



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

2 11:27 a.m.

3 CHAIRPERSON MILLER: Okay, the  
4 next fact finding hearing that we have is  
5 Aramark, address, 3500 Nebraska Avenue, NW,  
6 License Number 92663.

7 And this involves the license  
8 possibly being considered as a caterer's  
9 license at American University or perhaps  
10 being considered as a multi-purpose license,  
11 I think.

12 But, Mr. Fonseca, if you'll  
13 introduce yourselves for the record then you  
14 can address it.

15 MR. FONSECA: Yeah, Michael  
16 Fonseca, on behalf of the Applicant here. And  
17 with me is Kenneth Chadwick.

18 CHAIRPERSON MILLER: Okay.

19 MR. CHADWICK: Kenneth Chadwick,  
20 and I'm the district manager for Aramark in  
21 charge of the operation at American  
22 University.

1 CHAIRPERSON MILLER: Okay.

2 MR. FONSECA: I'll go through  
3 this. And you don't have a staff person this  
4 time.

5 CHAIRPERSON MILLER: No, not for  
6 the moment.

7 MR. FONSECA: One of these letters  
8 may be already in the record. And then the  
9 other one is -- it isn't dated, but it's  
10 current.

11 CHAIRPERSON MILLER: Oh, you can  
12 just hand that to me. These are copies or one  
13 copy?

14 MR. FONSECA: Two different  
15 letters.

16 CHAIRPERSON MILLER: Two different  
17 letters.

18 MR. FONSECA: The two page letter  
19 is already in the Board's file, slotted for  
20 convenience. And then there's now a letter.  
21 One's from Aramark. The other one is from  
22 American University.

1                   And before Mr. Chadwick has  
2                   comments, and maybe some explanation, it's  
3                   been difficult to understand exactly what was  
4                   going on.

5                   Because we filed the application  
6                   in July. And I get word that the Board, just  
7                   based on the application -- which I also  
8                   understand the file may not be complete --  
9                   I've had my office scan and send essentially  
10                  the application and its components to the  
11                  licensing manager. So hopefully it's been  
12                  somewhat put back together for the Board.

13                  But for our purposes here, let me  
14                  just summarize. When the application came in,  
15                  it went in for what I would have understood.  
16                  Because catering applications tend to go  
17                  through the system relatively quickly, meaning  
18                  the licensing process.

19                  And it appears at that time, as I  
20                  understand it, the Board's position was refer  
21                  it to legal. But the understanding was we  
22                  don't think that a catering license is

1 appropriate, that a multi-purpose facility  
2 license is more appropriate.

3 That was conveyed to me. And I  
4 discussed with Board's Counsel, but more  
5 particularly even with Mr. Gordy, the  
6 licensing manager, that it doesn't really work  
7 because of the nature of what the operation  
8 really is.

9 And that generated the first two  
10 page letter from Aramark that explained the  
11 relationship with the university and what goes  
12 on, which I'll go into more detail, but so we  
13 can just summarize procedurally what happened.

14 And I think what happened there is  
15 the Board essentially, again, in August said,  
16 well, we just don't understand if this is  
17 American University and Aramark's doing this,  
18 it should be a multi-purpose license. We  
19 referred it back again to legal.

20 And so in essence I demanded a  
21 hearing on this application, because by  
22 failure to act on it effectively, it's just

1       like a denial.

2                       So I want to establish a record,  
3 because this is where we are now. And then  
4 American University wrote a letter in support  
5 and as to the reason why.

6                       One has to understand that  
7 American University has a very general and  
8 campus-wide no alcohol policy. That's the  
9 first thing. There are ways to do it. And it  
10 has to be approved by a senior administration  
11 member in order to have alcohol, which is  
12 seldom, on occasion.

13                      So Aramark's relationship is in a  
14 management agreement to do the institutional  
15 food provider. And I'll let Mr. Chadwick go  
16 into more detail.

17                      So there're a number of venues  
18 that they do, and we've pulled certain  
19 business licenses. And let me say we obtained  
20 a caterer's business license.

21                      Because part of the management  
22 agreement, part of what's going on here with

1 American University, is the utilization of the  
2 institutional kitchen to do a number of  
3 things, including the major hall for the  
4 students, which has a capacity of 800, for  
5 their meals.

6 And then also it's an  
7 institutional kitchen to do catering. Now,  
8 the catering isn't only for campus events,  
9 which it includes. But it's primarily for  
10 off-campus private events, of which the  
11 contract with AU acknowledges.

