

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
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 MEETING

IN THE MATTER OF:

Temporary License Application  
 of Allen M. Tubis

Barbeque Cooking Contest  
 June 27-28, 2015  
 Pennsylvania Ave NW,  
 between 9th and 14th St.  
 20,000 attendees

Fact  
 Finding  
 Hearing

June 3, 2015

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller presiding.

PRESENT:

RUTHANNE MILLER, Chairperson  
 DONALD BROOKS, Member  
 MICHAEL SILVERSTEIN, Member  
 HECTOR RODRIGUEZ, Member  
 JAMES SHORT, Member

ALSO PRESENT:

John Suere, Investigator, ABRA

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

2 9:59 a.m.

3 CHAIR MILLER: Okay. I think that  
4 concludes all our Protest and Show Cause Hearing  
5 Status cases. And we can call our Fact Finding  
6 Hearing that's scheduled for 9:30 a.m., which is  
7 Barbeque Cooking.

8 (Off the record comments)

9 CHAIR MILLER: Hi, okay, come take a  
10 seat at a table so we can get you picked up by  
11 the microphone. Okay, now would you like to give  
12 your name again for the record?

13 MR. TUBIS: Yes, my name is Allen  
14 Tubis. I'm the event coordinator of the 23rd  
15 annual Barbecue Battle event.

16 CHAIR MILLER: This is the 23rd  
17 annual?

18 MR. TUBIS: 23rd annual.

19 CHAIR MILLER: Okay, before we get  
20 into that let me ask our Investigator to put his  
21 name on the record too.

22 INVESTIGATOR SUERE: Investigator,

1 John Suere with Alcoholic Beverage Regulation  
2 Administration. Good morning.

3 CHAIR MILLER: Good morning.

4 MALE PARTICIPANT: Good morning.

5 CHAIR MILLER: Okay. Mr. Tubis, this  
6 is the 23rd year?

7 MR. TUBIS: Yes.

8 CHAIR MILLER: All right. We hope not  
9 to keep you here too long considering.

10 MR. TUBIS: Whatever you need.

11 CHAIR MILLER: All right, I think you  
12 have a good track record. I think what brings  
13 you here is that our records show that you  
14 anticipate 20,000 attendees?

15 MR. TUBIS: Over the week, and really  
16 obviously it's weather contingent.

17 CHAIR MILLER: Yes.

18 MR. TUBIS: Last year our Saturday was  
19 probably the worst ever, because it rained on  
20 Saturday. Sunday was good. We can do you know,  
21 10,000 plus per day with beautiful weather. Less  
22 if the weather is rainy or high, hot.

1 CHAIR MILLER: Okay. Let me ask you,  
2 did you have any problems last year?

3 MR. TUBIS: No. Not that I'm aware  
4 of. No.

5 CHAIR MILLER: Okay. Are you doing  
6 anything different this year?

7 MR. TUBIS: Yes, we're doing something  
8 a little bit different, I think. Just over the  
9 years we learn different things, the pattern.  
10 People complain about lines, but we'd rather be  
11 safe than sorry.

12 At our event we don't sell as much  
13 alcohol for events our size because we try to  
14 bring in a family crowd. So people if they come  
15 with their kids are not as prone to hopefully  
16 drink as much in front of their children.

17 We don't have large groups of kids  
18 because we don't book entertainment for like the  
19 college kids. We book it more for kind of baby  
20 boomer age, which is Safeway, our title sponsor,  
21 that's what they want. The people who shop. But  
22 long story short, we obviously have to serve you

1 know beer and wine like the other events.

2 So what we're doing is, we created  
3 years ago, and I have kind of a diagram for you.  
4 We create a, with barrier rack, a line system  
5 instead of having someone walk up to the point of  
6 sale and get ID'd, we have specific ID checkers.

7 And ten years ago I certified myself  
8 as a trainer for the TIPS program. So I can  
9 actually train. It saves us a little money to do  
10 the training ourselves. We get them certified.  
11 TIPS does their grading of the tests. And then  
12 they get a two-year certification card same as  
13 like a bar manager.

14 Those are the people who check the  
15 IDs. They don't check it at the point of  
16 serving, we check it at the point of entry into  
17 the area where you can walk over to get served.  
18 We create, we barrier rack, bike rack.

