

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:

Nauti Foods/Ari Fingeroth  
t/a Nauti Foods, LLC  
200 V Street, SW  
Retailer D - ANC-6D  
License No. 98369

Fact-  
Finding  
Hearing

(Application for a New  
License)

June 10, 2015

The Alcoholic Beverage Control Board  
met in the Alcoholic Beverage Control Hearing  
Room, Reeves Building, 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  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

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

2 10:04 a.m.

3 CHAIRPERSON MILLER: So I believe that  
4 concludes all our Show Cause (Status) Hearings.  
5 And we have a Fact-Finding Hearing for Nauti  
6 Foods, LLC. Are you here? Okay. Good. Come  
7 forward. Okay. Nauti Foods, the address that I  
8 have here is 200 V Street, S.W., License No.  
9 98369, Retailer D, in ANC-6D.

10 This case involves a proposal for a  
11 food boat to deliver food along the Potomac River  
12 and also obviously involves the sale of alcohol,  
13 that's why you are here. So why don't you  
14 introduce yourself for the record to start?

15 MR. FINGEROTH: My name is Ari  
16 Fingeroth and I'm the owner of Nauti Foods.

17 CHAIRPERSON MILLER: Okay. And we  
18 call this a Fact-Finding Hearing because, based  
19 on the written information we have, we don't feel  
20 we have enough information to make a decision, at  
21 this time, and so we want to give you the  
22 opportunity to tell us more about your intentions

1 and plans and for the Board to ask questions.

2 MR. FINGEROTH: Absolutely.

3 CHAIRPERSON MILLER: All right. So I  
4 think I'll start with letting you give -- and  
5 this is you are not under oath. It's just a  
6 Fact-Finding gathering --

7 MR. FINGEROTH: Okay.

8 CHAIRPERSON MILLER: -- information.  
9 Okay. So but we expect you to tell the truth.

10 MR. FINGEROTH: Absolutely.

11 CHAIRPERSON MILLER: Okay. So if you  
12 could give us a general or specific idea about  
13 what you intend your operations to be like?

14 MR. FINGEROTH: Is it okay to start  
15 with a little bit about Nauti Foods.

16 CHAIRPERSON MILLER: Yes.

17 MR. FINGEROTH: We are a food boat.  
18 It's kind of like a food truck. We operate out  
19 of the Potomac River. We started last summer in  
20 July. It all started because my son wanted a  
21 popsicle out on the river and felt someone should  
22 be out there selling popsicles and it kind of

1 evolved very quickly into something more.

2 So basically, we operate more or less  
3 like an over-glorified hot dog stand. We do --  
4 we are licensed in multiple delicatessens through  
5 DCRA. We do fresh-grilled hot dogs, ice cream,  
6 Dolcezza Gelato. We partner with a lot of local  
7 businesses. We don't do any raw cooked food.  
8 It's all, you know, pre-prepared, you know, Good  
9 Humor-type ice cream or local vendors like  
10 District Donuts and a lot of other local  
11 partners.

12 So we got on the water last summer.  
13 And our original intention was not to do any beer  
14 and wine. We didn't think -- I mean, I've been  
15 boating on the Potomac since 2000 when I first  
16 got to town. I have grown up on the water in  
17 lakes all over New England.

18 And I know I enjoy having a beer on  
19 the water. Drinking and boating, you know, a  
20 beer or two, yes, getting drunk and boating is  
21 petrifying. I would never want to do it. It's  
22 not what we are looking to do here either.

1                   So after we got on the water last  
2 summer, we realized there was more demand than we  
3 thought there was going to be for beer and wine.  
4 At the end of last summer, we worked with Mr.  
5 Gordy and got a one weekend temporary event  
6 permit as kind of a trial run to see how it would  
7 work, how it would operate and it went pretty  
8 well.

9                   I checked back in with D.C. Police  
10 Department who patrols the river after the  
11 weekend event and they had no issues, no  
12 incidents or violations.

13                   So we started working with Mr. Gordy  
14 a little bit over the winter and then more  
15 intentionally this year in I would say probably  
16 February or March trying to get a full-time beer  
17 and wine license.

18                   Our intention is we want to provide  
19 local beer on the river. Kind of like we do with  
20 the food, with bringing District Donuts, Dolcezza  
21 Gelato, Compass Coffee, Mike Isabella's Lemonade,  
22 just kind of bring the local food out to the

1 river.

2 We don't have the storage capacity for  
3 the desired, just a few cases of Miller Lite or,  
4 you know, we are really looking to get one type  
5 on the water at a time. We have partnered with  
6 Right Proper Brewing Company, 3 Stars, Atlas and  
7 DC Brau through premium distributors to try to  
8 just get a local good quality beer out on the  
9 river and we do plan on instituting a self-  
10 imposed two-beer per person per day limit.

11 We want people to be able to go out  
12 there for a couple of hours and enjoy a beer  
13 while they are floating on the river on their  
14 boats on the river and then be able to go home  
15 safely. And we are looking to augment their  
16 experience out on the water.

17 I know you said food delivery during  
18 the introduction. We -- although we do serve two  
19 people on their own boats, we go up our on-water  
20 event permit through the police department is we  
21 can be anywhere from Three Sisters, which is a  
22 rock outcropping just upstream of the Key Bridge,

1 to pretty much the northern -- I always get the  
2 directions mixed up. The upstream point of  
3 Roosevelt Island, which is just downstream of the  
4 Key Bridge.

5 And we operate in there. Whenever we  
6 are in-service, we have to be at anchor with our  
7 motor off. And people will come up to us. So  
8 it's not like we are going around the river  
9 patrolling. We pick a spot. We drop anchor. We  
10 turn off the motor. We operate. We might, you  
11 know, depending how the wind is blowing, if we  
12 have people anchoring, we might pull up anchor  
13 during the day, move and reopen again. But while  
14 we are in operation, we are not mobile. Kind of  
15 like the food truck, they park by a park or a  
16 restaurant and not really operate while there is  
17 service.

18 CHAIRPERSON MILLER: Yes. Okay. I'm  
19 going to let other Board Members ask questions  
20 first, if they would like.

21 MEMBER SHORT: I would like to.

22 CHAIRPERSON MILLER: Mr. Short?

1                   MEMBER SHORT: Good morning, sir. You  
2 will be self-regulating the way your business  
3 plan is setup. Is that correct?

4                   MR. FINGEROTH: Ummm --

5                   MEMBER SHORT: By self-regulating, I  
6 mean, how do our Inspectors, ABC Inspectors or  
7 Investigators inspect your books and records?

8                   MR. FINGEROTH: Ummm --

9                   MEMBER SHORT: How do they -- forgive  
10 me.

11                  MR. FINGEROTH: All right.

12                  MEMBER SHORT: How will they know if  
13 whether or not you are selling to underage  
14 persons? How do you check underage persons?  
15 Those kind of things a regular liquor license  
16 person would have. This is a business model I  
17 have never heard of in the District of Columbia,  
18 so can you explain some of those things?

19                  MR. FINGEROTH: Well, we are the first  
20 food boat in D.C. I would say through  
21 regulation. D.C. Police Department does regulate  
22 the water. I know they are not the Alcohol --

1 the ABC Board, but I'm sure there could be some  
2 way to work out that.

3 For ID, we have --

4 MEMBER SHORT: Well, let me stop you  
5 right there. This Agency doesn't have a boat.

6 MR. FINGEROTH: That's what I'm  
7 saying, but --

8 MEMBER SHORT: Okay. So go ahead.

9 MR. FINGEROTH: In terms of for IDing,  
10 we have an app that takes a picture of the ID,  
11 uploads it and also catalogs name and birthday,  
12 so we will know on a daily basis who we serve, so  
13 we have it.

