter
17 went out on December 7th.

18 CHAIRPERSON MILLER: Okay. And
19 which is the substitute? Which is the new
20 bar?

21 MR. WEINER: The new bar is The
22 Griffon. It's on the second page of Addendum

1 A-1. The reason why it was not included was
2 it just opened since December 7th.

3 CHAIRPERSON MILLER: Okay. And
4 was one taken off from the original list?

5 MR. WEINER: Yes, Dirty Martini
6 will not be participating.

7 CHAIRPERSON MILLER: Okay. And
8 were the majority of these bars participating
9 last time in the pub crawl?

10 MR. WEINER: Yes.

11 CHAIRPERSON MILLER: Okay. Is
12 your security similar to what it was last
13 time?

14 MR. WEINER: Yes, our security is
15 exactly the same. I have our security plan.
16 We will have four doorman for Massive
17 Entertainment, which will be IDing everyone,
18 two at each station. We will also have an
19 additional four security officers, City
20 Security, that will be there the duration.
21 One planted at each and then two rovers going
22 throughout the entire geographic area.

1 CHAIRPERSON MILLER: Which of the
2 places for registration?

3 MR. WEINER: The registration
4 locations are BlackFinn and Mackey's.

5 CHAIRPERSON MILLER: Okay. Is
6 your expectation of the number of people you
7 are having or expect based on last time?

8 MR. WEINER: Correct, yes.

9 CHAIRPERSON MILLER: Okay. Do you
10 have a contact person identified for the
11 clients that participate in this?

12 MR. WEINER: As far as the bar
13 establishments?

14 CHAIRPERSON MILLER: No, for, I'm
15 sorry, individuals that participate.

16 MR. WEINER: Yes.

17 CHAIRPERSON MILLER: For like an
18 emergency contact person.

19 MR. WEINER: For each individual?

20 CHAIRPERSON MILLER: Yes. Like
21 some actually -- what we have been having some
22 of the pub crawls do is actually have on their

1 flyer, their map or whatever it is a contact
2 person in the event, you know, someone gets
3 sick or there is some kind of emergency that
4 they can contact the organizer or the contact
5 person.

6 MR. WEINER: Our contact info for
7 Lindy Promotions is listed on the flyers.

8 CHAIRPERSON MILLER: Okay.

9 MR. WEINER: We have our website
10 and our phone number listed on the back of
11 every flyer, which I also have here.

12 CHAIRPERSON MILLER: What do they
13 get when they register? Do they get the flyer
14 or do they --

15 MR. WEINER: They get one of these
16 flyers.

17 CHAIRPERSON MILLER: Okay.

18 MR. WEINER: Which has a map
19 listing all of the bars that are
20 participating. It shows the specials at each
21 bar. And then there are some particular rules
22 on the back, such as you must be 21. It is

1 within the bar's right to refuse anyone
2 service. Advising them to take public
3 transportation, alerting them if there is any
4 designated driver program, which allows
5 participants to receive free sodas throughout
6 the day and then our contact info and then it
7 just lists a few additional events that we
8 have coming up in the future.

9 CHAIRPERSON MILLER: Okay. That's
10 good. Do you identify any public
11 transportation options like where the --

12 MR. WEINER: Yes.

13 CHAIRPERSON MILLER: -- nearest
14 Metro is?

15 MR. WEINER: We have copies for
16 you, we list the closest Metro stop to either
17 of the registration locations.

18 CHAIRPERSON MILLER: Do you list
19 any taxi or anything like that?

20 MR. WEINER: No, we do not list
21 the taxis on the flyers.

22 CHAIRPERSON MILLER: Okay. Last

1 time, were there any problems with --

2 MR. WEINER: No, we have not seen
3 any problems --

4 CHAIRPERSON MILLER: -- driving?

5 MR. WEINER: -- in the 20 years
6 that we have been doing business in this
7 matter.

8 CHAIRPERSON MILLER: Okay. Are
9 there other questions?

10 MEMBER BROOKS: Yes, I have a
11 question.

12 CHAIRPERSON MILLER: Yes, Mr.
13 Brooks?

14 MEMBER BROOKS: Yes, I just want
15 to be sure I have a correct date. Now, is it
16 the 2nd of March or the 9th?

17 MR. WEINER: It will be on the 2nd.
18 Originally, it was scheduled for --

19 MEMBER BROOKS: Originally it was
20 the 9th? Okay. All right. Thank you. Thank
21 you, Madam Chair.

22 CHAIRPERSON MILLER: Okay.

1 Others? Mr. Alberti?

2 MEMBER ALBERTI: Hi, good morning.

3 I have a couple of questions.

4 Are you having any promotional
5 cups given out?

6 MR. WEINER: No. There are no
7 additional cups. The only thing that the
8 participants receive is the wristband and the
9 map.