19 We actually have this year I think  
20 they've done it for us, the volunteers for about  
21 three years now. We have a law firm, so they're  
22 actually lawyers and interns. We'd had 26 of

1       them that are acting throughout the weekend as  
2       TIPS trainers, I'm sorry, ID checkers.

3               I actually next week, I have a  
4       training, kind of a refresher training to  
5       recertify everyone. So what's different this  
6       year is, we're serving off the side of the booth,  
7       and creating the kind of the barrier system to  
8       give a little more room for people to come in and  
9       get in line, once they're in.

10              It's just the configuration's a little  
11       different. We think this will be a little more  
12       effective, but it's the same system. The system  
13       is, and in order to even get near the tent, you  
14       first have to go through the ID area.

15              We're continuing with the 21 ID bands.  
16       Even if someone finishes their beer, walks off,  
17       comes back with a band, they still have to go  
18       through the ID procedure. We ID everyone to make  
19       sure they didn't pick it up off the ground and  
20       tape in on or something.

21              CHAIR MILLER: Okay.

22              MR. TUBIS: We also have water and

1 other things that people want. They can only get  
2 one beer per person. Some people get upset.  
3 They're saying, "Oh, my wife gets a beer, I need  
4 two beers." So sometimes, they'll just say fine.  
5 Give me something, give me a water. Give me a  
6 soda. So we do serve that.

7 But then separately, our non-alcoholic  
8 beverages are served out of a separate, a whole  
9 separate area where people don't have to get ID  
10 checked. So they don't have to deal with the  
11 alcohol if they don't want to. They just come  
12 over and they get their soda, and that's a  
13 separate area. We've separated the two, and  
14 we're continuing to do that.

15 CHAIR MILLER: Let me ask you this  
16 question on that though. I thought you said, so  
17 the, you can only serve one beer at a time to  
18 somebody. Right?

19 But if he says, "You know my wife is  
20 over here, I want to get her a drink." You said,  
21 I thought that they could get a non-alcoholic  
22 drink?

1 MR. TUBIS: They can get what, we used  
2 to have just beer, then people complained, well I  
3 need a drink. And it's like, okay fine. We have  
4 --

5 CHAIR MILLER: You have both?

6 MR. TUBIS: We can serve non -- we can  
7 serve one beer, but we'll also give them a water  
8 too, if they want. But they still have to get ID  
9 to even be in that area. But separately if they  
10 don't want to deal with alcohol, the kids are  
11 with them, they don't want to deal with that,  
12 separately we have a whole separate line,  
13 separate area for just non-alcoholic beverages.

14 So anyone who comes in, even if  
15 they're getting a soda, if they are in the beer  
16 area, they have to be ID'd.

17 But I'm just saying, we're only  
18 serving one alcoholic beverage, but we are  
19 offering the option of non-alcoholic. So if  
20 they're wanting for themselves a water and beer,  
21 they can get water and beer.

22 CHAIR MILLER: Right, okay. Can you

1 just briefly say, what these ID checkers are  
2 checking for?

3 MR. TUBIS: Yes, the ID checkers,  
4 they're checking based again on the TIPS program,  
5 they're checking for a couple things. One is  
6 they're looking for signs of you know, impaired  
7 judgment, slurring things, like that before they  
8 even deal with the ID. If they feel someone's  
9 intoxicated, they're not even going to let them  
10 into the area.

11 When they check the ID, they'll have  
12 an ID handbook so if they're not familiar with  
13 it, it's not say a Maryland, Virginia, or D.C.  
14 ID, they could look up the state to make sure it  
15 looks like the state.

16 They're not asking questions. They're  
17 looking at the ID. If it's a valid ID, they will  
18 let them in. If someone doesn't have an ID,  
19 they're not getting in. They need an ID to get  
20 in that area.

21 CHAIR MILLER: How about if someone  
22 looks old? Do you let them in?

1 MR. TUBIS: We've talked about that.  
2 Everyone has to have an ID. I mean from what I  
3 understand, correct me if I'm wrong, as long as  
4 someone is legally over 21, they can have a  
5 beverage. But even if someone comes in there, if  
6 they don't have an ID, even if they look you  
7 know, 30, 40, 50, they're going to check their  
8 ID.

9 I've seen them check everyone, even  
10 seniors that look like they're maybe 70 years  
11 old. Because we want to keep them in the habit  
12 of checking everyone's ID.