12 And, in essence, it's a contract  
13 that's based on a certain percentage of total  
14 sales, of which you'll recall, even with  
15 caterers food is predominately what's sold.  
16 And that's the case even when they do that.

17 So I'll turn over, momentarily, to  
18 Mr. Chadwick. But I'm going to make this  
19 argument and then he can explain and maybe  
20 fill in the blanks.

21 Because of the nature of what they  
22 do at the university, principally for the

1 university, is non-alcohol and basically  
2 providing meals and food in one hall as a  
3 cafeteria, shall we say, and then in other  
4 locations having a marketplace where you have  
5 some fast food, where you have coffee shops,  
6 these kinds of things, never with alcohol.

7 And then they have catering  
8 opportunities, of which they've had to forego  
9 because they don't have alcohol, that are off  
10 campus.

11 And then they will occasionally,  
12 for beer and wine only, maybe have a reception  
13 where the senior administration will agree to  
14 allow the no alcohol policy to be waived for  
15 that particular event, event by event.

16 Some could be for students, but a  
17 lot of them could be for faculty. It could be  
18 for the president of the university hosting a  
19 reception, whatever. So with that, if you  
20 have questions, then I'll let Mr. Chadwick --

21 MEMBER SILVERSTEIN: I do even  
22 before we get to Mr. Chadwick. Mr. Fonseca,

1       there is -- and this is part of the reason why  
2       there's been such concern and confusion here -  
3       - there is another catering license on the  
4       campus, or not on the campus but regarding  
5       American University.

6                       MR. FONSECA:  Yeah.

7                       MEMBER SILVERSTEIN:  And if you  
8       could talk about that before we get it from  
9       him, so that we can at least have a better  
10      understanding.

11                      MR. FONSECA:  Well, let me say  
12      this, because I want to be careful, both as an  
13      attorney and because I believe that former  
14      licensee -- I'm not sure what the relationship  
15      is any longer, but that --

16                      (Off microphone comments)

17                      MR. FONSECA:  Yeah, Bon Appetit, I  
18      believe is represented by Jerry Moore.  So I'm  
19      going to be very careful here, but I will make  
20      what I believe are factual statements.

21                      And ABRA is as much been blind to  
22      it, but the prior food service provider before

1 Aramark came in, in June -- they've only been  
2 there since June -- was Bon Appetit. Bon  
3 Appetit held a CR license. Bon Appetit's  
4 March, or the 2013 renewal, as I understand,  
5 that was protested.

6 I believe the parties didn't show  
7 up, and the application was dismissed. I  
8 believe there was a request to reinstate it.  
9 And I'm not sure how or under what nexus that  
10 they would still be located there.

11 But the thing that's really  
12 bizarre is that, as a CR license, it is  
13 effectively operating throughout the campus,  
14 off campus, and it's a traveling liquor  
15 license, which I don't understand how a CR  
16 license could do that.

17 So Aramark is just as rigid as  
18 they can be. And I'm local Counsel, outside  
19 Counsel, and they do everything by the book.  
20 And there is no way in the world that they  
21 were going to do anything other than get a  
22 catering license.

1                   Because all along they knew, even  
2                   if the Board were to say we still want you to  
3                   get a multi-purpose license, we would say,  
4                   fine, we'll take a beer and wine one for 12,  
5                   15 occasions a year. But we need a catering  
6                   license.

7                   Because that's part of the  
8                   business that they're in and they're allowed  
9                   to do. So that was my frustration in dealing  
10                  with trying to explain this to legal Counsel  
11                  and licensing.

12                  And I understand, because the  
13                  Board sees, well, how are you connected to  
14                  American University and why wouldn't you do a  
15                  multi-purpose license.

16                  CHAIRPERSON MILLER: Right.

17                  MR. FONSECA: Well, it's because  
18                  of the no alcohol policy. Why pay for this  
19                  license when, if you have a catering license  
20                  and you're doing all this other catering.

21                  The 20 times a year that there's  
22                  something that's going to be on campus it's

1 going to be done based on the specific  
2 contract to be catered for that reception or  
3 whatever it is, separate and apart from the  
4 food service operation that's built in to the  
5 management agreement for the food service  
6 operations campus-wide.

