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9:44 a.m.

CHAIRPERSON MILLER: Okay. So that brings us to a Fact Finding Hearing in this case for Robert L. Fleshner, 700 Water Street Southwest and in ANC 6D. And parties in this case please come forward. Have a seat at the table and sign in when you're ready.

If you could introduce yourself.

MR. FLESHNER: Good morning. My name is Robert Fleshner and I'm the Race Director for the American Odyssey Relay.

MR. BERGMAN: My name is Erik Bergman. I'm the General Manager of Birch & Barley and ChurchKey who is going to be providing the ABRA Manager for the event.

CHAIRPERSON MILLER: Okay. Good. So this is a temporary license application for the American Odyssey Relay, and the date of the event is April 28, 2012.

MR. FLESHNER: Correct.

CHAIRPERSON MILLER: Okay. Good.

1 So, you should have received a
2 letter from the Board or from the Agency, at
3 least, asking a series of questions and
4 basically we want to go through those
5 questions.

6 MR. FLESHNER: Okay.

7 CHAIRPERSON MILLER: In fact,
8 we've been joined by an Investigator for the
9 Board. And would you like to introduce
10 yourself for the record?

11 INVESTIGATOR JONES: Good morning
12 to the Board. I'm Investigator Earl Jones for
13 ABRA.

14 CHAIRPERSON MILLER: Welcome.
15 Okay.

16 So the first question goes to
17 describing the event that you're going to be
18 having.

19 MR. FLESHNER: Okay. So the
20 American Odyssey Relay is a running relay race
21 that's competed in by teams of 12. We start in
22 Gettysburg, Pennsylvania on Friday morning the

1 27th at 7:00 a.m. The slowest teams start
2 first, the fastest teams start later. We had
3 133 teams register and we'll probably have 125
4 competing. Most teams have 12, a few teams
5 may have six if they're really out of their
6 minds and they want to run twice as much.

7 The runners start in Gettysburg.
8 Each runner runs about five or six miles to
9 the next transition point where they're met by
10 their teammates. They hand off the baton. A
11 typical relay race. Everybody runs once, so
12 all 12 runners run once and then they repeat
13 the process again. They run a second time and
14 they run a third time.

15 The runners run straight to the
16 light. We have transition areas all along the
17 way. We've got high schools and churches and
18 so forth that work with us. And then they
19 finish at 7th and Water on Saturday. The first
20 teams will start to come in shortly after noon
21 and then the last team will probably come in
22 6:00, maybe 6:15. The weather's going to be

1 cool, so they'll probably get there a little
2 quicker.

3 And what happens is at the finish
4 line the teammates meet, maybe 50 yards from
5 the finish line they meet the last running who
6 is coming in and they all run in together and
7 they finish. And we announce them and try and
8 make a big deal about the fact that they've
9 just run 200 miles as a team.

10 The event consists of -- we went
11 back and looked at the registration. We have
12 -- in terms of people register on line, about
13 three quarters register on line, about a
14 quarter register by paper. I could check the
15 ones on line.

16 For the ones that registered on
17 line we have nobody signed up who is under the
18 age of 21. Everybody is over 21. That being
19 said, there will be about four, maybe five
20 kids who are about 17 or 18 probably juniors
21 or seniors in high school who will be running
22 with their parents. Those are paper

1 registrations. I require a separate waiver for
2 those because if they can't do it on line. But
3 right now we have four, but I checked my email
4 before I came in, it looks like there's going
5 to be a fifth.

6 So, in terms of the people
7 actually going to the site we will have
8 runners. Families just don't come to the site
9 afterwards. It's not like a marathon where
10 everybody's finishing together. The teams
11 finish over such a long period of time that
12 you have no spectators at all and you have
13 virtually no family, maybe a straggler here or
14 there, but almost no family members.