13 Another thing at the TIPS training,  
14 I'll just add, and I mentioned this last year too  
15 because it's part of our training, we instill in  
16 everyone, especially when they're lawyers and  
17 they know legalities, alcohol is a controlled  
18 substance.

19 Similar to when you get a  
20 prescription. You can get it, but you have to go  
21 through a process to get it. We let them know  
22 that they have personal liability if they

1 knowingly serve you know, minors, or impaired  
2 persons.

3 And being again, having you know,  
4 either being lawyers, or lawyers in training,  
5 they're extremely sensitive to that. So I would  
6 say that anyone who goes into that area, no  
7 matter how old they look, they're going to ID  
8 them.

9 CHAIR MILLER: Okay. And can you talk  
10 about your security then?

11 MR. TUBIS: Yes. We met last week  
12 with SOD. Our security, there's actually three  
13 different groups of security. And we probably  
14 have more police at our event because one of our  
15 beneficiaries is Clubhouse 2. It's the original  
16 police Boys and Girls Clubs. So we have police  
17 auxiliary that volunteer for the event. They're  
18 actual officers, but they're volunteer officers.

19 We have SOD officers which are going  
20 to be stationed throughout the perimeter.  
21 There's 13 squad cars at all points. And then  
22 inside I think they have 16 officers in the event

1 site plus the auxiliary.

2 Separately at specific points, we hire  
3 for like crossing guards and things. Special  
4 police which actually do have arrest power. It  
5 just so happens they have arrest power, but  
6 they're private security. So we have the three  
7 different levels of security.

8 We haven't had in years, we've had no  
9 arrests at our event. I think years ago, someone  
10 reached in to a cashbox. They you know, they  
11 took them in. Other than that, we've had no,  
12 thank God, no fights, no major problems. We've  
13 got maybe because we have a lot of security  
14 there, people aren't you know, as prone to do  
15 anything. So that's the security system.

16 CHAIR MILLER: Okay. All right. Do  
17 Board Members have question?

18 MEMBER RODRIGUEZ: Yes.

19 CHAIR MILLER: Mr. Rodriguez.

20 MEMBER RODRIGUEZ: I enjoyed your  
21 event throughout the years.

22 MR. TUBIS: Thank you.

1                   MEMBER RODRIGUEZ:  When are the  
2                   coupons from Safeway available?

3                   MR. TUBIS:  They're supposed to be as  
4                   of June the 1st.  If you go to Safeway, they  
5                   actually, customer service they have a brochure.  
6                   Shows you have to buy one of 50 items, or two 50  
7                   items.  You get a free admission when you go  
8                   there.

9                   Catalina Marketing is the company that  
10                  prints out coupons.  They print out the free  
11                  admission coupon.  So the program if you go, and  
12                  if you don't see any information, it means they  
13                  didn't put out what they're supposed to.  If you  
14                  just go to customer service and ask them, they  
15                  can give you a flyer.  Hopefully they have it in  
16                  the office.

17                  But that's a very popular program,  
18                  about half our attendees come in for free, which  
19                  is great because we have a crowd there.  But  
20                  that's why we do rely on beverage sales also  
21                  because a lot of the admissions, we don't --

22                  MEMBER RODRIGUEZ:  So they'll be

1 checking my ID over there, right? If I prefer  
2 beer?

3 MR. TUBIS: At the -- oh, at the event  
4 for beer, yes.

5 MEMBER RODRIGUEZ: They'll be checking  
6 my ID, right?

7 MR. TUBIS: They absolutely should.  
8 I would be very surprised if they don't check. I  
9 mean part of it is, also they know that we're  
10 going to have ABC inspectors there throughout the  
11 weekend.

12 MEMBER RODRIGUEZ: No complaints.

13 MR. TUBIS: So they're, anyone who  
14 comes there, especially if they look old, they're  
15 thinking well you know. It's kind of like  
16 everybody gets ID's just to be safe.

17 MR. RAMIREZ: No complaint from me.  
18 Okay.

19 MR. TUBIS: You look young though,  
20 maybe.

21 CHAIR MILLER: Others? Mr. Suere.

22 INVESTIGATOR SUERE: Good morning, how

1 are you?