14 In terms of keeping the books, I mean,  
15 we would definitely keep the books. The boat is  
16 moored at the 200 V Street, S.W., address that  
17 was mentioned earlier. We have a home office at  
18 18 Adams Street, N.W., which is probably where  
19 the books will be housed. I know they have tried  
20 to plan for week to get ruined on a daily basis  
21 when it rains.

22 MEMBER SHORT: What is that address

1 again?

2 MR. FINGEROTH: 18 Adams Street, N.W.  
3 I think that's the other address that has been on  
4 all the applications I have submitted with you  
5 guys. It has been both addresses on every  
6 address line saying mooring location and then  
7 home office.

8 I mean, I guess in terms of getting an  
9 Inspector out to visit us, it would have to be in  
10 a partnership with the D.C. Police Department or  
11 the Coast Guard to use one of their vessels,  
12 which is the same way that the Health Department  
13 would be visiting us for the day-to-day food  
14 operations as well.

15 MEMBER SHORT: It's a little different  
16 between a hot dog and beer.

17 MR. FINGEROTH: Absolutely.

18 MEMBER SHORT: And you are saying two  
19 beers per?

20 MR. FINGEROTH: Per person, per  
21 client.

22 MEMBER SHORT: Per client.

1 MR. FINGEROTH: Not per -- not like at  
2 a hockey game or a baseball game if you get two  
3 per person and then you walk back up. We are  
4 going to be IDing and then stamping people's  
5 hands with a permanent marker, that way we can  
6 keep track of how many they have had per day.  
7 Like I said, we don't want people getting drunk  
8 on the river. We also keep a breathalyzer on the  
9 boat.

10 MEMBER SHORT: In theory, it sounds  
11 fair.

12 MR. FINGEROTH: Well, I mean --

13 MEMBER SHORT: But let me say this to  
14 you.

15 MR. FINGEROTH: I apologize.

16 MEMBER SHORT: I like yourself have  
17 been around boats most of my life here in  
18 Washington, D.C. Most boaters I know bring their  
19 own beer coolers with them to the boats. So the  
20 only people that I know that probably would be  
21 buying are people with kayaks or people that  
22 don't have their boats or people that are just

1 down for some fun on the water without a boat.

2 So I mean, I'm just trying to get --  
3 you say you are from New England. Does this plan  
4 work in New England where you come from or are  
5 you familiar with how they do regulations in New  
6 England? Were you familiar?

7 MR. FINGEROTH: No, I'm not.

8 MEMBER SHORT: You have no idea?

9 MR. FINGEROTH: No, I don't.

10 MEMBER SHORT: Okay.

11 MR. FINGEROTH: But if I could answer  
12 that with -- I mean, I like to boat on the  
13 Potomac and when we would go out, we would have  
14 our own cooler and usually that would have Miller  
15 Lite in it or something, you know, more  
16 summertime related. That's why we are not --  
17 that's why we are only looking to bring in the  
18 local breweries.

19 We are not -- I'm actually not  
20 thinking that the beer and wine will be a big  
21 driver in our business sales overall in terms of  
22 dollar values. I think it's more that the big

1 boats come up, they have their cooler full of,  
2 you know, cheap beer and they might just want one  
3 or two nice pints. But more than that, I think  
4 it's going to bring people to the boat.

5 We have had a lot of people last  
6 summer and early this summer come up and they  
7 said are you going to have beer? We say no, they  
8 turn around and drive away. Where as I feel like  
9 if we were to say yes, they might get one good  
10 pint and they also might get a couple of hot  
11 dogs, some ice cream, some bagels. I think it's  
12 going to be more -- that will be more of a hook  
13 to bring people in to buy other products, more so  
14 than it will be the beer itself being a revenue  
15 generator.

16 MEMBER SHORT: I have some more  
17 questions, but I'll ask them later, Madam Chair.

18 CHAIRPERSON MILLER: Okay. Others?  
19 Mr. Alberti?

20 MEMBER ALBERTI: So good morning, Mr.  
21 Fingeroth.

22 MR. FINGEROTH: Good morning.

1           MEMBER ALBERTI: So in your opening  
2 statement you said this was like a food truck  
3 only on the water.

4           MR. FINGEROTH: Yes.

5           MEMBER ALBERTI: From what you  
6 describe that seems like an apt description. So  
7 really I just want to get your confirmation that  
8 yes, this is like a food truck. You come -- I  
9 mean, it's like a food truck that can only -- I  
10 mean food trucks can go anywhere in the city, but  
11 you -- but within that area to which you are  
12 limited, you can go anywhere within that area,  
13 right? Park your boat like a food truck parks  
14 its van, right? Shut off the motor, anchor, like  
15 a food truck shuts off its motor, puts it in  
16 park, opens its shingle and away you go, you  
17 start selling, right? Is that correct?

18           MR. FINGEROTH: Correct. We are not  
19 allowed to touch shore.

20           MEMBER ALBERTI: Great. Thank you.  
21 That's --

22           MR. FINGEROTH: Yes.

1 MEMBER ALBERTI: -- I just wanted to  
2 make sure the picture in my mind was correct.

3 MR. FINGEROTH: Yes. No, the  
4 shoreline is owned by the -- the actual shore  
5 itself, the retaining wall is --

6 MEMBER ALBERTI: I gotcha. That is  
7 not part of my confusion.

8 MR. FINGEROTH: Okay.

9 MEMBER ALBERTI: But I understand --

10 MR. FINGEROTH: Yes.

11 MEMBER ALBERTI: -- what I'm looking  
12 at. But thank you very much.

13 MEMBER SHORT: Well, again, if it's  
14 okay, Madam Chair?

15 CHAIRPERSON MILLER: Wait, wait. Was  
16 Mr. Alberti finished? Are you finished?

17 MEMBER ALBERTI: I am finished. Thank  
18 you.

19 CHAIRPERSON MILLER: Okay. Okay. Mr.  
20 Short?

21 MEMBER SHORT: Okay. Thank you.

22 CHAIRPERSON MILLER: Okay.

1           MEMBER SHORT: So you understand the  
2 boundaries between Virginia and Maryland and  
3 Washington in the Potomac River?

4           MR. FINGEROTH: Yes, sir.

5           MEMBER SHORT: Can you explain them to  
6 us, as you know them?

7           MR. FINGEROTH: It has been described  
8 to me by the D.C. Police Department. D.C.  
9 controls the entire river in the region where our  
10 operating -- our on-water permit permits us to  
11 go. D.C. actually controls, as far as has been  
12 explained to me, the entire width of the Potomac  
13 River until the north/south dividing line on the  
14 George Washington Parkway.

15           We don't go far enough north upstream  
16 or far enough south downstream to get into  
17 Maryland or Virginia waters. Our permit doesn't  
18 permit it.

19           MEMBER SHORT: But also you could dock  
20 on the Virginia side without touching Virginia  
21 and still be in the D.C. waters, correct?

22           MR. FINGEROTH: We would still be in

1 D.C. waters. We are not allowed to sell to  
2 anybody -- we can only sell boat-to-boat, that's  
3 part of our license. The retaining walls are  
4 owned by the Army Corps of Engineers and there is  
5 a non -- a distance of land on the shore that  
6 hasn't been described to me that although it's  
7 D.C. land it is controlled by the Park  
8 Department. They have exclusive vending  
9 contracts with different vendors and we are not  
10 one of them.

11 Part of us getting a license we had an  
12 agreement with the Park Department saying we  
13 would not sell to anybody on shore.

14 MEMBER SHORT: Okay. So you do  
15 understand that is very good. Thank you very  
16 much for that. So you do understand even though  
17 you are saying that piece of land, like Lady Bird  
18 Park or whatever still belongs to the District.  
19 And so the District still -- the Fire Department  
20 and the Police Department have those  
21 responsibilities to the Park Police over there.

22 MR. FINGEROTH: Correct.

1                   MEMBER SHORT: Okay. As long as you  
2 understand that.

3                   MR. FINGEROTH: Yes, sir.

4                   MEMBER SHORT: Thank you, Madam Chair.

5                   CHAIRPERSON MILLER: Okay. Others?  
6 I have a couple of questions. Are you planning  
7 on selling wine as well as beer or just beer?

