

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
 :
Michael J. Seiler :
800 Water Street, SW : Fact Finding
Retailer F : Hearing
ANC 6D :
Temporary License Application :
LivingSocial, Inc. - Craft :
Beer and Food Truck Festival :
Event Date: April 21, 2012 and:
April 22, 2012 :
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APRIL 5, 2012

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th

Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member

JEANNETTE MOBLEY, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT

ABYIE GHENENE, ABRA

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

11:38 a.m.

CHAIRPERSON MILLER: Okay. Our next fact finding hearing is with Michael Seiler --

MR. SEILER: How are you?

CHAIRPERSON MILLER: -- for a temporary license application for LivingSocial.

MR. SEILER: That's right.

CHAIRPERSON MILLER: Okay. Good. Have you signed in? There's a sign-in sheet there. We want everybody to sign in so that your name is right in the record.

Okay. So why don't we start with your introducing yourself for the record?

MR. SEILER: Sure.

CHAIRPERSON MILLER: Okay.

MR. SEILER: My name is Michael Seiler. I'm a national events manager for LivingSocial. Next to me is Winter Raymond, our attorney, our counsel.

1 CHAIRPERSON MILLER: Okay.

2 MR. SEILER: And I guess you met
3 our friend Ryland this morning, who is also a
4 coworker --

5 CHAIRPERSON MILLER: Right.

6 MR. SEILER: -- who came in
7 earlier.

8 CHAIRPERSON MILLER: I missed your
9 last name, I'm sorry.

10 MS. RAYMOND: Oh, Raymond.

11 CHAIRPERSON MILLER: Raymond?

12 MS. RAYMOND: Yes.

13 CHAIRPERSON MILLER: Okay. So
14 you're hosting an event April 21 through 22nd?

15 MR. SEILER: That's correct.

16 CHAIRPERSON MILLER: Is that
17 right? Okay. And I'm looking at a letter
18 that was written to you March 23rd asking you
19 questions about the event. Did you get that?

20 MR. SEILER: the list of questions
21 I might be asked today? Yes, I did.

22 CHAIRPERSON MILLER: Okay. Oh,

1 and our investigator. You want to introduce
2 yourself for the record?

3 INVESTIGATOR GHENENE: Sure.
4 Investigator Abyie Ghenene.

5 MR. SEILER: Hi. Nice to meet
6 you.

7 CHAIRPERSON MILLER: Okay. So
8 this is basically a checklist of what we're
9 interested in, but you can start and just give
10 us an idea of what your event is going to be.

11 MR. SEILER: Great.

12 CHAIRPERSON MILLER: Okay.

13 MR. SEILER: So the event is going
14 to be held at Kastles Stadium on the wharf,
15 the southwest waterfront for D.C. We have an
16 existing relationship with Kastles. We're a
17 sponsor for their tennis team, and so we have
18 a venue rental through them. We're
19 anticipating 2,500 people throughout the
20 course of each day. We have 28 breweries on
21 board, 10 food trucks for D.C.

22 CHAIRPERSON MILLER: I'm sorry,

1 you have 28 what?

2 MR. SEILER: Breweries.

3 CHAIRPERSON MILLER: Breweries?

4 Twenty-eight breweries? Okay.

5 MR. SEILER: So we work through a
6 distributor and the breweries are coming with
7 their representatives to, you know, serve the
8 alcohol. So they'll each have a tent. And I
9 have a couple of copies of the layout if you
10 don't have that in front of you.

11 CHAIRPERSON MILLER: Oh, let me
12 see.

13 MEMBER ALBERTI: Martha, could
14 you --

15 MS. JENKINS: Yes.

16 MEMBER ALBERTI: Thank you.

17 MR. SEILER: And so, you know, the
18 point of view then is to, you know, highlight
19 local breweries from D.C., highlight the D.C.
20 food truck scene that's up and coming here.
21 And then we have three bands who are local to
22 D.C. who will be performing. And the idea is

1 create exposure for them and any artists who
2 come on board, you know, to be at the
3 festival. So it's going to be a great day
4 down by the waterfront. It's an opportunity
5 to bring the community together and also, you
6 know, bring some awareness into the Kauffman
7 Project down on the waterfront. So it's a
8 kind of community event for us.

