

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Paul A. McIntyre

Fact-
Finding
Hearing

(Manager's Application)

June 17, 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

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

11:50 a.m.

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3 CHAIRPERSON MILLER: All right. So
4 the Board is back on the record for a Fact-
5 Finding Hearing regarding a manager's application
6 by Paul McIntyre.

7 So would you introduce yourself for
8 the record, please?

9 MR. MCINTYRE: Yes, I am Paul
10 McIntyre.

11 CHAIRPERSON MILLER: Okay. So
12 sometimes we hold Fact-Finding Hearings when we
13 receive an application in particular that may
14 have a misdemeanor or felony, but it's usually a
15 misdemeanor, that has some kind of bearing on
16 alcohol or the statute of fitness for licensure
17 and dealing with alcohol or whatever.

18 So I think that on your application
19 you indicated that you had at least one DWI?

20 MR. MCINTYRE: Yes, I had two.

21 CHAIRPERSON MILLER: You had two.
22 Okay. So some the Board Members want to hear a

1 little bit about the circumstances and then what
2 you have done about it and whether you have an
3 alcohol problem, you know, and if you do, you
4 know, have you sought treatment for it, etcetera.
5 Do you have others?

6 MEMBER SILVERSTEIN: No, let's ask
7 first if you could walk us through the two DUIs?

8 MR. McINTYRE: Yes. The first one was
9 in December 2012, I believe. And it was a going
10 away party for a coworker and we had gone out and
11 had a couple of drinks and everything. And then
12 as I was coming out of the parking lot, I stopped
13 a little past the line for the red light and
14 there was a cop right there and I got pulled
15 over. I did the sobriety test. I passed two out
16 of the three. He did not have a breathalyzer
17 with him, so he called for someone to come with a
18 breathalyzer, so we waited. And then I failed a
19 breathalyzer test and that's when I got taken in.

20 MEMBER SILVERSTEIN: What did you
21 blow?

22 MR. McINTYRE: I'm not sure exactly.

1 I don't remember. I don't have that case with
2 me.

3 MEMBER SILVERSTEIN: Okay.

4 MR. McINTYRE: And then the second one
5 it was a --

6 MEMBER SILVERSTEIN: What was the
7 sentence on the first one?

8 MR. McINTYRE: Excuse me?

9 MEMBER SILVERSTEIN: Were you found
10 guilty? What was the sentence? What was the --

11 MEMBER SHORT: The disposition?

12 MEMBER SILVERSTEIN: -- disposition of
13 the case?

14 MR. McINTYRE: Yes, I was found
15 guilty. I did -- you have to do a victim's
16 impact panel. I did that and then I also had to
17 do classes, alcohol classes as well as pay the
18 fine.

19 And because both instances were very
20 close together, they count as two firsts, so all
21 of my classes and everything counted for both. I
22 started after the second one had already -- after

1 I had been charged and everything. So I paid
2 separate fines, but the classes that I took
3 counted for both.

4 MEMBER SILVERSTEIN: What was the
5 second? Walk us through the second offense.

6 MR. McINTYRE: The second offense, it
7 was a similar occasion. It was a going away
8 party and it was on my way home on the freeway, I
9 was driving too slow when I was pulled over and I
10 failed the breathalyzer test.

11 MEMBER SILVERSTEIN: Driving too slow
12 on 15?

13 MR. McINTYRE: Yes. On 15 South, yes.

14 MEMBER SHORT: What did you blow that
15 time?

16 MR. McINTYRE: Excuse me?

17 MEMBER SHORT: What did you blow that
18 time? The second time.

19 MR. McINTYRE: I'm not sure. I don't
20 remember exactly what it was.

21 MEMBER SHORT: Okay.

22 MR. McINTYRE: I don't -- like I said,

1 I don't have the cases.

2 MEMBER SHORT: Madam Chair?

3 CHAIRPERSON MILLER: Yes, Mr. Short?

4 MEMBER SHORT: Good afternoon or good
5 morning still, I guess.

6 MR. McINTYRE: Good afternoon.

7 MEMBER SHORT: According to your date
8 of birth on this certificate, you are 25 years-
9 old?

10 MR. McINTYRE: Yes. In October I will
11 be 25.

12 MEMBER SHORT: So how old were you
13 when the first arrest took place?

14 MR. McINTYRE: 22.

15 MEMBER SHORT: How old were you when
16 the second one took place?

17 MR. McINTYRE: 22.

18 MEMBER SHORT: I'm not one to throw
19 stones, because as a juvenile I had some
20 situations.

21 MR. McINTYRE: Right.

22 MEMBER SHORT: I'll just say this.

1 When you went through the impact training or
2 course, did you see what -- how dangerous that is
3 driving?

4 MR. McINTYRE: Yes. Yes, sir.

5 MEMBER SHORT: Did they show you any
6 of the films of people's heads going through
7 windshields?

8 MR. McINTYRE: Yes.

9 MEMBER SHORT: And being crippled and
10 how that could change a person's life?

11 MR. McINTYRE: Yes, sir. It did and
12 we also had a live account. They brought people
13 in to talk to us about it. People who had been
14 injured in DUI cases.