8                   MR. FINGEROTH: Our plan for now is  
9 just for beer. We do have a friend who is  
10 starting a box wine company, so if they get on  
11 the market, we would consider that, but we are  
12 not looking for any spirits or hard alcohol,  
13 whatever the proper terminology is.

14                   CHAIRPERSON MILLER: Okay. So --

15                   MR. FINGEROTH: If it was limited to  
16 just beer, we would be okay with that, but I  
17 didn't know if that was a category or not.

18                   CHAIRPERSON MILLER: Well, it's a Beer  
19 and Wine License, so --

20                   MR. FINGEROTH: Yes.

21                   CHAIRPERSON MILLER: -- yes. But you  
22 know, it can be conditioned in different ways.

1 MR. FINGEROTH: All right.

2 CHAIRPERSON MILLER: So --

3 MR. FINGEROTH: I mean, we would be  
4 okay eliminating wine. It's really the local  
5 beer that we are looking to bring out there.

6 CHAIRPERSON MILLER: This is my  
7 question. My basic question with the concept is,  
8 you know, we wouldn't want to be licensing  
9 somebody who would be moored, so that cars could  
10 come up and get beer or wine and then drive off.

11 MR. FINGEROTH: Absolutely.

12 CHAIRPERSON MILLER: So I think that's  
13 one of my concerns in particular. Like what --  
14 there are these people who are driving boats and  
15 I understand I hear people say that well, they  
16 can have wine and beer in their coolers. But we  
17 would be actually licensing somebody to give them  
18 alcohol and they may be driving. At least one of  
19 the people will be driving, persons will be  
20 boating, steering, right? I mean, there are  
21 accidents in the water.

22 I mean, you are saying you don't want

1 anybody to become intoxicated, but how can -- can  
2 you address that general concept why we should --

3 MR. FINGEROTH: Yes.

4 CHAIRPERSON MILLER: This is a case of  
5 first impression.

6 MR. FINGEROTH: Well, no, I think --  
7 I mean, you are correct. I mean, I think the  
8 same as someone going to a bar and then getting  
9 in their car and driving home. It's both the  
10 responsibility of the bar, the bartenders, the  
11 bouncers and everybody involved with the  
12 establishment as well as the person who is  
13 drinking to find a safe way home.

14 By having the two beer per person per  
15 day limit, that is really our driving factor in  
16 keeping people from getting intoxicated.

17 In terms of the legality of it, it is  
18 legal to drink on the Potomac River in a vessel  
19 as long as the captain of the vessel is below a  
20 .08 blood alcohol level.

21 MEMBER SILVERSTEIN: Pardon? As long  
22 as?

1 MR. FINGEROTH: As long as the captain  
2 of the vessel has a blood alcohol below .08, much  
3 like driving a car. And that is enforced by the  
4 Police Department and the Coast Guard that both  
5 patrol the river.

6 CHAIRPERSON MILLER: Is that a law you  
7 can cite?

8 MR. FINGEROTH: I don't know like the  
9 law number, but that is.

10 CHAIRPERSON MILLER: You know that  
11 that's the law?

12 MR. FINGEROTH: Yes.

13 CHAIRPERSON MILLER: Somebody's law.  
14 Okay. Mr. Short, yes?

15 MEMBER SHORT: Okay. And again, have  
16 you talked to the ANC in these areas or have you  
17 gotten endorsement? You say you have talked to  
18 the police, but have you gotten anything from the  
19 Harbor Police that says that you have talked with  
20 them and that they are okay with this?

21 MR. FINGEROTH: I don't have anything  
22 in writing from them, no. In terms of the ANC, I

1 have had some conversations with Mr. Gordy and we  
2 are just confused as to what ANC to speak with,  
3 because we are actually opening for business in  
4 an area that doesn't have an ANC.

5 MEMBER SHORT: Oh, yes, they do. yes,  
6 they do.

7 MEMBER ALBERTI: Yes, they do.

8 MR. FINGEROTH: Okay.

9 MEMBER ALBERTI: It's not true.

10 MR. FINGEROTH: I apologize for that.

11 MEMBER SHORT: Okay.

12 MR. FINGEROTH: So 200 V Street, S.W.,  
13 does have an ANC. I did reach out to them and  
14 they kind of -- they had a meeting on the 8th and  
15 I tried getting on their agenda to at least go in  
16 and talk to them and they pushed me off, because  
17 they didn't really see how it applied to their  
18 area, because it's not where we operated. And  
19 then were --

20 MEMBER SHORT: Okay. Okay. Can I --  
21 I'm glad you answered that. But since you are  
22 going to be working in various ANCs and they will

1       come to us if we give you a license and say well,  
2       how did you do that without us even knowing  
3       anything about it or us having a chance to see a  
4       placard or see something, we would need something  
5       from -- at least I as a Board Member my vote, if  
6       the Harbor Police were to say that you have said  
7       they have said to you it's okay, it's a great  
8       idea, that would have a lot of weight with me  
9       with my vote.

10               MR. FINGEROTH: All right.

11               MEMBER SHORT: So if ANC, Harbor  
12       Patrol, Metropolitan Police, all other persons  
13       because you will be docking from a very large  
14       area if you dock from Key Bridge down to  
15       Georgetown, that's --

16               MR. FINGEROTH: No. Sorry. It's just  
17       downstream of the Key Bridge. It's just upstream  
18       of the Key Bridge.

19               MEMBER SHORT: No, no, you said three  
20       rocks, I understand where that is. And I do  
21       understand where you said the Roosevelt Island  
22       and that's right across from Georgetown.

1 MR. FINGEROTH: Okay. I apologize.

2 MEMBER SHORT: Right across from  
3 Georgetown, correct?

4 MR. FINGEROTH: Yes. Well, it's  
5 pretty far from Georgetown. It's much closer to  
6 -- within -- where we can go is about 30 yards,  
7 40 yards downstream of the Key Bridge.

8 MEMBER SHORT: Okay. Well, when you  
9 are talking about the whole island from the north  
10 point to the south point, that's a pretty big  
11 island.

12 MR. FINGEROTH: No, we -- just from  
13 the north point of the island. We can't go all  
14 the way down to the south point.

15 MEMBER SHORT: Okay. But if you asked  
16 for an ABC permit that means you could --  
17 anywhere in D.C. waters you could do it. So you  
18 haven't asked for a specific area. You have  
19 asked us -- I mean, you haven't asked for a one  
20 specific area.

21 You give us an address of 200 V  
22 Street, but then you say you might dock one place

1 one day and dock another place another day, so  
2 you will be selling in various areas of the  
3 river, correct?

4 MR. FINGEROTH: No. I apologize for  
5 any confusion with that.

6 MEMBER SHORT: Okay. Please.

7 MR. FINGEROTH: We do dock down at 200  
8 V Street, that's just basically our food truck  
9 depot.

10 MEMBER SHORT: Yes.

11 MR. FINGEROTH: When we -- when I say  
12 we pull up anchor and move around, it is within I  
13 would say a 40 yard wide by 100 yard long area.  
14 And that is where our business permit is for our  
15 on-water permit with the city, with the D.C.  
16 Police Department.

17 MEMBER SHORT: Well, you mean DCRA or  
18 D.C. Police Department?

19 MR. FINGEROTH: DCRA licensed us as a  
20 mobile food truck, as a mobile delicatessen.

21 MEMBER SHORT: Okay.

22 MR. FINGEROTH: And then the Harbor

1 Patrol, the D.C. Police Department Marine  
2 Division they gave us our on-water operational  
3 permit that allows us to operate on the river and  
4 that is a very limited area.