9 CHAIRPERSON MILLER: So you're
10 going to have 28 breweries, correct?

11 MR. SEILER: That's right.

12 CHAIRPERSON MILLER: How many food
13 trucks?

14 MR. SEILER: So right now we have
15 10. We're currently concerned about the lines
16 and so it looks like we'll be adding five more
17 to the roster.

18 CHAIRPERSON MILLER: And what are
19 the hours?

20 MR. SEILER: 12:00 to 5:00.

21 CHAIRPERSON MILLER: For two days?

22 MR. SEILER: For two days.

1 CHAIRPERSON MILLER: Okay. This
2 is Saturday, Sunday?

3 MR. SEILER: That's correct.

4 CHAIRPERSON MILLER: Okay. Is
5 this the first time you're doing this event?

6 MR. SEILER: This is.

7 CHAIRPERSON MILLER: Okay. What
8 kind of security do you have?

9 MR. SEILER: So we're using CSC as
10 our security --

11 CHAIRPERSON MILLER: Yes.

12 MR. SEILER: -- personnel and
13 crowd management. And we 33 including
14 supervisors and managers who will be on site
15 throughout the duration of the event.

16 CHAIRPERSON MILLER: Okay. And
17 where is the alcohol going to be served?

18 MR. SEILER: So if you do now have
19 a layout in front of you, each --

20 CHAIRPERSON MILLER: Yes.

21 MR. SEILER: -- brewery has a 10 x
22 10 tent where they'll be able to, you know,

1 set up their kegs and pour from there, and
2 they'll be served right out of those tents.
3 And our customers will have five-ounce tasting
4 glasses that will be filled, you know, once
5 they wait in line at each brewery, you know,
6 as many as they are looking to.

7 CHAIRPERSON MILLER: And how are
8 you going to check IDs and things like that?
9 Are you?

10 MR. SEILER: Yes, so CSC will be
11 checking our IDs at the front. We'll have six
12 of them at the main gate and we will not be
13 letting anyone in who's under 21.

14 CHAIRPERSON MILLER: And will they
15 have wristbands or they just won't be let in?

16 MR. SEILER: We will.

17 CHAIRPERSON MILLER: You will

18 MR. SEILER: So the wristband will
19 show that you've gotten access to the event
20 through your voucher.

21 CHAIRPERSON MILLER: Yes.

22 MR. SEILER: But once your ID is

1 checked, there is a stamp that we'll be giving
2 to people to show that they've stamped. They
3 go through the check-in process and then they
4 get a wristband once their voucher is scanned
5 and they're let in.

6 CHAIRPERSON MILLER: And what's
7 your ID check process going to be?

8 MR. SEILER: So the check-in
9 process overall, it actually starts --

10 CHAIRPERSON MILLER: Now --

11 MR. SEILER: -- with the --

12 CHAIRPERSON MILLER: Okay. Go
13 ahead.

14 MR. SEILER: It starts with the
15 ID.

16 CHAIRPERSON MILLER: Yes.

17 MR. SEILER: So, you know, people
18 will start lining up and they won't go into
19 the general check-in flow until their ID has
20 been checked. So that's the first step in the
21 check-in process, and that's through, you
22 know, the trained CSC staff who will be making

1 sure those IDs are 21 and above.

2 CHAIRPERSON MILLER: CSC, is that
3 what you're saying?

4 MR. SEILER: Yes.

5 CHAIRPERSON MILLER: What is that,
6 I'm sorry?

7 MR. SEILER: They're a nationally-
8 recognized crowd management and security
9 company. They do all the sporting events
10 around here, you know, just any big event.

11 CHAIRPERSON MILLER: Okay. So it
12 sounds like they're doing their process, that
13 you don't know exactly what it is? For
14 instance, let me just say --

15 MR. SEILER: Sure. Sure.

16 CHAIRPERSON MILLER: -- you know,
17 we've been listening to other people talk
18 about their events and their ID checks. And
19 in some cases they say, well, we have two
20 checks. You know, we have the first person
21 checks it, duh, duh, duh.