7 And it's as simple as that, even  
8 though I know you have to chew over it and  
9 mull over it. But that's the thing. Even if  
10 we were to get the multi-purpose, we're here  
11 because we need a catering license. We can't  
12 do what we want otherwise.

13 MEMBER SILVERSTEIN: Thank you.  
14 No further questions.

15 CHAIRPERSON MILLER: Yes, Mr.  
16 Alberti?

17 MR. ALBERTI: I want to come at it  
18 from a different angle. I'm sometimes simple-  
19 minded, so forgive me there. I just want to  
20 come back.

21 MEMBER SILVERSTEIN: You have  
22 plenty of company in that, Mr. Alberti. You

1 have plenty of company.

2 MR. FONSECA: So thanks a lot, Mr.  
3 Alberti -- no, you're not.

4 MR. ALBERTI: No, no, no.

5 MR. FONSECA: As they say, you're  
6 sly like a fox. And I say that with respect.

7 MR. ALBERTI: All right. I wasn't  
8 searching for a compliment.

9 MR. FONSECA: You know exactly  
10 what you're doing.

11 (Laughter)

12 MR. ALBERTI: All right. So from  
13 what I'm hearing, the location of the  
14 university is really where this caterer would  
15 be based.

16 MR. FONSECA: Yes.

17 MR. ALBERTI: Is that correct?

18 MR. FONSECA: That is correct.

19 MR. ALBERTI: You have a contract  
20 to use the university's kitchens.

21 MR. FONSECA: Yes.

22 MR. ALBERTI: That, in essence,

1 really is your business address. You may have  
2 a different mailing address for other  
3 transactions, but that's your business address  
4 for all of your catering operations. Is that  
5 correct?

6 MR. FONSECA: Yes.

7 MR. ALBERTI: Pardon.

8 MR. CHADWICK: That's correct,  
9 sir.

10 MR. ALBERTI: So that's where  
11 you'd be storing any alcohol you had?

12 MR. FONSECA: I think --

13 MR. ALBERTI: Or you might make --

14 MR. FONSECA: -- I think, by and  
15 far, they'll probably use a Class A to always  
16 deliver to the location.

17 MR. ALBERTI: Okay, okay. All  
18 right.

19 MR. FONSECA: And probably keep  
20 alcohol --

21 MR. ALBERTI: But that's where you  
22 would store all your food?

1 MR. CHADWICK: Correct, the food.

2 And just like --

3 MR. ALBERTI: All your deliveries?

4 So in essence, if you were just -- we'll take  
5 the university out of this, all right?

6 CHAIRPERSON MILLER: Right.

7 MR. ALBERTI: If you were a  
8 caterer, that's where your business would be?

9 MR. FONSECA: That is correct.

10 MR. CHADWICK: Yes, that is  
11 correct.

12 MR. ALBERTI: Okay. So that helps  
13 me visualize what's going on, got you. You  
14 don't have a separate catering operation  
15 outside and this is just --

16 MR. CHADWICK: No, no, sir.

17 MR. ALBERTI: -- another location  
18 where you give service, in essence, really.

19 MR. FONSECA: Go ahead, tell them  
20 the --

21 MR. CHADWICK: Just to give a  
22 broad stroke, we do the primary, 95 percent of

1 our operation is totally university based.

2 But what happens is, because of  
3 the academic calendars, the university really  
4 is a 36, maybe 36 week a year revenue  
5 generator. But we have overhead for 52 weeks.  
6 We employ our employees, we give them  
7 healthcare, everyone else.

8 So to try to devise additional  
9 revenue streams, if you will, to try to  
10 support all the fixed costs that we have to  
11 carry through this, it's one of the ways that  
12 we try to expand into the environment and be  
13 competitive with our catering operation.

14 And that's really where this comes  
15 in, our ability then to provide those  
16 services. Because usually, and most of the  
17 time, for example, as Counsel said, we've had  
18 23 different requests, which we have had to  
19 deny. Because I don't have a license to do  
20 this. So I don't.