5 MEMBER SHORT: Can you provide a copy  
6 of that for us?

7 MR. FINGEROTH: I believe it was in  
8 the packet, but I can get you a copy as well.

9 CHAIRPERSON MILLER: Okay.

10 MEMBER SHORT: Okay. I would be --  
11 and I also would be satisfied if the ANC in  
12 whatever area you are specifically talking about,  
13 if that Board is going to consider. I would like  
14 to know exactly where you are going to be mooring  
15 and docking your ship, your boat or mobile.

16 MR. FINGEROTH: I'm sorry. So you  
17 would want the ANC from like the water in the  
18 Georgetown area and not necessarily from V  
19 Street?

20 MEMBER SHORT: Whatever area you are  
21 going to be selling, because if you decide you  
22 are going to go a little further south, I mean,

1 what's to stop you?

2 MR. FINGEROTH: We are not licensed to  
3 go farther south.

4 MEMBER SHORT: All right. Well, like  
5 I said, I just had those question. That's my  
6 vote.

7 CHAIRPERSON MILLER: Mr. Silverstein?

8 MEMBER SILVERSTEIN: Okay. I want to  
9 get a few things perhaps a little more clear in  
10 my mind. We do compliance checks where we send  
11 undercover, underage minors to purchase liquor  
12 and are watched. How would we do that with you?  
13 Is there any way we can do that if you're in a  
14 boat?

15 We have -- I mean, normally we walk to  
16 the place or drive to the place. Would we have  
17 to rent a boat to do that?

18 MR. FINGEROTH: I mean, I would guess  
19 so. You would have to rent or borrow or know  
20 someone who had one. And I know it's not a great  
21 answer.

22 MEMBER SILVERSTEIN: Yes. Well, the

1 law mandates we do so, so that's why in some  
2 wards, Ward 7.

3 MR. FINGEROTH: I mean, there are, you  
4 know, rentally-able kayaks or canoes, the paddle  
5 boards to come out and try. I said there are a  
6 lot of boaters out on the river.

7 MEMBER SILVERSTEIN: Okay. Let's --  
8 let me ask about purchasing. If I had a boat  
9 docked up in say the marina over at LBJ or Lady  
10 Bird could -- and you were going by, are you  
11 going to sell to me if I'm docked up there?

12 MR. FINGEROTH: I'm legally not  
13 allowed to.

14 MEMBER SILVERSTEIN: So only if I'm  
15 out in the water and not tied up?

16 MR. FINGEROTH: Correct. We are not  
17 allowed to sell on-shore and we are not allowed  
18 to sell while in motion and our area of where we  
19 can sell is very limited based on our on-water  
20 permit. So the Columbia Island Marina over by  
21 Lady Bird Johnson Park is not anywhere near where  
22 we are licensed by the D.C. Marine Division to

1 operate.

2 MEMBER SILVERSTEIN: Okay. Exactly  
3 where are -- are you allowed to sell out in the  
4 river itself just out if somebody --

5 MR. FINGEROTH: No. Our on-water  
6 operation permit is for just downstream of the  
7 Key Bridge to about 50 to 70 yards upstream where  
8 that rock outcropping is on Three Sisters.

9 MEMBER SILVERSTEIN: Okay. And you  
10 can sell out in the water, but you can't sell to  
11 anyone who is tied up?

12 MR. FINGEROTH: Correct.

13 MEMBER SILVERSTEIN: Very well. Thank  
14 you.

15 CHAIRPERSON MILLER: Does DCRA have a  
16 mobile delicatessen license in particular?

17 MR. FINGEROTH: That's what our  
18 business license says on the top line.

19 CHAIRPERSON MILLER: Oh, okay. Okay.  
20 I would be interested in seeing that.

21 MR. FINGEROTH: Yes.

22 CHAIRPERSON MILLER: Okay. Okay. My

1 other question is what's your basis for  
2 determining the two beers should be the limit?

3 MR. FINGEROTH: We are figuring people  
4 are out on the water on average about two hours,  
5 an hour and a half to two hours. Just with how  
6 fast the body can process the alcohol, we figure  
7 that's enough that they can enjoy a beer while  
8 floating, but not --

9 CHAIRPERSON MILLER: Well, how does  
10 that relate to the drivers of the boat?

11 MR. FINGEROTH: I don't think I  
12 understand.

13 CHAIRPERSON MILLER: You don't  
14 understand my question? Well, it sounds like you  
15 are saying well, you have two beers and you are  
16 out on your boat and the boat is not going  
17 anywhere and you are just, you know, chilling.

18 MR. FINGEROTH: Sure.

19 CHAIRPERSON MILLER: Okay. But  
20 somebody is navigating the boat somewhat. You  
21 are assuming that they are not going to steer the  
22 boat anywhere in two hours?

1 MR. FINGEROTH: I think some  
2 responsibility does lie with the purchaser. You  
3 know, the same thing with, in my mind, a liquor  
4 store. You go in and you buy a 12 pack and you  
5 go out to the car and you drive home, you know,  
6 there is no guarantee that that person is not  
7 going to pop open a beer and drink it before he  
8 drives home.

9 CHAIRPERSON MILLER: But yours is  
10 open.

11 MR. FINGEROTH: Like the legality of  
12 it.

13 CHAIRPERSON MILLER: Your beer it's  
14 going to be from keg, right?

15 MR. FINGEROTH: Yes, it will be. It  
16 will be served in a cup with a lid.

17 CHAIRPERSON MILLER: Right. Okay.

18 MEMBER ALBERTI: It will be served in  
19 a cup with a lid?

20 MR. FINGEROTH: It will be a fresh  
21 pint. We are not talking about doing cans or  
22 bottles.

1                   MEMBER ALBERTI: I'm sorry to  
2 interrupt because I was very confused. You are  
3 getting an on-premise license. I mean, you're  
4 getting an off-premise license. An off-premise  
5 license only allows you to sell sealed  
6 containers.

7                   MR. FINGEROTH: I --

8                   MEMBER ALBERTI: So if we consider  
9 your license, you will -- you should check with  
10 staff and make sure you are allowed to sell what  
11 you are planning to sell. I'll leave it at that.

12                  MR. FINGEROTH: Can I respond?

13                  MEMBER ALBERTI: Sure.

14                  CHAIRPERSON MILLER: Sure.

15                  MR. FINGEROTH: Every conversation I  
16 have had with Mr. Gordy has always been -- I  
17 mean, I don't know what category he has  
18 officially submitted this as, but every  
19 conversation with him has been we want to do a  
20 keg on the boat with fresh pints that are poured  
21 at the location.

22                  MEMBER ALBERTI: Oh, he has got you as

1 a Retailer D.

2 MR. FINGEROTH: I don't know.

3 MEMBER ALBERTI: Oh, okay. Okay. I  
4 understand.

5 MR. FINGEROTH: I know he understands.

6 MEMBER ALBERTI: All right. I thought  
7 you were -- I thought it was something else.  
8 Okay.

9 MR. FINGEROTH: Oh.

10 MEMBER ALBERTI: You are an on-  
11 premise. So you are an on-premise licensee.  
12 Thank you.

13 CHAIRPERSON MILLER: Okay. So just,  
14 you know, my concern is that --

15 MR. FINGEROTH: Absolutely. And --

16 CHAIRPERSON MILLER: -- I don't know  
17 if drivers is the right word, but, you know,  
18 captains or whatever. Is there any other way you  
19 can distinguish them from the other passengers  
20 who don't have any responsibility but to hang out  
21 on the boat?

22 MR. FINGEROTH: I mean, I know that

1 the captain of the boat cannot have the open  
2 container with him while he is driving, so it's  
3 not like he could have the wheel and throttle in  
4 one hand and the beer in the other. That's just  
5 -- again, there is no way for me to enforce that  
6 once they are out in their own vessel, but that  
7 is the law.