22 MR. SEILER: Yes.

1 CHAIRPERSON MILLER: And then
2 hands it to another person for like double
3 check.

4 MR. SEILER: Gotcha.

5 CHAIRPERSON MILLER: So it sounds
6 like you're not sure because you're delegating
7 that to the company that does it all the time.

8 MR. SEILER: Sure.

9 CHAIRPERSON MILLER: Is that
10 right?

11 MR. SEILER: Right, so I'm happy
12 to look into exactly what their procedures
13 are.

14 CHAIRPERSON MILLER: Okay.

15 MR. SEILER: But I do know that,
16 you know, once they have determined that the
17 participants are 21; and over and they're
18 trained to be able to do so, they will be
19 stamped. And then, you know, even if someone
20 gives their voucher to us -- so we'll be, you
21 know, collecting the tickets to the event. If
22 they don't have that stamped, then we won't

1 let them in. But I am happy to reach out to
2 CSC and see exactly what their -- how they do
3 determine --

4 CHAIRPERSON MILLER: Okay.

5 MR. SEILER: -- if an ID is 21 or
6 above.

7 CHAIRPERSON MILLER: And so
8 individual brewers have tents?

9 MR. SEILER: That's correct.

10 CHAIRPERSON MILLER: Okay. So are
11 they going to check IDs again when they go
12 into the tents, or no? Once you're in this
13 area --

14 MR. SEILER: Once you're in the
15 event --

16 CHAIRPERSON MILLER: You're in?

17 MR. SEILER: -- everyone -- yes,
18 everyone who's in the event is 21 or above.

19 CHAIRPERSON MILLER: You wear a
20 wristband and then --

21 MR. SEILER: Correct. Yes.

22 CHAIRPERSON MILLER: Okay.

1 MR. SEILER: Different color
2 wristband for each day, that kind of thing.

3 CHAIRPERSON MILLER: Oh, okay.
4 And what kind of entertainment is there going
5 to be?

6 MR. SEILER: So a couple different
7 types of entertainment. We'll have three
8 bands each day. If you want to know what
9 types of bands, I'm happy to let you know.

10 CHAIRPERSON MILLER: If you know.

11 MR. SEILER: Sure. Yes, so a
12 bluegrass band to start.

13 CHAIRPERSON MILLER: Okay.

14 MR. SEILER: Followed by an '80s
15 cover band. And then a, you know, kind of
16 alternative rock band, U.S. Royalty, who's,
17 you know, one of the biggest up and coming
18 bands in the D.C. area.

19 CHAIRPERSON MILLER: And how do
20 people find out about your event? Is it open
21 by email? Is it Facebook?

22 MR. SEILER: So it's through

1 LivingSocial.

2 CHAIRPERSON MILLER: Yes.

3 MR. SEILER: You know, we
4 typically send emails out to our subscribers.

5 CHAIRPERSON MILLER: Okay. Have
6 you had any coordination with MPD?

7 MR. SEILER: Only through DCRA.
8 Yes, just in the permitting process.

9 CHAIRPERSON MILLER: So what was
10 that?

11 MR. SEILER: Just to make them
12 aware of the event.

13 CHAIRPERSON MILLER: Oh, okay. Do
14 you have any policy about when someone is
15 discovered to be an underage drinker at your
16 event, if they got in and --

17 MR. SEILER: So in the event that
18 someone --

19 CHAIRPERSON MILLER: Yes.

20 MR. SEILER: -- is underage and
21 happened to sneak their way in some way --

22 CHAIRPERSON MILLER: Yes.

1 MR. SEILER: -- we'll have them
2 removed immediately and according to the MPD
3 or whatever.

4 CHAIRPERSON MILLER: And the CSC?

5 MR. SEILER: That would be CSC.
6 So there's 33 of them scattered throughout the
7 venue. Big yellow jackets. They're kind of
8 scary.