21 MR. ALBERTI: But operations for  
22 that catering, for catering those events in

1 those other 14, or 18, 16 weeks --

2 MR. CHADWICK: Would be out of  
3 that same --

4 MR. ALBERTI: Would be out of that  
5 same space --

6 MR. CHADWICK: That is correct.

7 MR. ALBERTI: -- that you have a  
8 contract to use with the university.

9 MR. CHADWICK: Correct. And we  
10 pay rent for all 52 weeks.

11 MR. ALBERTI: That's helpful to  
12 me. That's helpful.

13 MR. FONSECA: Right. And the  
14 catering would be 52 weeks a year. It just  
15 happens --

16 MR. ALBERTI: Got you.

17 MR. FONSECA: -- the rationale,  
18 yeah.

19 MR. ALBERTI: Thank you. That's  
20 helpful to me.

21 CHAIRPERSON MILLER: Yeah, Mr.  
22 Brooks?

1 MR. BROOKS: Yeah, just to follow-  
2 up, so above or beyond the 36 weeks of, I  
3 guess, university time, the other events would  
4 be non-university related. Is that what I'm  
5 hearing?

6 MR. CHADWICK: Correct. There are  
7 some events during the summer, if the  
8 university doesn't begin, like Counsel said.

9 There is a very strict policy at  
10 the university for beer, wine and alcohol, no  
11 alcohol under any circumstances, beer and wine  
12 only through a written approval of a senior  
13 member of the university.

14 From our records last year, it was  
15 around ten or 15 of them only. It happens  
16 seldom. So then the majority of this beer and  
17 wine would be with events that we would try to  
18 do with the outside community, whether it's  
19 the different embassies that are around there  
20 --

21 MR. BROOKS: I see.

22 MR. CHADWICK: -- whether it's the

1 different museums. And we actually have a  
2 sales person, who their job is to try to drum  
3 up this business.

4 MR. BROOKS: I see.

5 MR. FONSECA: And just so that you  
6 understand, we are requesting a full catering  
7 license so that they're not limited to just  
8 beer and wine. But for events that were to  
9 happen, the few that there are on campus, it's  
10 only beer and wine.

11 MR. CHADWICK: Correct.

12 MR. BROOKS: So a CX, or multi-  
13 purpose license, would not suffice?

14 MR. CHADWICK: It would not, sir.

15 MR. FONSECA: It wouldn't allow the  
16 caterer --

17 MR. CHADWICK: In the case that you  
18 would allow us to do that offsite catering,  
19 which is so critical for us to be able then to  
20 really ensure also that all our employees have  
21 all these benefits, we don't have to try to do  
22 massive layoffs during these times. That's

1 the idea.

2 Plus also, we are encumbered with  
3 rent and all those different things for our  
4 agreement with the university for 52 weeks a  
5 year.

6 MR. BROOKS: I see.

7 CHAIRPERSON MILLER: Okay. So  
8 that's the difference between the multi-  
9 purpose and the catering licenses for you, in  
10 that multi-purpose limits you just to the  
11 campus?

12 MR. CHADWICK: The building itself,  
13 in the building --

14 MR. FONSECA: Well, actually no.  
15 I understand the concept, because the  
16 university is included within the types of  
17 applicants or licensees. It would be within  
18 the campus. We understand that.

19 But there's no reason to have that  
20 multi-purpose license unless it's form over  
21 substance. Because the limited times there  
22 would be alcohol on campus, it can be through

1 a catered contract with their --

2 MR. CHADWICK: It is --

3 MR. FONSECA: -- a catering  
4 contract.

5 MR. CHADWICK: It is only through  
6 a caterer. And that's also, just like Counsel  
7 said, it would only be through a catering  
8 contract. Our operations in the university,  
9 our core service, is to feed the university  
10 community, faculty, staff and students.

11 So if there is going to be anything  
12 at the university only that will allow beer  
13 and wine, due to the nature of the  
14 restrictiveness, it would only be through a  
15 catered event through our catering arm.

16 We have no location that will ever,  
17 at any point, under any circumstance, --  
18 either retail, or cafeteria, residential, of  
19 any kind -- serve beer or wine. We're not in  
20 that business.

21 MR. BROOKS: So you don't do,  
22 right.

1 MR. CHADWICK: No, no --

2 MR. BROOKS: Many years ago when I  
3 was in school we had --

4 (Crosstalk)

5 MR. BROOKS: -- we had to go to a  
6 rathskeller.

7 MR. FONSECA: A rathskeller.

8 MR. BROOKS: And we could get beer  
9 and wine there. But you don't have that?

10 MR. CHADWICK: No, sir.

11 MR. BROOKS: You're not servicing  
12 that?

13 MR. CHADWICK: We do not. They do  
14 not have it on campus. It's not something the  
15 campus wants. And it's one of the reasons  
16 we're there. Because it's not the business  
17 that we want to be.