8           Once they are at anchor, they can  
9 enjoy a beverage.

10           CHAIRPERSON MILLER: Okay. So there  
11 are other laws that govern --

12           MR. FINGEROTH: Yes.

13           CHAIRPERSON MILLER: -- alcohol on  
14 boats.

15           MR. FINGEROTH: Absolutely.

16           CHAIRPERSON MILLER: Okay. So just  
17 hypothetically, what if the limit were one beer  
18 per person?

19           MR. FINGEROTH: I would be okay with  
20 that.

21           CHAIRPERSON MILLER: Okay.

22           MR. FINGEROTH: I said we are not

1 looking for the beer to really be the main driver  
2 of economics. It's really a financial -- it's  
3 really that also brings people in to buy other  
4 products.

5 CHAIRPERSON MILLER: Other things. If  
6 they can get a beer, they will get the other  
7 things.

8 MR. FINGEROTH: Exactly.

9 CHAIRPERSON MILLER: Okay. So they  
10 probably don't need two beers to get the other  
11 things necessarily.

12 MR. FINGEROTH: Yes. It seemed like  
13 a good round number that was rolled around, but,  
14 no.

15 CHAIRPERSON MILLER: Okay.

16 MR. FINGEROTH: If it was imposed at  
17 one, we would be okay with that as well.

18 CHAIRPERSON MILLER: Okay. Okay.  
19 Okay. Other questions?

20 MEMBER ALBERTI: Yes.

21 CHAIRPERSON MILLER: Yes, Mr. Alberti?

22 MEMBER ALBERTI: So, Mr. Fingeroth, I

1 would like to correct something I said before.

2 MR. FINGEROTH: Yes.

3 MEMBER ALBERTI: Your application  
4 currently is for a Retailer D, which means it's  
5 an on-premise license. I'm sorry, excuse me, an  
6 off-premise license. Off-premise. All right.  
7 It is your responsibility not our staff's  
8 responsibility, they can tell you the laws and  
9 explain to you, you know, what is implied by each  
10 license class, but it's your responsibility to  
11 decide which license class you would like.

12 Okay. So currently you have applied  
13 for an off-premise license. What do you plan to  
14 sell exactly? Tell me exactly what you plan to  
15 sell and the types of containers that you plan to  
16 provide.

17 MR. FINGEROTH: And we had been  
18 planning on doing keg beer from local breweries  
19 that would be served in a plastic pint glass with  
20 a lid.

21 MEMBER ALBERTI: That is not allowed  
22 by your license. I will tell you that up front.

1 Maybe someone else will disagree with me, but my  
2 interpretation of the law and I'm 90 percent  
3 certain that that is not allowed under your  
4 license. The license class for which you  
5 provided -- you applied.

6 I don't know what to tell you.

7 MR. FINGEROTH: Okay.

8 MEMBER ALBERTI: Unless you change  
9 your business model. I will argue to this Board  
10 that we cannot approve a license that intends to  
11 do that.

12 MEMBER SHORT: Madam Chair?

13 CHAIRPERSON MILLER: Yes, Mr. Short?

14 MEMBER SHORT: Is this a picture of  
15 your vehicle that you are going to be selling  
16 from?

17 MR. FINGEROTH: Yes, it is.

18 MEMBER SHORT: So that's all open  
19 area?

20 MR. FINGEROTH: Yes, it is.

21 MEMBER SHORT: So how do you separate  
22 fuel, food, hot dogs, open pints of beer? Let's

1 say if you get a strong wind and you are out  
2 there on the water, how do you secure things?  
3 I'm just talking about the boat.

4 MEMBER ALBERTI: I'm sorry. I just --

5 MR. FINGEROTH: I mean --

6 MEMBER ALBERTI: -- I shouldn't laugh.

7 MEMBER SHORT: Okay. I'm sorry.

8 MEMBER ALBERTI: No, no. I get it.

9 MR. FINGEROTH: The fuel is contained  
10 in the fuel tanks.

11 MEMBER SHORT: Okay.

12 MR. FINGEROTH: It has been approved  
13 all by the Fire Department and Health Department.  
14 The food is kept in refrigeration and freezer  
15 units on the boat. We have a generator on the  
16 back that keeps everything at the required  
17 temperature.

18 MEMBER SHORT: So you have a  
19 refrigeration unit on the boat?

20 MR. FINGEROTH: We have a chest  
21 refrigerator and a chest freezer on the boat that  
22 are operated by a generator. As planned for the

1 beer, we have a -- we have outfitted the boat  
2 with kegerator for this year, so that you can  
3 have one keg on the boat that will be contained  
4 at temperature with the ability to dispense it,  
5 but everything is kept separately.

6 MEMBER SHORT: Okay. So you heard our  
7 concerns. Do you plan on giving us something  
8 back from the officials who will oversee the  
9 waters and the ANC?

10 MR. FINGEROTH: I'll go back and get  
11 a letter from the Marine Division Police  
12 Department, Lieutenant Niepling. I'll talk to  
13 him later on today again.

14 MEMBER SHORT: Okay.

15 CHAIRPERSON MILLER: I'm sorry? From  
16 whom?

17 MR. FINGEROTH: It's Lieutenant  
18 Niepling.

19 CHAIRPERSON MILLER: MPD?

20 MR. FINGEROTH: Yes.

21 CHAIRPERSON MILLER: Okay.

22 MR. FINGEROTH: He is the Harbor

1 Master for the Marine Division.

2 CHAIRPERSON MILLER: Okay. Great.

3 MR. FINGEROTH: And I'll try to get  
4 the ANC. Like I said, the last round I reached  
5 out to them, my conversation with Ms. Harper and  
6 Mr. Gordy about who to speak with which was the  
7 ANC down in southwest, I forget, it's 6  
8 something. I forget what number it is.

9 MEMBER SHORT: Okay. But at any rate,  
10 what happens is for this Board to allow citizens  
11 a chance to remark or have complaints about it,  
12 we normally put a placard up.

13 MR. FINGEROTH: Yes.

14 MEMBER SHORT: So what are we doing,  
15 I mean, in this case, Madam Chair? How will we  
16 get notification to the citizens involved in  
17 this? That's the reason why I'm asking about the  
18 ANCs.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER SHORT: How will we placard  
21 this?

22 CHAIRPERSON MILLER: You know, I don't

1 have an answer like that.

2 MEMBER SHORT: Okay. All right.

3 CHAIRPERSON MILLER: I mean, it's  
4 possible that --

5 MEMBER SHORT: Well, get me those  
6 answers.

7 CHAIRPERSON MILLER: -- we could put  
8 it on the boat, but --

9 MEMBER ALBERTI: Ms. Miller?

10 CHAIRPERSON MILLER: -- we also give  
11 notice in the D.C. Register and we give direct  
12 notice.

13 MEMBER ALBERTI: Ms. Miller, may I  
14 interject?

15 CHAIRPERSON MILLER: Maybe -- yes, go  
16 ahead.

17 MEMBER ALBERTI: If we are going to  
18 consider this license at all, then I think it is  
19 incumbent on this Board to determine what the ANC  
20 is that -- the appropriate ANC.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER ALBERTI: Given the information

1 that we have, I believe --

2 CHAIRPERSON MILLER: Yes.

3 MEMBER ALBERTI: -- that we had  
4 sufficient information to say this is the  
5 affected ANC. And we can -- I think it should be  
6 our responsibility in fairness to the licensee --

7 CHAIRPERSON MILLER: Right.

8 MEMBER ALBERTI: -- to convey to him  
9 what -- which ANC is the responsible ANC.

10 CHAIRPERSON MILLER: Okay. And give  
11 a little more thought, yes.

12 MEMBER SHORT: Well, if I heard the  
13 testimony correct, there are several places he is  
14 going to be docking his boat, several places. So  
15 which might affect several ANCs. So if we just  
16 get one ANC and then the other ones would come  
17 back later and say well, he is up here in our  
18 area now and he is docked and he is selling and  
19 we didn't get a chance to -- oh, go ahead.

