

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

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IN THE MATTER OF: :
 :
James M. Babin :
t/a Birch & Barley/ChurchKey : Fact-finding
Flea Market : Hearing
1275 5th Street NE :
 :
Temporary License :
Application :
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October 9, 2013
The Alcoholic Beverage Control
Board met in Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th
Street N.W., Washington, D.C., Chairperson
Ruthanne Miller presiding.

PRESENT:
RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
MICHAEL SILVERSTEIN, Member

ALSO PRESENT:
EARL JONES, Investigator, ABRA

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

2 (10:32 a.m.)

3 CHAIRPERSON MILLER: We can now
4 move to our second fact-finding case. It's an
5 application by James Babin, Birch &
6 Barley/ChurchKey for an Oktoberfest event,
7 located 1275 5th Street, N.E.

8 (Off microphone comments)

9 CHAIRPERSON MILLER: So when
10 you're ready, if you could introduce
11 yourselves for the record.

12 MR. BABIN: James Michael Babin
13 and --

14 MR. BERGMAN: Erik Bergman. The
15 event is --

16 CHAIRPERSON MILLER: Okay, let's
17 have Mr. Jones introduce himself for the
18 record.

19 MR. JONES: Investigator Earl
20 Jones, ABRA.

21 CHAIRPERSON MILLER: Okay. All
22 right. Yes, we're ready here now about that

1 event.

2 MR. BERGMAN: Okay. Yes, so we're
3 just back again. We came before the Board,
4 well, a few weeks ago for some other events
5 that we were doing at the flea market, but
6 this is for our annual Oktoberfest event we
7 held last year at Yards Park. It's called
8 Snallygaster. It is a benefit for our
9 nonprofit farm out at Woodlawn Plantation
10 called Arcadia that we've been operating for
11 three years now.

12 MR. BABIN: Four years.

13 MR. BERGMAN: Four years, in
14 partnership with the National Historic Trust.
15 So this is our biggest event and biggest
16 fundraiser of the year for that organization.

17 We moved the location this year to
18 Union Market, as the plan suggests and the
19 application suggests, which is, I think, for
20 the Board's purposes a little bit more of a
21 controlled environment, albeit maybe not as
22 picturesque, but I think we're going to do our

1 best to impose some design elements on it that
2 will make it a fun time and a fun afternoon.
3 The beer will help too.

4 But overall we had a really great
5 response last year. It was a fantastic
6 afternoon. People were kind of gushing about
7 their experience there. We had a lot of
8 families come out, and it was just a fun day.
9 So we're just trying to recreate that same
10 thing again, again in a little bit more
11 controlled environment.

12 CHAIRPERSON MILLER: So can you
13 discuss what alcohol you'll be serving and
14 where it'll be served, how it will be
15 controlled?

16 MR. BERGMAN: Sure, absolutely.
17 It's only beer.

18 CHAIRPERSON MILLER: Only beer,
19 okay.

20 MR. BERGMAN: Again it's kind of
21 our specialty these days. But basically if
22 you look at your site map, which is the first

1 page in the packet I gave you, there are,
2 basically if you use Union Market at the
3 bottom of the page as the reference inside the
4 rectangle, and running down the center are
5 these trucks that the distributors will be
6 bringing for us to dispense beer.

7 And basically everything else on
8 the outside that has Fs denoting, those are
9 food stations. So this is really a beer and
10 food event. Our restaurants serve food there.
11 We have a butchery concept under our umbrella
12 that serves handmade artisanal sausages and
13 hot dogs and bratwurst, the like.

14 But we'll also be doing, our
15 catering company will be providing chili and
16 gumbo and turkey legs, you know, fest fare,
17 basically. And then in addition to that this
18 year, we've decided to diversify the food
19 offering by including five different food
20 trucks that will be on the site as well, and
21 those are located on the bottom of the page
22 also denoted with an F.

1 So basically the entire area that
2 we're looking at is fenced as a parking lot.
3 There are two main entrances that exist.
4 We'll only be using one for the purpose of the
5 event, which is where the large red arrow is
6 at the bottom of the page. And that is where
7 tickets will be issued or purchased, or
8 admission will be made and IDs checked at that
9 point.

10 The other entrance will be closed
11 off is where the medical, a red symbol there
12 is on the left hand side of the page, so
13 that's where the ambulance and emergency
14 personnel will be staged for easy access to
15 the street in case of emergency.

16 CHAIRPERSON MILLER: So where's
17 the beer going to be sold?

18 MR. BERGMAN: Basically all those
19 trucks in the middle will be dispensing.
20 There's a line of trucks down the center of
21 the plan there.

22 CHAIRPERSON MILLER: Next to the

1 red --

2 MR. BERGMAN: Yes, running right
3 from the red --

4 CHAIRPERSON MILLER: -- the R
5 circled? Those are all trucks?

6 MR. BERGMAN: Yes.

7 CHAIRPERSON MILLER: Okay, so are
8 they food or beer or both?

9 MR. BERGMAN: Those are beer in
10 the middle.

11 CHAIRPERSON MILLER: That's all
12 beer in the middle?

13 MR. BERGMAN: Yes, exactly.

14 CHAIRPERSON MILLER: Oh.

15 MR. BERGMAN: Last year we
16 featured over a hundred different styles.
17 Basically it's all craft beer from around the
18 world, what we specialize in as opposed to
19 just kind of be generic, macro brewed, fizzy
20 yellow stuff we like to call it. But this is
21 much more about the craft side of the
22 equation.