15 And so I think I put in the
16 initial application that we were thinking
17 about 1700 people. It's probably going to be
18 probably closer to 1500 because we had 133
19 teams instead of 140 I was anticipating. And
20 about five teams so far dropped out. So
21 figure about 1500 people, but it's over a six
22 hour period. During the period when the most

1 people will be there will be between 4:00 and
2 5:00, maybe 2:30 and 5:00 and we might hit 250
3 people, maybe 300. I mean, it's hard to know
4 exactly. But that would be it. There will be
5 in the beginning there might be 50 or 75 and
6 then 5:00 or 5:30 there might be 75 people and
7 then it will dwindle down to nothing.

8 CHAIRPERSON MILLER: So how you
9 serving alcohol?

10 MR. FLESHNER: So, we have -- each
11 runner get a number like this. We can bring
12 it up if you'd like to see it.

13 CHAIRPERSON MILLER: No, we can
14 see it from there.

15 MR. FLESHNER: So with that
16 runner's number they wear this on their T-
17 shirt and then there's a detachable tag for
18 food and for beverage. Unless they have that
19 tag, they do not get beverage.

20 We've got an area that is
21 completely fenced in that has three areas --
22 three spots of ingress and egress. There will

1 be a security guard at each of those spots.

2 The runners come in, they come
3 through the finish line and then they go into
4 that area. It's completely fenced in. And then
5 Erik and his staff will be staffing the kegs.
6 And each runner is only entitled to one beer.
7 We're not selling it. They get it as part of
8 their entry fee. It's one 12 ounce beer in the
9 special area off to the side.

10 CHAIRPERSON MILLER: So, how do
11 you know they've been served it. Do they have
12 to rip off the beverage part --

13 MR. FLESHNER: They have to turn
14 in this card and everybody only gets one
15 number.

16 CHAIRPERSON MILLER: Okay.

17 MR. BERGMAN: So despite the fact
18 that they've already basically been confirmed
19 that they're 21, we also have volunteers from
20 the relays to check IDs upon entry to the
21 serving area. And then my staff are all TIPS
22 trained and two ABRA managers will be there,

1 too to attend the service that is being given,
2 we're talking about a beer per person.

3 CHAIRPERSON MILLER: And is beer
4 the only alcohol that is being served?

5 MR. FLESHNER: Beer is the only
6 alcohol being served. We're also going to give
7 them a bottle of water and there also will be
8 soft drinks and then there's going to be two
9 different kinds of food. There's going to be
10 a full complete meal which the developers of
11 the wharf or providing. It's either going to
12 be barbecue chicken or ribs, or something like
13 that, but it'll be hot food. And then we have
14 donated from Safeway apples, bananas and
15 oranges and then Bethesda Bagels is going to
16 do bagels. So, there will be a ton of food as
17 well.

18 CHAIRPERSON MILLER: And how many
19 security personnel did you say you're going to
20 have?

21 MR. FLESHNER: Right now we're
22 listed to have seven security personnel with

1 the three entrances as well as our volunteers.
2 We're going to have -- we'll probably have 20
3 volunteers down there, we can probably
4 dedicate an additional four or five of those
5 to helping out with ID checks and so forth.

6 CHAIRPERSON MILLER: So the seven
7 security personnel, how are they going to be
8 placed?

9 MR. FLESHNER: There's the three
10 areas, I don't know if you have --

11 CHAIRPERSON MILLER: Did you
12 submit that with your --

13 MR. FLESHNER: Yes.

14 CHAIRPERSON MILLER: Okay.

15 MR. FLESHNER: So it's --

16 CHAIRPERSON MILLER: So we should
17 have it then.

18 MR. FLESHNER: Okay. There's --
19 the main area of entrance you come in off
20 Water Street, it's designated No. 1 and there
21 will be a security guard there at all times.
22 And then there'll be a security guard at 2 and

1 3. Two and 3, my guess is that what is going
2 to happen is people will walk out of there
3 with their food. They're not allowed out with
4 their alcohol. Obviously, they go out with a
5 bottle of water and food. I think they're
6 going to be -- unfortunately, it looks like
7 the weather forecast just changed on us in the
8 last second and now they're talking about 40
9 percent chance of rain. So, people may not
10 hang out as much. It's going to be cold and
11 raw.