2 MR. TUBIS: Oh, good morning, sir.

3 INVESTIGATOR SUERE: In looking though  
4 the packet, you have beverage tents?

5 MR. TUBIS: Yes, sir.

6 INVESTIGATOR SUERE: How many?

7 MR. TUBIS: We have four beverage  
8 stations, they're like beverage gardens. And we  
9 have the area --

10 INVESTIGATOR SUERE: The booths are  
11 inside that --

12 MR. TUBIS: Yes.

13 INVESTIGATOR SUERE: So it's all  
14 enclosed?

15 MR. TUBIS: This is enclosed at the  
16 point of the ID checking, that's how they all get  
17 entrance.

18 INVESTIGATOR SUERE: But if you go  
19 inside to get alcohol, you can't walk out with  
20 the alcohol?

21 MR. TUBIS: Well the entire event site  
22 is fenced. You can't --

1                   INVESTIGATOR SUERE: It's all fenced,  
2 okay. For the wine and beer, okay.

3                   MR. TUBIS: Yes, sir.

4                   INVESTIGATOR SUERE: How many ABC  
5 managers?

6                   MR. TUBIS: ABC managers?

7                   INVESTIGATOR SUERE: Yes.

8                   MR. TUBIS: When you say ABC, you're  
9 talking yours or?

10                   INVESTIGATOR SUERE: Yes, how many  
11 will you have?

12                   MR. TUBIS: Okay. Because you're  
13 going to have I think, three or four inspectors.

14                   (Simultaneous speaking)

15                   INVESTIGATOR SUERE: Right  
16 investigators will be there.

17                   MR. TUBIS: Yes, yes. We're going to  
18 have, we have an ABC manager in every tent. I'm  
19 also responsible for all the tents, but stationed  
20 at all times in a tent, we'll have an ABC  
21 manager. We'll also have at least two TIPS  
22 trained ID personnel there, that also act as

1 backup for the managers.

2 So if there's any problems, they'll  
3 alert the manager, the manager alerts the box  
4 office, and then if I have to get involved, I'll  
5 get involved.

6 INVESTIGATOR SUERE: I understand.  
7 You're estimating maybe 20,000 participants  
8 dependent on the weather for the weekend?

9 MR. TUBIS: For the weekend, that's  
10 for two days. Yes, sir.

11 INVESTIGATOR SUERE: And I believe  
12 when Chairperson asked you, you said there would  
13 be about 16 uniformed MPD officers. Is that  
14 right?

15 MR. TUBIS: There's going to be more  
16 than that. There's approximately 16 SOD plus  
17 auxiliary, plus we have, they look like police,  
18 but they're special police.

19 INVESTIGATOR SUERE: They're SPOs.  
20 Are they armed?

21 MR. TUBIS: The police are.

22 INVESTIGATOR SUERE: No, the SPOs?

1 MR. TUBIS: No.

2 INVESTIGATOR SUERE: They're not.

3 They're uniformed?

4 MR. TUBIS: They're in uniform. Yes.

5 And there again, their uniform looks similar to -

6 -

7 INVESTIGATOR SUERE: Right, right.

8 And --

9 MR. TUBIS: And they're also stationed  
10 near just so you know. I think they're  
11 stationing two near each beverage area. Just to  
12 be in that block.

13 INVESTIGATOR SUERE: Okay. And you  
14 said when someone purchases, if someone gets  
15 their ID checked and they're 21 or over they're  
16 going to get a wrist band?

17 MR. TUBIS: Yes, they get a wrist  
18 band. The old wrist band goes on after, the  
19 wrist band goes on. But if someone, say they  
20 finished their beer. And they're walking around  
21 and they want to come back and get another beer.  
22 They have to get, even if they've a wrist band,

1 they have to get IDs because we were finding that  
2 you know it's easy to pick this up and take a  
3 piece of tape.

4 INVESTIGATOR SUERE: And you've got a  
5 wrist band.

6 MR. TUBIS: Yes, so the reason for the  
7 wrist band is that just to make sure that  
8 everybody you know, who has a beer in their hand,  
9 has a wrist band that they've been ID'd.

10 INVESTIGATOR SUERE: And there's  
11 proper markings for emergency if someone has the  
12 need for emergency type police station, or --

13 MR. TUBIS: Oh, yes, yes. We're,  
14 actually the event we have a whole health and  
15 safety program. We've misting tents all over but  
16 aside from that, the event is split into alpha  
17 and bravo. I didn't bring our plan for health  
18 and safety.