9 CHAIRPERSON MILLER: Oh, really?
10 Okay. You've worked with them before?

11 MR. SEILER: We haven't, but again
12 they run lots of events. I've gone to events
13 where they've been there.

14 CHAIRPERSON MILLER: Okay.

15 MR. SEILER: And so they'll be
16 removed immediately and whatever procedure
17 from there to notify the police. We will.

18 CHAIRPERSON MILLER: Okay. Are
19 you having any volunteers serving or selling
20 drinks, or is it just the brewers?

21 MR. SEILER: So the only ones that
22 will be pouring the drinks are the brewers --

1 CHAIRPERSON MILLER: Yes.

2 MR. SEILER: -- and managers
3 through -- what is it?

4 MS. RAYMOND: VSLS.

5 MR. SEILER: VSLS, which runs our
6 918 Building. It's a building for
7 LivingSocial.

8 MS. RAYMOND: Like a third party
9 liquor concessionaire provider.

10 MR. SEILER: Yes.

11 CHAIRPERSON MILLER: Okay. Do
12 other Board members have questions? Mr.
13 Alberti?

14 MEMBER ALBERTI: Mr. Nophlin.

15 CHAIRPERSON MILLER: Mr. Nophlin?
16 Okay.

17 MEMBER NOPHLIN: Thank you, Mr.
18 Alberti.

19 MEMBER ALBERTI: Please.

20 MEMBER NOPHLIN: Would you please
21 walk through how this is going to work for the
22 Board, please? It's a lot of stuff on your

1 sheet. I hate to say this: It's kind of
2 blurry. But if you could walk us through the
3 entrance and how this is going to work, I
4 would appreciate it. Once a person comes
5 through the gate --

6 MR. SEILER: Sure.

7 MEMBER NOPHLIN: Yes, thank you.

8 MR. SEILER: Yes, I guess is the
9 concern the space or --

10 MEMBER NOPHLIN: Well, if you look
11 at your second page --

12 MEMBER ALBERTI: The control of
13 the entrances and exits.

14 MEMBER NOPHLIN: Yes, thank you.

15 MR. SEILER: So CSC will be
16 manning any entrance and exits at the event.
17 So, you know, there will be security around
18 the perimeter of the event, if that's the
19 question.

20 MEMBER NOPHLIN: Can you be more
21 specific? Because I see arrows going in
22 directions. I mean, I don't even know what

1 that means.

2 MR. SEILER: Sure. Those arrows
3 were there for DCRA so that they were able to
4 see our emergency exits.

5 MEMBER BROOKS: Oh, okay.

6 MEMBER NOPHLIN: Okay.

7 MR. SEILER: But anywhere where
8 there is an entrance and exit there will be
9 security personnel to make sure that no one is
10 coming in through a different way.

11 MEMBER ALBERTI: I guess the
12 question is, you have these check-in lines,
13 right?

14 MR. SEILER: Yes, there is, yes,
15 one main point of entry.

16 MEMBER ALBERTI: And that's the
17 only point of entry?

18 MR. SEILER: That's correct.
19 Right.

20 MEMBER ALBERTI: Okay. And then
21 you have people stationed at the exits to make
22 sure people aren't coming in through any of

1 the emergency exits?

2 MR. SEILER: That's right.

3 MEMBER ALBERTI: Okay.

4 MR. SEILER: Yes.

5 MEMBER ALBERTI: I think that's
6 what we were trying to get at.

7 MEMBER NOPHLIN: Thank you.

8 MEMBER ALBERTI: You're welcome.
9 You have any more questions? Go ahead.

10 MEMBER NOPHLIN: And then the
11 outer perimeters, it's going to be -- is it
12 fence around it?

13 MR. SEILER: It is.

14 MEMBER NOPHLIN: As the Board
15 member just mentioned, you're going to have
16 security where these arrows are. Just one way
17 in and just one way out? Just one entrance
18 and exit?

19 MR. SEILER: Assuming there's no
20 emergency, there's one entrance into the event
21 and one exit out of the event.

22 MEMBER NOPHLIN: And the

1 breweries, they're going to be where?