15 MEMBER SHORT: I was a fireman for 33
16 years, so I saw a lot of this firsthand. It's
17 not pretty.

18 MR. McINTYRE: Right.

19 MEMBER SHORT: So after the first
20 time, how long did it take for you to be arrested
21 a second time?

22 MR. McINTYRE: It was three months.

1 So before -- it was before I had lost my license
2 before I had gone through anything. They
3 happened very close together.

4 MEMBER SHORT: You didn't learn
5 anything from the first one? It didn't scare the
6 heck out of you?

7 MR. McINTYRE: It did, but, obviously,
8 I decided to make that mistake again. And it's
9 not something I'm proud of. Not to say that just
10 because I was young and dumb it's okay. It's
11 not. I have learned. I have made my mistakes.

12 MEMBER SHORT: Well, this is going to
13 be -- have you had any other troubles in life
14 other than the DUIs?

15 MR. McINTYRE: No, none at all. No,
16 sir.

17 MEMBER SHORT: How far did you go in
18 school?

19 MR. McINTYRE: I was attending UNLV
20 until I moved out here recently in January. In
21 college. I started college early and in my 10th
22 grade year I started college ed. I did college

1 in high school at the same time at the community
2 college. And then I moved on to UNLV after that.

3 MEMBER SHORT: You are asking us to
4 give you a manager's license so that you will be
5 serving alcohol to maybe young people 22 years-
6 old.

7 MR. McINTYRE: Yes, sir.

8 MEMBER SHORT: Would you feel
9 comfortable doing that, being in that environment
10 after what you have been through?

11 MR. McINTYRE: I would, yes. The
12 rules are different here and I know in Nevada the
13 sellers aren't held responsible for what happens
14 to me and I'm not saying -- placing the blame on
15 anyone else, they were my decisions, but here I
16 know that the responsibilities lies on the
17 seller, the distributor.

18 And I think the fact that I have gone
19 through these makes me more aware of the
20 situations. So if it's someone that is 22 comes
21 in, I can see, you know, where that road might
22 lead, so I would be more capable. I feel a

1 little bit more responsible just because I don't
2 want other people to go through what I have gone
3 through, especially in cases where it was, you
4 know, they are just having a good time with their
5 friends or whatever, so it would be more
6 important to me to look out for them, yes.

7 MEMBER SHORT: That's all I have right
8 now, Madam Chair.

9 CHAIRPERSON MILLER: Okay. Mr.
10 Silverstein?

11 MEMBER SILVERSTEIN: Mr. McIntyre,
12 thank you for coming. Mr. Short, my colleague,
13 is -- you know, has seen, felt, smelled things
14 that we can only imagine. And he has experienced
15 the death and the destruction of lives based on
16 these things. And he has experienced the things
17 that perhaps you may have seen in these films
18 where people have talked about and he has a
19 stronger feeling about this than any of us, based
20 on that.

21 I would like to know how your
22 experience has changed your behavior. It's one

1 thing to say I'm young and I was -- I was young
2 and stupid. But just on an every day thing,
3 what, you know, changes did it bring about in how
4 you react in alcohol-serving situations?

5 MR. MCINTYRE: I think the main thing
6 for me, being that I was younger I would go out
7 and party and do those things and it really did
8 scare me once I finished and did all of my things
9 that I don't go out and do those things as much
10 and not by myself. Not in the situation where I
11 would have to drive.

12 And then like I said in those serving
13 circumstances, it makes me a little bit more
14 aware of what I'm doing, you know, taking that
15 responsibility upon myself as a server to not
16 over-serve anyone, to make sure that someone has
17 a ride home in those situations.

18 And just in my personal life, I don't
19 -- I try very hard to not put myself in those
20 situations to where I would drink and drive. You
21 know, always having a designated driver. I have
22 given my keys to the bartenders before and they

1 have called me cabs. Getting rides from friends,
2 just not even trying to do that any more.

3 MEMBER SILVERSTEIN: You have given
4 your keys to bartenders?

5 MR. McINTYRE: Yes, I have.

6 MEMBER SILVERSTEIN: Okay. Do you
7 have a drinking problem?

8 MR. McINTYRE: No, sir.

9 MEMBER SILVERSTEIN: Okay. You are
10 aware of over-serving regulations in the
11 District?

12 MR. McINTYRE: Yes, sir.

13 MEMBER SILVERSTEIN: Would you be more
14 concerned about the law or about what it would be
15 to your conscience if you over-served someone and
16 something awful happened to them or other people?