12 If it's a nicer day, they'll walk
13 out by two and three. They'll go sit by the
14 lower pond with their plate of food and their
15 bottle of water. But we will have security
16 guards at 1, 2 and 3 at all times, and there's
17 also going to be signs posted indicating no
18 alcohol may leave the premises and no alcohol
19 may be brought into the premises.

20 CHAIRPERSON MILLER: Okay. Do you
21 have a policy about whether any of your
22 volunteers or the staff can drink?

1 MR. FLESHNER: Okay. Two
2 different sets of volunteers. The volunteers
3 who are working at the finish line may not
4 drink. They may not, absolutely, positively
5 may not drink. But another volunteer who
6 worked Friday night or Saturday morning
7 somewhere else shows up at the finish line and
8 is not working the finish line, but would like
9 a plate of food and a beer, as long as they're
10 over 21, they can do that because they have
11 worked for us for four or five hours
12 elsewhere. If we get ten of those, I'd be
13 shocked.

14 CHAIRPERSON MILLER: Okay. Good.

15 I don't have one other question at
16 this point, and then I'll see if other Board
17 Members have questions.

18 Have you done this before or is
19 this your first time?

20 MR. FLESHNER: Yes. This is our
21 fourth annual event. The first year we
22 finished with the National Park Service so

1 there was nothing, no food or anything.

2 Last year it was held down at the
3 similar place, but the wharf owned the
4 property, so it was on private property and
5 they served alcohol last year on the private
6 property with no issues whatsoever, except
7 that we ran out of beer; that was an issue.
8 But with no issues. Everything went very
9 smoothly.

10 These are tired people when they
11 finish. They're going to have a plate of food,
12 they're going to -- half of them don't even
13 finish one beer and they're going to get up
14 and leave, and go home.

15 CHAIRPERSON MILLER: Okay.

16 Are there any questions from Board
17 Members? Mr. Nophlin?

18 MR. FLESHNER: Yes, sir.

19 MEMBER NOPHLIN: Yes, indeed.

20 You said this is you fourth event?

21 MR. FLESHNER: Yes.

22 MEMBER NOPHLIN: And what is the

1 purpose of this event?

2 MR. FLESHNER: There are really
3 two purposes. One is straightforward to just
4 have a good time and have fun, which the
5 runners do and promote physical fitness. The
6 other one is to raise money for three
7 different charities. We've got Hope for the
8 Warriors and Team Red White and Blue, which
9 are military charities helping our returning
10 veterans. And then Hope Connections for cancer
11 support, which is a cancer support charity.
12 And in addition to that there are unofficial
13 charities: Girls on the Run, DC and the Boy
14 Scouts which also raise a fair amount of
15 money.

16 MEMBER NOPHLIN: And the age, as
17 you said, probably of the older runners
18 participate rather than younger runners?

19 MR. FLESHNER: The average age is
20 40. We've got about 54 percent male, 46
21 percent female and the average age about 40.
22 The oldest runner will be approaching 70, the

1 youngest runner is about 23/24 with the
2 exception of those few who are 17.

3 MEMBER NOPHLIN: Well,
4 congratulations. Thank you.

5 CHAIRPERSON MILLER: Any other
6 Board questions.

7 MEMBER ALBERTI: May I ask, how
8 does everyone home if they start in
9 Gettysburg?

10 MR. FLESHNER: So, you have two
11 vans. And you drive up to Gettysburg. A van
12 with six people in each van. And the first
13 runner takes off and runs from Gettysburg five
14 miles to the next transition. The van goes up
15 ahead and waits.

16 MEMBER ALBERTI: Okay.

17 MR. FLESHNER: That runner gets
18 there. Runner 2 gets out and takes off. Runner
19 1 gets in the van. So the vans keep
20 leapfrogging as they go along.

21 MEMBER ALBERTI: I got it.

22 MR. FLESHNER: And so they come

1 back. Eventually the vans make it back.

2 MEMBER ALBERTI: Good. Good.

3 MR. FLESHNER: It's a crazy event.

4 I mean, my wife looks at this thing and says,

5 you know "Who came up with this thing?"

6 MEMBER ALBERTI: I've contemplated

7 this. I understand.