10 MEMBER ALBERTI: All right. I
11 just asked so we would know if we're going to
12 be walking around with --

13 MR. WEINER: About 15 years ago,
14 we did do the cups.

15 MEMBER ALBERTI: Yes, right.

16 MR. WEINER: And we have since
17 stopped that.

18 MEMBER ALBERTI: And have you
19 notified MPD?

20 MR. WEINER: Yes.

21 MEMBER ALBERTI: Great. Okay.

22 That's all the questions I have. Thanks.

1 CHAIRPERSON MILLER: Other Board
2 questions? Ms. Martin, do you have some
3 questions?

4 INVESTIGATOR MARTIN: Yes, I do.

5 CHAIRPERSON MILLER: I'm sorry,
6 did you introduce yourself for the record? I
7 can't remember.

8 INVESTIGATOR MARTIN: I did.

9 CHAIRPERSON MILLER: Okay. Good.
10 All right.

11 INVESTIGATOR MARTIN: I'll do it
12 again. I'm Felicia Martin, Investigator with
13 ABRA. I do want the Board to know that I did
14 run a check on the establishments that has
15 VAs, of course, with the exception of the one
16 that Mr. Josh just mentioned.

17 And a lot of the establishments,
18 James Hobans Public Bar, Ozio, Mighty Pint,
19 McFadden's each has a -- and one more, I'm
20 sorry, MidTown Partyplex, they each have
21 voluntary agreements. The only establishments
22 that our records show that will be effective

1 is MidTown Party Complex, No. 4, of their
2 voluntary agreement prohibits no promotions or
3 participation in pub crawls.

4 CHAIRPERSON MILLER: Which one was
5 that?

6 INVESTIGATOR MARTIN: This is
7 MidTown Partyplex.

8 CHAIRPERSON MILLER: Okay.

9 INVESTIGATOR MARTIN: And I wanted
10 to ask -- I'm sorry, I forgot your name, but
11 I'm calling you Mr. Josh. The number -- how
12 are the participants identified versus the --
13 correction. How are the designated drivers
14 identified?

15 MR. WEINER: They have a separate
16 wristband that is bright red that says
17 designated driver, do not serve.

18 CHAIRPERSON MILLER: Oh.

19 INVESTIGATOR MARTIN: And are the
20 designated drivers identified on the day of
21 the event or prior to?

22 MR. WEINER: The day of the event

1 when they register.

2 INVESTIGATOR MARTIN: And at this
3 time, how many tickets have been purchased?

4 MR. WEINER: There have been 400
5 tickets purchased so far.

6 INVESTIGATOR MARTIN: And are the
7 wristbands easily removed?

8 MR. WEINER: No. Once they are
9 removed, you cannot put them back on. And
10 there are no free replacements. You have to
11 be there in person. You cannot purchase a
12 wristband for anyone else.

13 INVESTIGATOR MARTIN: Okay. And
14 is your business located in Virginia?

15 MR. WEINER: It is located in
16 Maryland in Bethesda.

17 INVESTIGATOR MARTIN: In Bethesda,
18 Maryland. And I understand you stated that
19 you guys have been doing this for the 12th
20 Annual?

21 MR. WEINER: This will be the 12th
22 Annual for this particular event. We have

1 been throwing pub crawls of this nature in the
2 D.C. area for 20 years.

3 INVESTIGATOR MARTIN: Okay. And
4 the type of entity that you have, can you tell
5 the Board the type of entity you have?

6 MR. WEINER: Such as?

7 INVESTIGATOR MARTIN: Are you a
8 limited liability company? Are you a
9 nonprofit?

10 MR. WEINER: We are incorporated.
11 Lindy Promotions, Incorporated.

12 INVESTIGATOR MARTIN: Okay. And
13 are you registered to do business in the
14 District?

15 MR. WEINER: Yes, we are.

16 INVESTIGATOR MARTIN: I asked
17 because I had trouble locating the business in
18 the District of Columbia who to register to to
19 conduct business in the District. Is that
20 information you can provide to us today?

21 MR. WEINER: Not at the moment,
22 but I could provide you by forwarding it.

1 INVESTIGATOR MARTIN: Okay. And
2 your corporation has a Tax ID Number?

3 MR. WEINER: Yes, it does.

4 INVESTIGATOR MARTIN: Okay. And
5 all of the documents that you presented today
6 to the Board, are those documents you can
7 leave with our office?

8 MR. WEINER: Yes.

9 INVESTIGATOR MARTIN: Just --

10 MR. WEINER: Absolutely.

11 INVESTIGATOR MARTIN: -- as
12 samples? Okay.

13 CHAIRPERSON MILLER: Actually, we
14 are wondering if you have extras to show us?

15 MR. WEINER: Yes, I have extra
16 copies, yes.

17 CHAIRPERSON MILLER: Okay.

18 MEMBER ALBERTI: May I ask a
19 question?

20 CHAIRPERSON MILLER: Oh, are you
21 finished?

22 INVESTIGATOR MARTIN: I'm

1 finished.

2 CHAIRPERSON MILLER: Yes, Mr.
3 Alberti has a question for you.

4 MEMBER ALBERTI: All right. Hi,
5 Investigator Martin, did you review the
6 investigative histories of the establishments
7 to see if any have primary tier violations
8 within the last year?