17 MR. McINTYRE: My conscience
18 definitely.

19 MEMBER SILVERSTEIN: That's the right
20 answer. No further questions.

21 CHAIRPERSON MILLER: Okay. Others?
22 I have a follow-up about giving your keys to the

1 bartenders.

2 MR. McINTYRE: Yes.

3 CHAIRPERSON MILLER: Were you -- have
4 you bartended?

5 MR. McINTYRE: No, I have not.

6 CHAIRPERSON MILLER: Okay. So why
7 would you give your keys to the bartender?

8 MR. McINTYRE: They were friends.

9 CHAIRPERSON MILLER: No. I mean, is
10 it that -- because you would be drinking, so you
11 wouldn't drive home?

12 MR. McINTYRE: Oh, yes.

13 CHAIRPERSON MILLER: On the job
14 though?

15 MR. McINTYRE: No, no, no, no.

16 CHAIRPERSON MILLER: Oh, you mean --

17 MR. McINTYRE: No, not at work, no.

18 CHAIRPERSON MILLER: Oh.

19 MR. McINTYRE: No, no, at like the
20 going away party events.

21 CHAIRPERSON MILLER: Oh, okay.

22 MR. McINTYRE: Like I would make

1 arrangements ahead of time and then because I
2 know the bartender and the bartender knew about
3 my previous DUIs just as an added security.

4 CHAIRPERSON MILLER: Oh, okay, okay.

5 MR. McINTYRE: Yes. So, no, no, no.

6 CHAIRPERSON MILLER: I have heard
7 stories. I don't know necessarily in this
8 jurisdiction where bartenders are encouraged to
9 drink with their patrons.

10 MR. McINTYRE: Oh, no.

11 CHAIRPERSON MILLER: Okay. So you
12 don't think you have any alcohol problem? Your
13 drinking was basically just regular party events?

14 MR. McINTYRE: Yes.

15 CHAIRPERSON MILLER: Okay. And have
16 you worked in a bar yet or in a restaurant or
17 alcohol establishment?

18 MR. McINTYRE: A restaurant. Yes, I
19 was working in a restaurant at the time. I have
20 been working almost five years. And the company
21 that I work for moved me out here to be a
22 manager.

1 CHAIRPERSON MILLER: Oh, okay.

2 MR. McINTYRE: So that's why I'm here
3 in D.C.

4 CHAIRPERSON MILLER: Okay. What
5 company is that?

6 MR. McINTYRE: Think Food Group, Jose
7 Andres.

8 CHAIRPERSON MILLER: Okay. Okay. And
9 so that's why you moved out here?

10 MR. McINTYRE: Yes.

11 CHAIRPERSON MILLER: Okay. I am of
12 the view sometimes that experiencing something
13 like you did, like you really could have hurt
14 somebody, but you didn't, makes you appreciate
15 more than maybe even someone who didn't have that
16 experience, you know, the dangers involved.

17 MEMBER ALBERTI: Mr. Brooks.

18 CHAIRPERSON MILLER: Okay. Mr.
19 Brooks?

20 MEMBER BROOKS: Yes, thank you, Madam
21 Chair. Were you working for this same company in
22 Las Vegas?

1 MR. McINTYRE: Yes.

2 MEMBER BROOKS: And were you working
3 for them when you had the problems?

4 MR. McINTYRE: Yes.

5 MEMBER BROOKS: Okay. So you were an
6 employee of this company?

7 MR. McINTYRE: Yes.

8 MEMBER BROOKS: That sent you here to
9 work.

10 MR. McINTYRE: Yes,

11 MEMBER BROOKS: And you had two DUIs
12 while working for them?

13 MR. McINTYRE: Yes.

14 MEMBER BROOKS: And were they aware of
15 that?

16 MR. McINTYRE: Yes.

17 MEMBER BROOKS: Okay.

18 MEMBER SHORT: Madam Chair, just one
19 last one.

20 CHAIRPERSON MILLER: Okay. Mr. Short?

21 MEMBER SHORT: In the State of Nevada,
22 could you have gotten a manager's license with

1 two DUIs?

2 MR. McINTYRE: I don't believe they
3 require a manager's license. I'm not sure. I
4 have never managed in Las Vegas, so I have never
5 had to deal with that. So I'm not -- I couldn't
6 answer that for you.