19 Heat emergencies are mainly the only  
20 problem or if somebody's cooking barbecue and  
21 cuts themself in the contest. But we have two  
22 first aid tents. We have two ambulances,

1 advanced life support. We also have a gater, one  
2 of these big golf carts going around with cooler  
3 ice water with a couple of the EMS people in case  
4 anyone looks hot, they can bring them back to the  
5 first aid tent and get them cooled down. We even  
6 have free water too. Bottles of water.

7 INVESTIGATOR SUERE: That's all I had.

8 CHAIR MILLER: Okay. Just as a follow  
9 up on that. Do employees and volunteers have  
10 like a contact number in the event of an  
11 emergencies?

12 MR. TUBIS: Yes, we have two command  
13 centers. We have a production office. We have a  
14 production office for the people running the  
15 event. And we're area managers, and they're  
16 working with the exhibits, and the teams.

17 We've a contest committee working with  
18 the teams. We also have a box office, they're  
19 dealing with all the gates. And then we have the  
20 DCRA command centers. So everyone had a radio.  
21 It's not a phone number. They've a radio with an  
22 emergency channel, the radio the emergency

1 channel is actually monitored by the RV, the  
2 city's command center.

3 INVESTIGATOR SUERE: Right.

4 MR. TUBIS: So if there's a problem,  
5 not only would I hear it, but also our management  
6 at the command center would hear it. And it's  
7 going to be different this year because we used  
8 to have Kerry Payne, Mr. Payne. I don't know if  
9 you know him, but he was in charge of the command  
10 center, passed away recently. He was Homeland  
11 Security, but he would be the first person to get  
12 a hold of you if there was a problem.

13 CHAIR MILLER: Oh.

14 MR. TUBIS: We'll rely on the radio  
15 this year, dumb luck.

16 CHAIR MILLER: Sorry. And do your  
17 proceeds go to the proceeds of --

18 MR. TUBIS: Over the years we've  
19 raised over \$1.6 million. Usually on good years  
20 we'll raise over \$100,000 a year after the  
21 expenses and everything. We have Clubhouse 2  
22 which closed, we helped to reopen Clubhouse 2,

1 and I'm on the Board of the Butler Wyatt  
2 Clubhouse.

3 So Boys and Girls Clubs are the  
4 primary beneficiary. But about three years ago  
5 we started working with the USO. They do a  
6 cookoff with all five branches in the military,  
7 the Army, Navy, Air Force, Marines, Coast Guard.  
8 We've raised a lot of money for them and also the  
9 Capital Area Food Bank. We'll probably raise  
10 another \$10,000 for them.

11 So we'll work with them and they'll  
12 have some volunteers. Those are, some of the  
13 volunteers that are serving beverages are from  
14 the different groups that participate.

15 CHAIR MILLER: That's fine.

16 MR. TUBIS: So we try to make it a  
17 good community benefit, because we're like a  
18 public space. We're on the community space.

19 CHAIR MILLER: Okay. Thank you. All  
20 right. Mr. Suere, anything else?

21 INVESTIGATOR SUERE: That's all I  
22 have. Thank you.

1 CHAIR MILLER: Anything else from  
2 Board Members?

3 (No audible response)

4 CHAIR MILLER: Okay. Well you have a  
5 great track record. It's a great fund raiser and  
6 I'm ready to sign off. Other members, I think  
7 the consensus of the Board is to sign off on --

8 MEMBER SILVERSTEIN: Absolutely, Madam  
9 Chair.

10 CHAIR MILLER: Okay, so we're going to  
11 do that right now.

12 MEMBER SILVERSTEIN: Good luck, and  
13 good eating.

14 MR. TUBIS: Thank you. I hope you all  
15 can make the event. Hopefully the weather is  
16 good.

17 CHAIR MILLER: And the weather should  
18 be good.

19 MR. TUBIS: I'm hoping this rain gets  
20 out of it's way now. And thank you for the job  
21 you do. It really is important.

22 CHAIR MILLER: Thank you.

1 INVESTIGATOR SUERE: Very welcome.

2 CHAIR MILLER: You just need to wait  
3 for your -- what?

4 (Off the record comments)

5 MR. TUBIS: Do I need to wait for  
6 something?

7 CHAIR MILLER: Oh, if you'll wait, I  
8 just want to make sure you have your application.

9 MR. TUBIS: Okay.

10 CHAIR MILLER: Okay.

11 (Whereupon, the above-entitled matter  
12 went off the record at 10:18 p.m.)

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**A**

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