20 MEMBER ALBERTI: Okay. Ms. Miller,  
21 may I respond to that?

22 CHAIRPERSON MILLER: Sure.

1                   MEMBER ALBERTI: I agree. No, I  
2 understand, Mr. Short, but it's not clear to me  
3 that the -- his food sale license per other  
4 District Agencies is limited to a specific area.

5                   MEMBER SHORT: Okay.

6                   MEMBER ALBERTI: And I think we need  
7 first to --

8                   MEMBER SHORT: Is that one or more  
9 ANCs?

10                   MEMBER ALBERTI: Absolutely. I think  
11 that we need to look at that as a Board and make  
12 a decision as to how to approach that.

13                   MEMBER SHORT: Thank you.

14                   MEMBER ALBERTI: And that's why I  
15 don't think it's fair to the licensee. I think  
16 it is better if we do that and convey that  
17 decision to the licensee. That was my reason for  
18 my comments.

19                   MEMBER SHORT: Thank you very much.

20                   CHAIRPERSON MILLER: Okay.

21                   MEMBER ALBERTI: We are on the same  
22 page.

1                   CHAIRPERSON MILLER: I would confer  
2 with that, because I'm not even clear that it is  
3 in any ANC if it's on the water.

4                   MEMBER ALBERTI: It is.

5                   CHAIRPERSON MILLER: But --

6                   MEMBER ALBERTI: The ANC have purview  
7 over the water.

8                   CHAIRPERSON MILLER: -- we need to  
9 look at that. They have purview over the water?

10                  MEMBER ALBERTI: They do.

11                  MEMBER SILVERSTEIN: Yes.

12                  CHAIRPERSON MILLER: Well, okay, so we  
13 need to look at that, so we will get back to you  
14 on that.

15                  MR. FINGEROTH: Okay.

16                  CHAIRPERSON MILLER: All right. Mr.  
17 Rodriguez?

18                  MEMBER RODRIGUEZ: Yes. Mr.  
19 Fingeroth, a very interesting concept, even the  
20 name is just pretty.

21                  MR. FINGEROTH: Thank you.

22                  MEMBER RODRIGUEZ: Maybe I -- you

1 know, my colleagues have asked all the important  
2 questions really, but I want to get back to your  
3 marketing. Have you -- is this being done  
4 somewhere else and this is a -- is there a  
5 license like this somewhere else? Have you  
6 checked it somewhere else? What has your  
7 marketing research told you for this?

8 MR. FINGEROTH: From the research we  
9 have done, we have found about two or three other  
10 food boats out in the country that are actually  
11 licensed through different jurisdictions.

12 MEMBER RODRIGUEZ: In other countries?

13 MR. FINGEROTH: I haven't done any  
14 international searching, but just looking in the  
15 States.

16 MEMBER RODRIGUEZ: Right.

17 MR. FINGEROTH: Informally we have  
18 heard about a lot of people who said they have  
19 run into vessels like ours down on the islands or  
20 over in Italy or something, but none that we have  
21 found or experienced.

22 MEMBER RODRIGUEZ: Right.

1 MR. FINGEROTH: Last year we did our  
2 initial search when we were first starting the  
3 license. We found two other boats. One was more  
4 or less a land locked boat. It was doing  
5 hamburgers and hot dogs, selling to people on  
6 land and one was a mobilized foot cart.

7 MEMBER RODRIGUEZ: Excuse me, was this  
8 in the United States?

9 MR. FINGEROTH: That was down in  
10 Georgia, I believe, or Alabama. I forget at this  
11 point.

12 MEMBER RODRIGUEZ: In Georgia.

13 MR. FINGEROTH: And then there is one  
14 up on Cape Cod that was basically a father/son  
15 that strapped a Good Humor cart to a Boston  
16 Whaler and going around boat-to-boat up there.

17 MEMBER RODRIGUEZ: Yes.

18 MR. FINGEROTH: When I did my search  
19 this year, I also came across one other boat --

20 MEMBER RODRIGUEZ: Oh, excuse me, sir,  
21 I'm sorry. Now, in your research, were these  
22 people licensed?

1 MR. FINGEROTH: These -- those were  
2 both licensed.

3 MEMBER RODRIGUEZ: By the Liquor  
4 Board?

5 MR. FINGEROTH: By their local States.

6 MEMBER RODRIGUEZ: Okay.

7 MR. FINGEROTH: I don't know --  
8 neither of those did alcohol sales.

9 MEMBER RODRIGUEZ: Yes.

10 MR. FINGEROTH: And then this year I  
11 found one additional vessel. I forget, I think  
12 it was somewhere in the midwest that just did hot  
13 dogs.

14 MEMBER RODRIGUEZ: Yes.

15 MR. FINGEROTH: Like they didn't do  
16 anything else. It was strictly hot dogs and like  
17 soda.

18 MEMBER RODRIGUEZ: But none of those  
19 sell liquor, right?

20 MR. FINGEROTH: None of them sold, no.

21 MEMBER RODRIGUEZ: And so your idea is  
22 to put liquor into the equation here.

1 MR. FINGEROTH: Beer, not liquor, yes.

2 MEMBER RODRIGUEZ: Okay. All right.

3 I would be interested in just, you know, some  
4 information on those people you have researched.  
5 It would be educational for me. And how they got  
6 their licensing, you know. Of course, they are  
7 not selling liquor. They are just selling food.

8 MR. FINGEROTH: Yes.

9 MEMBER RODRIGUEZ: Yes, okay. I don't  
10 want to burden you too much on that, but --

11 MR. FINGEROTH: Well, we can -- I can  
12 try to reach out to them. Like I said we just  
13 found articles about that.

14 MEMBER RODRIGUEZ: So basically, you  
15 are introducing a new concept here in this area  
16 with the liquor.

17 MR. FINGEROTH: We are also  
18 introducing a new concept of which we did last  
19 summer with just the floating food truck concept.

20 MEMBER RODRIGUEZ: Right. So you can  
21 understand, you know, this Board trying to make  
22 sure that we are, you know, going in the right

1 direction here, because --

2 MR. FINGEROTH: Absolutely.

3 MEMBER RODRIGUEZ: -- it has many  
4 moving parts to assist. Okay. Thank you so  
5 much.

6 MR. FINGEROTH: Thank you. If I can,  
7 one thing with the placarding, Ms. Harper and Mr.  
8 Gordy and I did talk about that.

9 CHAIRPERSON MILLER: Okay.

10 MR. FINGEROTH: When we originally  
11 talked back in February or March, they talked  
12 about placarding the pier where actually I harbor  
13 -- when I dock the boat during the week and when  
14 it is not out on the water. And you know, I kind  
15 of think that seems silly to me, because it's  
16 behind a locked gate 150 feet off-shore that no  
17 one is really ever going to see.

18 And then Mr. Gordy, when we -- when I  
19 was speaking with him about that several weeks  
20 ago, mentioned that there are -- there is a  
21 precedent for some of the food boats or some of  
22 the -- wrong choice of words, some of the --

1 something like the booze cruises like the  
2 Boomerang Boat, the Celebrity Cruise and things  
3 like that that placarding has been waived.

4 CHAIRPERSON MILLER: Okay.

5 MEMBER SHORT: Those are fixed boats  
6 though, I mean.

7 MR. FINGEROTH: Those are -- it is a  
8 different --

9 MEMBER SHORT: All different, yes.

10 MR. FINGEROTH: -- category, yes.

11 MEMBER SHORT: Okay.

12 MR. FINGEROTH: Just in terms of being  
13 a vessel that is not necessarily in operation  
14 where it is tied up.

15 MEMBER RODRIGUEZ: So he would be the  
16 liquor manager.

17 CHAIRPERSON MILLER: Yes. Others?  
18 Okay. I would say, you know, to me your biggest  
19 hurdle is you are saying this is the -- would be  
20 the first time it is done anywhere in the  
21 country, you know, so, you know, why should we do  
22 it? I mean, part of it is looking at our own

1 laws and making sure it fits within the laws, but  
2 I don't know if there is anything else you want  
3 to say to that question.