7 MEMBER SHORT: Thank you.

8 MEMBER BROOKS: Madam Chair, just one
9 more question?

10 CHAIRPERSON MILLER: Sure.

11 MEMBER BROOKS: Why did they transfer
12 you here?

13 MR. McINTYRE: To move into
14 management. I wasn't in management.

15 MEMBER BROOKS: Okay.

16 MR. McINTYRE: When I first started
17 with the company four years ago, I started as a
18 buser. I worked my way up food runner, server.
19 I worked at various other places within the
20 company and then they offered me the position to
21 move into management.

22 MEMBER BROOKS: I see. And you were

1 at UNLV?

2 MR. McINTYRE: UNLV, yes, sir.

3 MEMBER BROOKS: And how many credit
4 hours did you obtain?

5 MR. McINTYRE: At UNLV, not that many.

6 I did most of my stuff at CSN, which I was --

7 MEMBER BROOKS: CSN is what?

8 MR. McINTYRE: It's College of
9 Southern Nevada. It's like a community college.

10 MEMBER BROOKS: Okay.

11 MR. McINTYRE: So I had over 100 -- I
12 would say in total maybe 150, 180, but they
13 weren't concentrated, so I don't have a -- they
14 didn't all count for the same degree, if that
15 makes sense.

16 MEMBER BROOKS: Okay. So did that
17 make you maybe a sophomore, junior?

18 MR. McINTYRE: Yes, sophomore, I would
19 say.

20 MEMBER BROOKS: Okay. All right.

21 Thank you, Madam Chair.

22 MEMBER RODRIGUEZ: Madam Chair?

1 CHAIRPERSON MILLER: Okay. Mr.
2 Rodriguez?

3 MEMBER RODRIGUEZ: Yes. So we are
4 here because alcohol is a dangerous substance.
5 It opens up opportunities, but it can also mess
6 up your life or the lives of others, right?

7 MR. McINTYRE: Right.

8 MEMBER RODRIGUEZ: So I don't want to
9 lecture you, but by being a -- by us signing on
10 this means that you have to work with us in a
11 sense in protecting the public interest and
12 protecting human lives out there, that's why we
13 are here, because it is a dangerous substance.
14 Please, remember that.

15 MR. McINTYRE: Yes, sir.

16 MEMBER RODRIGUEZ: Okay.

17 CHAIRPERSON MILLER: Anything else?
18 if Board Members are ready, then I would be -- I
19 would like to offer a motion then to approve the
20 application of Mr. McIntyre.

21 MEMBER SILVERSTEIN: I second that.

22 CHAIRPERSON MILLER: Okay. Any other

1 comments?

2 MEMBER SILVERSTEIN: Just that we have
3 had all these things happening at going away
4 parties. I hope --

5 CHAIRPERSON MILLER: Don't go.

6 MEMBER SILVERSTEIN: -- you have a
7 stable force here.

8 MR. McINTYRE: Yes.

9 CHAIRPERSON MILLER: All right. All
10 right. We will take a vote and we can make any
11 other comments afterwards, if we want.

12 All those in favor say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? The motion
16 passes 5-0-0. Okay.

17 Mr. Rodriguez, did you want to say
18 something?

19 MEMBER RODRIGUEZ: Oh, no, no.

20 CHAIRPERSON MILLER: Oh, okay.

21 MEMBER SHORT: I did have one last
22 comment.

1 CHAIRPERSON MILLER: Sure, sure.

2 MEMBER SHORT: As Mr. Rodriguez said
3 to you, we are entrusting that you won't let us
4 down, because it would be terrible for your name
5 to come up again with something like this after
6 we have gone out on a limb, at least my vote is
7 out on a limb. Okay. All right.

8 MR. McINTYRE: Yes, sir.

9 MEMBER SHORT: Thank you.

10 MR. McINTYRE: I appreciate that. I
11 appreciate the chance. Coming to a new city and
12 being able to start over, as it were, and I hope
13 you know I plan to not let you down. Appreciate
14 it.

15 CHAIRPERSON MILLER: That's great. So
16 we will see you at Oyamel?

17 MR. McINTYRE: Oyamel, that's right.

18 CHAIRPERSON MILLER: Okay.

19 MR. McINTYRE: Thank you.

20 CHAIRPERSON MILLER: Wait for your
21 application. Where is Oyamel exactly?

22 MR. McINTYRE: 7th and D.

1 CHAIRPERSON MILLER: 7th and D.

2 MR. McINTYRE: Right on the corner.

3 CHAIRPERSON MILLER: Yes. Take it,
4 yes. Okay. Best of luck.

5 MR. McINTYRE: Thank you.

6 CHAIRPERSON MILLER: All right. All
7 right. So we are recessed again.

8 (Whereupon, the Fact-Finding Hearing
9 in the above-entitled matter was concluded at
10 12:07 p.m.)

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