18 MR. BROOKS: Okay.

19 MR. CHADWICK: And that's why also  
20 Counsel said that we would deliver it. I have  
21 no intentions of ever storing. I don't want  
22 to store. It's not my core piece.

1 MR. FONSECA: That's why I went to  
2 Georgetown. They had a pub.

3 MR. ALBERTI: Correct.

4 (Laughter)

5 MR. CHADWICK: But this is run  
6 Aramark as well. It's run by a contract --

7 MR. ALBERTI: Well, I hear the  
8 students have fun at Georgetown.

9 (Laughter)

10 CHAIRPERSON MILLER: Occasionally  
11 there may be an event on campus where you  
12 would serve alcohol. But that's the  
13 exception.

14 MR. CHADWICK: Beer and wine only.

15 CHAIRPERSON MILLER: Beer and wine,  
16 is that --

17 MR. CHADWICK: Yes, ma'am.

18 CHAIRPERSON MILLER: -- the  
19 exception rather than the rule?

20 MR. CHADWICK: Oh yes, ma'am. The  
21 exception rather than the rule.

22 CHAIRPERSON MILLER: Okay, most of

1 it's off campus?

2 MR. CHADWICK: Correct. So to give  
3 you an example, we have done over 1200 events  
4 in the last 100 days. Not a single one has  
5 had beer or wine.

6 CHAIRPERSON MILLER: Okay. So the  
7 multi-purpose, in your view, is really for  
8 where they are intending to sell alcohol on  
9 the campus on in the buildings.

10 MR. FONSECA: Exactly.

11 MR. CHADWICK: That's correct.

12 CHAIRPERSON MILLER: Okay. All  
13 right. I think we've got it then. Anything  
14 else you want to add?

15 MR. FONSECA: No.

16 CHAIRPERSON MILLER: Okay. That  
17 was very helpful, really.

18 MR. FONSECA: And I apologize for  
19 the confusion. Because I think mixing AU into  
20 it led to leading this fact finding, which I'm  
21 grateful that we had this opportunity.

22 CHAIRPERSON MILLER: No. I think --

1 MR. CHADWICK: We appreciate taking  
2 the time to listen to us. Because this is  
3 very important beyond just this, but a large  
4 group of people.

5  
6 MR. ALBERTI: Sometimes it's  
7 getting the message passed down the line. You  
8 know that whole game, it's just issues.

9 MR. FONSECA: Yeah.

10 MR. ALBERTI: And so I appreciate  
11 you coming in.

12 CHAIRPERSON MILLER: I think it was  
13 extremely helpful also. Because I don't have  
14 the regulation in front of me, but I'm pretty  
15 sure that the multi-purpose regulation  
16 actually lists universities.

17 MR. FONSECA: It does, it does.

18 CHAIRPERSON MILLER: So the  
19 inclination is to think, oh, you're in a  
20 university. You belong in that category. So  
21 this was very helpful. So thank you.

22 MR. FONSECA: Well hopefully,

1 again, this is the last time, I think. I'm  
2 hopeful in this one the Board can actually act  
3 pretty quickly on this, I would think.

4 CHAIRPERSON MILLER: We hope so.  
5 We don't act quickly on everything.

6 (Laughter)

7 CHAIRPERSON MILLER: This one is  
8 quite clear though.

9 MR. FONSECA: This is off this  
10 matter. It could still be on the record, but  
11 it's not on this matter.

12 I have the 1:30 protest for Red  
13 Hen. I don't know if the Board's calendar,  
14 you think it's going to still be timely or if  
15 it's likely this might be pushed --

16 CHAIRPERSON MILLER: Well, it looks  
17 like we're 46 minutes behind right now.

18 MR. FONSECA: I'm not going  
19 anywhere. I'm going to meet with the client  
20 here at 12:30. I just was curious.

21 CHAIRPERSON MILLER: We have your  
22 phone number, right? It's likely it could be

1 a half an hour later. Yeah.

2 MR. FONSECA: Thank you.

3 CHAIRPERSON MILLER: And so we'll  
4 let you know when we get to lunch. Okay. Oh,  
5 we have one more --

6 MR. CHADWICK: Thank you very much.

7 CHAIRPERSON MILLER: -- I believe  
8 for this morning. Thank you.

9 (Whereupon, the hearing in the  
10 above-entitled matter was concluded at 11:46  
11 a.m.)

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