4 MR. FINGEROTH: I guess my only  
5 reaction to that would be that I don't think  
6 being first is necessarily a bad thing. I mean I  
7 think it's an opportunity. It's something  
8 unique. It's something that would be strictly,  
9 at least for now, D.C. You know, that was one of  
10 the first comments I got from DCRA when --

11 CHAIRPERSON MILLER: Yes.

12 MR. FINGEROTH: -- the first day I  
13 walked in there and I said I want to do mobile  
14 vending and the guy reached below his desk and  
15 pulled out a packet and said yes, we have a  
16 packet for that license. He said what kind of  
17 vehicle is it? I said it's a boat and he took  
18 the packet back and said go talk to my boss.

19 CHAIRPERSON MILLER: Oh, okay.

20 MR. FINGEROTH: So, you know, it  
21 definitely -- you know, going through DCRA and  
22 the Health Department and everybody, you know,

1 more or less every department I have started with  
2 has started with this is new. This is something  
3 we have never done before. Why should we do it?

4 CHAIRPERSON MILLER: Yes.

5 MR. FINGEROTH: I guess, you know, my  
6 fiancée and I both went into this saying well,  
7 you know, it's not -- you know, we need to find  
8 the right regulations to regulate it and make it  
9 done in a safe and productive manner for  
10 everybody, but I feel -- I believe we both have  
11 gone into it with it -- just because it has never  
12 been done before doesn't mean it shouldn't be  
13 done or --

14 CHAIRPERSON MILLER: Right.

15 MR. FINGEROTH: -- can't be done.  
16 It's more a matter of how do we do it.

17 CHAIRPERSON MILLER: Right. And I  
18 think that safety is our number one concern.

19 MR. FINGEROTH: Absolutely.

20 CHAIRPERSON MILLER: So what I would  
21 suggest, at this point, is Mr. Alberti raised,  
22 you know, a flag that you may not have applied

1 for the right license. I don't -- I am not  
2 commenting on that. I haven't studied the  
3 licenses.

4 However, I would suggest that you  
5 first talk with Mr. Gordy again and make sure  
6 that --

7 MR. FINGEROTH: Yes.

8 CHAIRPERSON MILLER: -- you have got  
9 the right kind of license or the best license  
10 that fits. And then I believe that Mr. Short  
11 then said he would like you to check with the  
12 Harbor Master --

13 MR. FINGEROTH: Yes.

14 CHAIRPERSON MILLER: -- and get his --  
15 I would like to get a written kind of comment on  
16 it.

17 MEMBER SHORT: Yes.

18 CHAIRPERSON MILLER: Was there someone  
19 else you had suggested besides MPD, besides the  
20 Harbor Master?

21 MR. FINGEROTH: He mentioned the ANC  
22 as well.

1 MEMBER SHORT: I said the ANCs in --

2 CHAIRPERSON MILLER: The ANCs.

3 MEMBER SHORT: -- the affected areas.

4 CHAIRPERSON MILLER: Yes, we have to  
5 figure out which ANCs.

6 MEMBER SHORT: Well, do you know how  
7 many different places you will be mooring your  
8 boat when you are selling this?

9 MR. FINGEROTH: It is somewhere like  
10 I said just downstream of the Key Bridge.

11 MEMBER SHORT: How many different  
12 locations?

13 MR. FINGEROTH: I mean I --

14 MEMBER SHORT: You have to give us  
15 that.

16 MR. FINGEROTH: I mean, on any given  
17 day, it could be one, it could be four or five,  
18 but it's all within that same area.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER SHORT: Yes.

21 CHAIRPERSON MILLER: That perimeter is  
22 identified in your application?

1 MR. FINGEROTH: Yes. I gave -- when  
2 I submitted the packet with the application, I  
3 submitted the on-water permit with the map of the  
4 river with a circle drawn on it --

5 CHAIRPERSON MILLER: Okay.

6 MR. FINGEROTH: -- on where.

7 CHAIRPERSON MILLER: Do you know or  
8 can you tell from that or can you tell us which  
9 ANCs then border that perimeter?

10 MR. FINGEROTH: I know it would be  
11 Ward 1, I believe, over by Georgetown.

12 CHAIRPERSON MILLER: Okay.

13 MR. FINGEROTH: But I don't know what  
14 ANC exactly.

15 CHAIRPERSON MILLER: Okay.

16 MR. FINGEROTH: During all my  
17 conversations with Ms. Harper and Mr. Gordy, they  
18 kept referring -- wanting me to reach out to the  
19 Southwest ANC.

20 CHAIRPERSON MILLER: In the southwest,  
21 right, right, that's what I would figure. Okay.  
22 We will look at that. I mean, before you go

1 start contacting ANCs, I think do we need to look  
2 at that whole placard question first?

3 MEMBER SHORT: I would like to have a  
4 lot more information before I want to vote about  
5 this, Madam Chair.

6 CHAIRPERSON MILLER: No, I know, but  
7 I just wanted to get the order of what he ought  
8 to do.

9 MEMBER SHORT: Because if he is saying  
10 ANC-1, it's not in Georgetown.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER SHORT: Ward 1 is not in  
13 Georgetown.

14 MEMBER RODRIGUEZ: Right, that's Ward  
15 3. Georgetown is Ward 3.

16 MEMBER SHORT: He said Ward 1. So he  
17 has got a little bit of research to do.

18 CHAIRPERSON MILLER: Okay. All right.

19 MEMBER SHORT: He needs to tell us --

20 MEMBER SILVERSTEIN: It would be Ward  
21 2 and Ward 3.

22 MEMBER SHORT: Yes. He needs to tell

1 us --

2 CHAIRPERSON MILLER: Southwest?

3 MEMBER SHORT: -- where he is going to  
4 be mooring the boat and in which ANCs. He needs  
5 to know that himself --

6 CHAIRPERSON MILLER: Okay.

7 MEMBER SHORT: -- before we can  
8 approve anything, even consider approving  
9 anything, because if he doesn't know, I mean,  
10 again, just like Mr. Alberti brought up, his  
11 license might not even be appropriate.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER SHORT: So we are not supposed  
14 to do, you know, the work for him. He is  
15 supposed to bring the plan to us that is complete  
16 on his business plan and what he wants to do in  
17 Washington, D.C. and why we should consider  
18 giving him a license to do that.

19 MEMBER ALBERTI: Yes, Ms. Miller?

20 CHAIRPERSON MILLER: Yes?

21 MEMBER ALBERTI: I think there are  
22 several issues we need to take under advisement.

1 I don't think that we can sort them out here on  
2 the dias. I think we need legal counsel to help  
3 us with that, so I would suggest that many of  
4 these issues, the type of license, ANCs, how the  
5 law applies to this general business model should  
6 be sorted out in a discussion amongst the Board.

7 CHAIRPERSON MILLER: Okay. My only  
8 point was, you know, what he should do in the  
9 meantime, if anything. If we needed information  
10 in order to sort out things to do our sorting out  
11 and so one is I'm not sure if you were here, I  
12 told him that he needed to speak to Mr. Gordy  
13 about to make sure he is in the proper licensing  
14 category before he takes it to anybody else.

15 But then we also want to hear from the  
16 Harbor Master. Mr. Short had suggested that.

17 MEMBER ALBERTI: Yes.

18 CHAIRPERSON MILLER: And then the  
19 question of ANCs, is it timely for him to now go  
20 out to all these ANCs with this plan? Do you  
21 think or do we need to sort things out first  
22 before he does that?