8 MR. FLESHNER: We'd love -- we'd

9 love -- we'd love to have you.

10 MEMBER ALBERTI: Thank you.

11 CHAIRPERSON MILLER: Other Board

12 Members?

13 Mr. Jones, do you have any

14 questions?

15 INVESTIGATOR JONES: The only

16 question that I do have is I understand that--

17 how many did you say was going to be 17,

18 around that area?

19 MR. FLESHNER: About four.

20 INVESTIGATOR JONES: How do you,

21 just hypothetically, if something was to

22 happen the way if they were to get their hands

1 on an alcoholic beverage, what is you
2 processes, or what is your --

3 MR. BERGMAN: Well, so basically
4 we flip the script a little bit in terms of
5 how we're identifying people since the vast
6 majority of people are over 21. We made a
7 decision to identify people who are under 21
8 upon entry to the food and beverage area.

9 INVESTIGATOR JONES: Okay.

10 MR. BERGMAN: So, the kids would
11 just be wristbanded, you know with the red
12 wristband --

13 INVESTIGATOR JONES: Oh, so
14 they're the only one with a wristband?

15 MR. BERGMAN: Correct.

16 INVESTIGATOR JONES: Okay.

17 MR. BERGMAN: So they'll be more
18 easily identified since, like I said, the vast
19 majority will be over 21 we figured it would
20 be easier to pick out the ones that were
21 under.

22 INVESTIGATOR JONES: Okay.

1 MR. FLESHNER: And there's nobody
2 there under the age of 21 that is not with a
3 parent. Those 17 year olds are all with their
4 parents.

5 MR. BERGMAN: They're part of the
6 team

7 MR. FLESHNER: They're part of the
8 team.

9 INVESTIGATOR JONES: Now let me
10 ask you this: What would happen, say for
11 instance, if the wristband was to slip off or
12 they took the wristband off? What would happen
13 in that case?

14 MR. BERGMAN: We have a couple of
15 points of checking IDs. We also have
16 experienced ABRA Managers from my restaurant
17 at ChurchKey and Birch & Barley. Received
18 numerous accommodations on, you know,
19 positively checking ID upon entry and
20 identifying people. So, I think our record is
21 pretty good with identifying anyone that is,
22 you know under 21, you know in terms of

1 service.

2 INVESTIGATOR JONES: Okay. So no
3 matter what at the stage where where the
4 alcohol is staged, they have to be ID'ed
5 anyway?

6 MR. BERGMAN: Correct. And, I
7 mean, they'll be visually ID'd by TIPS
8 certified servers who are serving the beer
9 after the point that they've been ID'ed. So,
10 even, just like I train my staff at the bar,
11 just because they've had their ID checked at
12 the door coming in, it's still up to you
13 whether:

14 (a) They've had too much to
15 drink, for instance at our restaurant, or;

16 If you think that they're not
17 positively ID'd, that you can ID them again if
18 possible -- of necessary.

19 INVESTIGATOR JONES: And I know
20 you said you have ABC Managers. How many will
21 you have?

22 MR. BERGMAN: Two.

1 MEMBER BROOKS: Two?

2 MR. BERGMAN: Plus -- plus trained
3 staff, TIPS trained staff.

4 INVESTIGATOR JONES: That's it.

5 CHAIRPERSON MILLER: Okay.

6 Anything else from the Board Members?

7 Okay. I think it's the consensus
8 of the Board that we'll sign off on your
9 certification.

10 MR. FLESHNER: Great. Fantastic.
11 Thank you.

12 CHAIRPERSON MILLER: Okay. You're
13 all set.

14 MR. FLESHNER: Thank you.

15 In terms of the temporary license
16 itself is that something that -- it's a piece
17 of paper we should have there? Okay.

18 CHAIRPERSON MILLER: Actually, the
19 staff is going to work with you after this.

20 MR. FLESHNER: Fantastic. Okay.
21 Thank you very much.

22 CHAIRPERSON MILLER: Okay. Thank

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you.

(Whereupon, the Fact Finding
Hearing was adjourned at 9:59 a.m.)

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