2 MR. SEILER: So, yes, all of those
3 little square boxes are the breweries.

4 MEMBER NOPHLIN: Okay. Oh, yes.

5 MR. SEILER: Happy to point to
6 them, if you'd like.

7 MEMBER NOPHLIN: Okay. I see.
8 Okay. Thank you.

9 MEMBER ALBERTI: Are people
10 allowed to come and go from the event?

11 MR. SEILER: We have a no
12 reentrance policy.

13 MEMBER ALBERTI: Okay. Very good.
14 One concern that I have is your use of CSC;
15 not the company themselves, but you are sort
16 of handing off to them the responsibility for
17 ID checking, delegating them that
18 responsibility.

19 MR. SEILER: Yes.

20 MEMBER ALBERTI: So tell me a
21 little bit about their credentials in that
22 area.

1 MR. SEILER: Sure. So again, they
2 are a nationally-recognized crowd management
3 company. And so, you know, I'm not trained to
4 be able to see whether an ID is real or not,
5 but it's something that they go through
6 extensive training. And I've been speaking
7 with their D.C. manager, Taylor Kane, who is
8 going to be there on site the day of the
9 event.

10 MEMBER ALBERTI: Okay. So that's
11 part of how they sell themselves, as having
12 trained their staff in that?

13 MR. SEILER: Yes.

14 MEMBER ALBERTI: -- in recognizing
15 IDs and --

16 MR. SEILER: I'm not sure of
17 the --

18 MEMBER ALBERTI: -- monitoring?

19 MR. SEILER: Exactly. I'm not
20 sure of the --

21 MEMBER ALBERTI: Okay. Because
22 not all security companies do that. That's

1 why I'm asking.

2 MR. SEILER: Right. I honestly am
3 not sure of the name of the training that they
4 go through and how often they do it, but it is
5 one of the reasons why we used them.

6 MEMBER ALBERTI: Okay. And their
7 name is CSC?

8 MR. SEILER: CSC, yes.

9 MEMBER ALBERTI: Okay. I will
10 remind you that ultimately your organization
11 is responsible.

12 MR. SEILER: Right.

13 MEMBER ALBERTI: So if something
14 goes awry, we're not going to go to CSC and
15 bring them in. You'll be responsible and, you
16 know, your future licenses are at stake for
17 you, not CSC.

18 MR. SEILER: Understood. Thanks.

19 MEMBER ALBERTI: Keep that in
20 mind.

21 MR. SEILER: Will do.

22 MEMBER ALBERTI: All right.

1 MR. SEILER: Thanks.

2 CHAIRPERSON MILLER: Other Board
3 questions?

4 MEMBER MOBLEY: Yes, Madam Chair.

5 CHAIRPERSON MILLER: Ms. Mobley.

6 MEMBER MOBLEY: Mr. Seiler, I
7 would be interested in knowing, are you
8 putting any type of restriction on the amount
9 of beer that an individual can have to drink?

10 MR. SEILER: So the restriction
11 will be what the servers are able to tell,
12 because they're all TIPS certified. They will
13 be able to know when someone should not be
14 served the same way if you were to enter a bar
15 and a bartender says, it, you know, looks like
16 you've had too much. So that will be our
17 restriction.

18 MEMBER MOBLEY: Oh, okay.

19 MR. SEILER: At the point of
20 serving.

21 MEMBER MOBLEY: So basically it's
22 unlimited, but based on the --

1 MR. SEILER: To the discretion of
2 the server.

3 MEMBER MOBLEY: Okay.

4 MR. SEILER: That's right.

5 MEMBER MOBLEY: Okay. All right.

6 And so your volunteers, they have been
7 trained? How many volunteers --

8 MR. SEILER: Volunteers for?

9 MEMBER MOBLEY: You --

10 MR. SEILER: So we have -- you
11 know, we'll have volunteers who are, you know,
12 helping to make sure the logistics of the
13 event are smooth, to make sure that it's a fun
14 event. We have a part-time staff of event
15 coordinators with LivingSocial who are paid.