1                   MEMBER ALBERTI: Well, as I said  
2 earlier --

3                   CHAIRPERSON MILLER: Do you have an  
4 opinion on that?

5                   MEMBER ALBERTI: -- I think it's  
6 incumbent on the Board to decide which ANCs--

7                   CHAIRPERSON MILLER: Okay.

8                   MEMBER ALBERTI: -- are affected and  
9 to convey that to the licensee. In fairness to  
10 the licensee, I don't expect him to really -- I  
11 don't know what issues are going to be involved  
12 there, whether there is more than one ANC. I  
13 don't expect the licensee to sort that out.

14                   CHAIRPERSON MILLER: Okay.

15                   MEMBER ALBERTI: I think it is, in  
16 fairness to him, incumbent upon this Board to  
17 provide him guidance on that issue.

18                   CHAIRPERSON MILLER: Okay.

19                   MEMBER ALBERTI: In terms of license,  
20 license class, Mr. Gordy can help him with that,  
21 but he, the licensee, has to decide what his  
22 business model is and then once he -- and when he

1 conveys that to Mr. Gordy, Mr. Gordy, I think,  
2 will know what questions to ask. Mr. Gordy can  
3 advise, can then tell him what is the appropriate  
4 license, based on his plan/business model.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER ALBERTI: I think Mr. Short has  
7 a question.

8 CHAIRPERSON MILLER: Yes, Mr. Short?

9 MEMBER SHORT: Okay. Again, I would  
10 like if we could ask that we get a map of the  
11 area and he show us the different places he is  
12 going to moor, so we can identify -- he can  
13 identify, someone can identify exactly which ANC,  
14 because he is right now just giving us something  
15 in wording saying from this area to this area,  
16 but where is that on a map as far as ANCs?

17 He should be able to tell us I'm going  
18 to moor here. I'm going to moor here. I'm going  
19 to moor there. And then we will know. If he  
20 doesn't moor those places, then the license won't  
21 be good any other place.

22 MEMBER ALBERTI: Well, I agree with

1       you.

2                   MEMBER SHORT:   The regulations.

3                   MEMBER ALBERTI:  Mr. Short, I agree  
4       with you.  I think what we need from the licensee  
5       is just a map where he delineates the area in  
6       which he is allowed to operate and that would  
7       tell us.

8                   MEMBER SHORT:  That clears up a lot.

9                   MEMBER ALBERTI:  I don't need to know  
10      where he plans to drop anchor within that area.  
11      I just need to know what -- what I need to know  
12      is the entire -- I need a delineation of the  
13      entire area in which he is allowed to operate.

14                  MEMBER SHORT:  All right.

15                  MEMBER ALBERTI:  And I think he got --  
16      I'm sure he can do that for us.

17                  MEMBER SHORT:  Oh, yeah.

18                  MEMBER ALBERTI:  I'm confident.

19                  MEMBER SHORT:  We're on the same page.

20      Thank you.

21                  MEMBER ALBERTI:  Yes.

22                  CHAIRPERSON MILLER:  Oh, do you --

1 also, you know, can you give us a copy of the  
2 permit you have from DCRA to operate as a mobile  
3 delicatessen?

4 MR. FINGEROTH: I might have it here.

5 MEMBER ALBERTI: Well, he can provide  
6 that to staff after this hearing. I don't think  
7 we should delay the hearing for that.

8 MR. FINGEROTH: Here is a copy of the  
9 license. I'm just seeing if I have a copy of the  
10 map right now.

11 CHAIRPERSON MILLER: Okay. Okay. All  
12 right. Are there any other questions or  
13 comments? Thank you, Ms. Walker.

14 MR. FINGEROTH: Yeah, I don't have a  
15 copy of the map with me. I apologize.

16 CHAIRPERSON MILLER: All right. You  
17 can submit that later.

18 MR. FINGEROTH: I have a map here. I  
19 can just draw on it right now if you wanted me  
20 to.

21 CHAIRPERSON MILLER: If you have got  
22 a good map or a good -- you know, you can just

1 give that to our legal counsel later.

2 MR. FINGEROTH: I can hand it up.

3 CHAIRPERSON MILLER: Or Mr. Gordy.

4 MEMBER SHORT: And if I could just  
5 comment on that?

6 CHAIRPERSON MILLER: Yes.

7 MEMBER SHORT: That should also have  
8 the stamp from the Harbor Patrol that that area  
9 is okay and safe for them.

10 MR. FINGEROTH: Yes. I have a copy of  
11 that. It's not the same one I showed them. I  
12 can get a stamped copy from them.

13 MEMBER SHORT: Okay. That would be  
14 great.

15 CHAIRPERSON MILLER: Yes, that would  
16 be terrific. Okay. Okay.

17 MEMBER ALBERTI: So --

18 CHAIRPERSON MILLER: Do you have any  
19 questions?

20 MR. FINGEROTH: I guess the only  
21 question would be how soon I can get a follow-up  
22 hearing?

1 CHAIRPERSON MILLER: Well, I --

2 MR. FINGEROTH: I mean, it's a short  
3 season, so --

4 CHAIRPERSON MILLER: Right. Okay.  
5 That's why we want to get things going.

6 MR. FINGEROTH: Yes, yes.

7 CHAIRPERSON MILLER: And we need --

8 MR. FINGEROTH: Absolutely.

9 CHAIRPERSON MILLER: Okay. So you are  
10 going to check with Mr. Gordy about the -- get  
11 the application, the right license. You are  
12 going to check with the Harbor Master and get  
13 their views, the views of the Harbor Master in  
14 writing. You are going to give us a map of the--  
15 showing the perimeter that you are allowed to  
16 operate under. And you are going to give us a  
17 permit from DCRA.

18 MR. FINGEROTH: Yes, you already have  
19 the permit.

20 CHAIRPERSON MILLER: Okay.

21 MR. FINGEROTH: Yes.

22 CHAIRPERSON MILLER: So we are going

1 to review those documents and discuss the ANC  
2 question.

3 MR. FINGEROTH: Fine.

4 CHAIRPERSON MILLER: And get back to  
5 you. I don't know if there will be a follow-up  
6 hearing or not.

7 MR. FINGEROTH: Okay.

8 CHAIRPERSON MILLER: I know you are  
9 going to be talking with Mr. Gordy anyway, so we  
10 will let you know. But we meet once a week and,  
11 you know, we will stay on top of this.

12 MR. FINGEROTH: Okay.

13 CHAIRPERSON MILLER: I can't give you  
14 a date per se, but --

15 MR. FINGEROTH: That's okay. It's a  
16 very short season and --

17 CHAIRPERSON MILLER: Yes.

18 MR. FINGEROTH: -- I started the  
19 application process back in February.

20 CHAIRPERSON MILLER: Oh, my.

21 MR. FINGEROTH: So I'm itchy to --

22 CHAIRPERSON MILLER: Okay.

1 MR. FINGEROTH: Yes. To get either a  
2 definitive answer one way or the other and,  
3 hopefully, in the positive direction.

4 CHAIRPERSON MILLER: Okay. You know,  
5 and if you have any other information you want to  
6 submit, feel free to submit it to Ms. Jenkins.

7 MR. FINGEROTH: All right.

8 CHAIRPERSON MILLER: Okay. She is our  
9 Legal Counsel.

10 MR. FINGEROTH: All right.

11 CHAIRPERSON MILLER: Martha Jenkins.  
12 Okay. All right.

13 MR. FINGEROTH: Thank you very much.

14 CHAIRPERSON MILLER: Thank you very  
15 much.

16 MR. FINGEROTH: Enjoy the rest of the  
17 day.

18 CHAIRPERSON MILLER: You, too.

19 MEMBER ALBERTI: Someone will give you  
20 Ms. Jenkins' card.

21 MR. FINGEROTH: Okay. Thank you.

22 CHAIRPERSON MILLER: Okay. Our next

1 hearing is at 11:00 and it's 10:51, so we can  
2 take a short recess.

3 (Whereupon, the Fact-Finding Hearing  
4 in the above-entitled matter was concluded at  
5 10:51 a.m.)

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