9 INVESTIGATOR MARTIN: That one I
10 did not do.

11 MEMBER ALBERTI: Okay.

12 INVESTIGATOR MARTIN:
13 Unfortunately, I have received notice that my
14 appearance was needed probably --

15 MEMBER ALBERTI: Okay.

16 INVESTIGATOR MARTIN: -- 40
17 minutes prior. The originating officer -- the
18 originating Investigator, Mr. Ghenene, fell
19 ill.

20 MEMBER ALBERTI: Okay.

21 INVESTIGATOR MARTIN: So I tried
22 to --

1 MEMBER ALBERTI: Okay.

2 INVESTIGATOR MARTIN: I can get
3 that information.

4 MEMBER ALBERTI: I'm assuming that
5 will be done and you will communicate that to
6 the licensee?

7 INVESTIGATOR MARTIN: Yes, sir.

8 MEMBER ALBERTI: All right. Thank
9 you. Mr. Weiner, you should expect to hear
10 from Ms. Martin or one of the Investigators
11 who have vetted all of the 21 establishments.

12 MR. WEINER: Okay.

13 MEMBER ALBERTI: Okay. Thanks.

14 CHAIRPERSON MILLER: Ms. Martin,
15 will you be able to do that today?

16 INVESTIGATOR MARTIN: I can, yes,
17 ma'am.

18 CHAIRPERSON MILLER: Okay. Great.

19 MEMBER ALBERTI: Mr. Weiner,
20 what's the cost?

21 MR. WEINER: It costs \$10 to
22 register. If you bring two canned goods,

1 which are donated to charity or \$15 without
2 that donation.

3 MEMBER ALBERTI: Okay.

4 CHAIRPERSON MILLER: Are there
5 other questions? So I'm looking at some of
6 your documents, a post card, a flyer and a
7 poster, I would say. Okay.

8 So I'm not seeing, it's probably
9 here, but, where the mention is of the public
10 transportation. Let's take the post card.
11 Yes?

12 MR. WEINER: On the register 1:00
13 to 6:00 p.m., under Mackey's Pub it lists the
14 address and it lists Farragut North Metro Red
15 Line. The same thing below advance ticket
16 where it says excludes registration at
17 BlackFinn DC. Below the address it lists
18 Farragut West Metro Orange Line. Those would
19 be on the right hand side.

20 CHAIRPERSON MILLER: Okay. Thank
21 you. Okay. Thank you very much. All right.
22 Are there other questions?

1 Okay. So it seems like the only
2 thing at issue that is coming to my mind is
3 the approval of the participating bars. And
4 let me ask you if some of these are found not
5 to be qualified, for instance, I believe
6 Midtown, Ms. Martin said has a VA that
7 restricts them from participating in pub
8 crawl, would you be substituting other
9 establishments or would you --

10 MR. WEINER: We would --

11 CHAIRPERSON MILLER: -- just take
12 them out?

13 MR. WEINER: -- not find a
14 substitute at this time.

15 CHAIRPERSON MILLER: Okay.

16 MR. WEINER: In that matter.

17 CHAIRPERSON MILLER: All right.

18 Then what I'm going to suggest is that the
19 Board is here all day long and we -- if Ms.
20 Martin, which she indicates she can go through
21 the list by some time today, we can approve
22 your pub crawl later, once we have the exact

1 list.

2 MR. WEINER: Okay.

3 CHAIRPERSON MILLER: Okay. Is
4 that amenable to the Board?

5 MEMBER ALBERTI: Yes.

6 CHAIRPERSON MILLER: Okay. So
7 that's what we will do. I don't think there
8 will be any problems.

9 MR. WEINER: How will we be
10 notified of that?

11 CHAIRPERSON MILLER: What?

12 MR. WEINER: You will contact us
13 and then approval will be granted right then
14 or do we need to submit an additional addendum
15 taking off that one bar?

16 CHAIRPERSON MILLER: Okay. Since
17 you are not substituting, what we can do, I
18 just consulted with our general counsel, is
19 strike through those that aren't
20 participating. Okay. And then afterwards it
21 should just be clear, if you want to do
22 another list for purposes of -- for other

1 purposes, so people know exactly which
2 establishments are participating, you can.
3 But for our purposes of approval, as long as
4 they are struck, we can approve it.

5 MR. WEINER: Yes, those bars will
6 just not be included on the map that is given
7 to each participant.

8 CHAIRPERSON MILLER: Great. Okay.
9 That's great. Okay. So we will do that later
10 today. And then Ms. Jenkins will get in touch
11 with you when it is ready.

12 MR. WEINER: Okay. Sure.

13 CHAIRPERSON MILLER: Okay. Good.
14 All right. Thank you very much.

15 MR. WEINER: Thank you.

16 MS. ABRAMSON: Thank you.

17 (Whereupon, the Fact-Finding
18 Hearing in the above-entitled matter was
19 concluded at 10:23 a.m.)
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