16 MEMBER MOBLEY: Yes.

17 MR. SEILER: But they won't be
18 serving the alcohol. Anyone who is serving
19 alcohol is not a volunteer. They're with
20 either the brewery or they're with VSLs.

21 MEMBER MOBLEY: Okay. And all the
22 beer would be served in distinctive cups; and

1 this is a question that Board Member Alberti
2 had of another licensee, so that no one will
3 be walking out of the premise with drinks?

4 MR. SEILER: That's correct.

5 MEMBER MOBLEY: Okay. All right.

6 Thank you.

7 MR. SEILER: Thank you.

8 CHAIRPERSON MILLER: Others?

9 (No audible response.)

10 CHAIRPERSON MILLER: What does CSC
11 stand for?

12 MR. SEILER: I don't want to make
13 something up, but I'm under the impression
14 it's Crowd Services Corporation.

15 MEMBER MOBLEY: I just --

16 CHAIRPERSON MILLER: Oh, you
17 just --

18 MEMBER MOBLEY: I just found them.

19 MR. SEILER: Great.

20 MEMBER MOBLEY: Contemporary
21 Services Corporation, peer group security and
22 crowd management since 1967, and is thought to

1 be one of the leaders in the industry. I just
2 pulled you up on my tablet.

3 MR. SEILER: Thank you.

4 MEMBER MOBLEY: Pulled it up on my
5 tablet.

6 CHAIRPERSON MILLER: Okay. I
7 assume you didn't bring any material on them.

8 MR. SEILER: On them?

9 CHAIRPERSON MILLER: Yes.

10 MR. SEILER: No, but I'm happy to
11 provide the Web site for you.

12 MEMBER MOBLEY: Oh, I've seen
13 these guys. They do the football games.

14 MR. SEILER: Yes.

15 CHAIRPERSON MILLER: There they
16 are. There are those jackets. Okay.

17 MEMBER ALBERTI: The big scary
18 guys.

19 MR. SEILER: We told them we only
20 want people who are over 250 pounds.

21 CHAIRPERSON MILLER: Okay. Mr.
22 Ghenene?

1 INVESTIGATOR GHENENE: This is an
2 unlimited drinking event, or is it a cash bar?

3 MR. SEILER: It is not a cash bar.

4 INVESTIGATOR GHENENE: So it's if I
5 pay for entry, I can drink as much as I want?

6 MR. SEILER: To the discretion of
7 the server.

8 INVESTIGATOR GHENENE: Okay.

9 MR. SEILER: Yes.

10 INVESTIGATOR GHENENE: But it's in
11 five-ounce increments?

12 MR. SEILER: Correct.

13 INVESTIGATOR GHENENE: Okay. And
14 is there any hard liquor?

15 MR. SEILER: There's not.

16 INVESTIGATOR GHENENE: Just beer?

17 MR. SEILER: That's right.

18 INVESTIGATOR GHENENE: Okay.

19 CHAIRPERSON MILLER: That's it?

20 INVESTIGATOR GHENENE: Yes, ma'am.

21 CHAIRPERSON MILLER: Okay. Any
22 other questions?

1 (No audible response.)

2 CHAIRPERSON MILLER: Okay. Well,
3 I think it's the consensus that -- I would
4 recommend we -- I thought it was the consensus
5 of this Board to approve, and it is.

6 Okay. So my understanding though,
7 it's not immediate back to you. We sign it
8 and then it goes into to be processed.

9 MR. SEILER: Thank you. All set?

10 CHAIRPERSON MILLER: Good. Yes.

11 MR. SEILER: Great. Thank you so
12 much.

13 MEMBER ALBERTI: Good luck to you.

14 MS. RAYMOND: Thank you for your
15 time.

16 CHAIRPERSON MILLER: Have a great
17 event.

18 MR. SEILER: Thanks. Have a good
19 day.

20 CHAIRPERSON MILLER: You, too.

21 (Whereupon, the hearing was
22 concluded at 11:56 a.m.)

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