1 CHAIRPERSON MILLER: So how many
2 beer trucks?

3 MR. BERGMAN: That is eight.

4 CHAIRPERSON MILLER: Okay, that's
5 what you had last year too?

6 MR. BERGMAN: Yes. We actually
7 did a few more tents. The trucks were being
8 used elsewhere. It's just a lot easier to
9 manage, and with a paved surface it's a lot
10 easier for cleanup and setup and all those
11 kind of things.

12 CHAIRPERSON MILLER: So did you
13 estimate 7,000 people or something like that?

14 MR. BERGMAN: Yes, we said between
15 5,000 and 7,000 given the space. We know
16 Crafty Bastards did their event there a couple
17 weeks ago. They had many more than that so I
18 feel really comfortable with that.

19 We did about 7,000 last year.
20 Weather's always a factor as far as, you know,
21 expected attendance. We sold a little over a
22 thousand tickets to date, in advance so far,

1 which is about on pace with what we did last
2 year. So typically for these types of events
3 people like to see what the day's going to be
4 like and then show up.

5 CHAIRPERSON MILLER: Okay, so
6 compared to Crafty Bastards though the beer
7 here is more essential --

8 MR. BERGMAN: Absolutely, yes.
9 It's a beer event. Yes.

10 CHAIRPERSON MILLER: Does that
11 impact any of your arrangements?

12 MR. BABIN: I'm sure we have a
13 much more thorough control plan. I don't know
14 what Crafty Bastards was doing, but yes, this
15 is beer event and it's exactly the same event
16 we ran last year.

17 CHAIRPERSON MILLER: Okay.

18 MR. BABIN: Essentially.

19 MR. BERGMAN: You know, we secured
20 a security company. Allied Barton will be
21 policing the event with 50 different security
22 guards throughout the day. We used a

1 different company last year, but that was just
2 because of the site and a company that was
3 familiar with that park. So we went out and
4 contracted this company this year for that
5 purpose.

6 We were intending on using
7 reimbursable detail, but we didn't realize how
8 far in advance you had to request their
9 presence. So one of our event organizers,
10 he's actually retained a couple of Prince
11 George's County police officers to help us
12 with cash management security in particular,
13 but also to oversee the general security
14 company as well.

15 CHAIRPERSON MILLER: Okay. So
16 basically it's very similar to the event
17 you've had for the past three years, but
18 actually in a more controlled environment.

19 MR. BERGMAN: Exactly. We
20 actually have fences this year.

21 CHAIRPERSON MILLER: Right,
22 exactly.

1 MR. BERGMAN: As opposed to just
2 open boardwalks and everything else, which is
3 beautiful but --

4 CHAIRPERSON MILLER: Right.
5 Exactly.

6 MR. BERGMAN: Yes.

7 CHAIRPERSON MILLER: Okay, I don't
8 have any other questions right now. Other
9 board members? Mr. Alberti?

10 MEMBER ALBERTI: Good morning. A
11 couple quick questions.

12 MR. BERGMAN: Yes.

13 MEMBER ALBERTI: Have you talked
14 to MPD and let them know that this is going to
15 --

16 MR. BERGMAN: Absolutely. Yes,
17 we've been talking to a lot of different city
18 organizations.

19 MEMBER ALBERTI: Great. And how
20 many people do you expect at any one time?

21 MR. BERGMAN: Yes, you know, given
22 that it's not a very long event, meaning it's

1 about six hours, typically it's a little
2 slower at the beginning. Around the middle,
3 I would say probably, I think 5,000 is
4 probably the max at any one time.

5 MEMBER ALBERTI: So you'll allow
6 up to 5,000 in the event space?

7 MR. BERGMAN: We're allowing up to
8 7,000 by control of ticket sales.

9 MEMBER ALBERTI: Okay, but you're
10 -- okay. How large is the event space?

11 MR. BERGMAN: Say again, I'm
12 sorry?

13 MEMBER ALBERTI: What's the
14 dimensions of the event space? That's a lot
15 of people.

16 MR. BERGMAN: Yes, it is. I don't
17 have an exact square footage.

18 MR. BABIN: We do have it
19 somewhere. We've looked at the capacity. We
20 based it off of looking at last year. But
21 also we've had a lot of discussions with the
22 people who run the events who control the

1 Union Market and who run the events there.
2 The Crafty Bastards, I don't know what they
3 did this year, but last year on a single day
4 they estimated they had 17,000 people in this
5 exact same space.

6 MEMBER ALBERTI: Oh, in that same
7 space.

8 MR. BERGMAN: Yes.

9 MEMBER ALBERTI: Okay, I'm
10 familiar with the space then. It's quite
11 large. Okay.

12 MR. BERGMAN: Yes, it is.

13 MEMBER ALBERTI: It's hard to tell
14 on this map.

15 MR. BERGMAN: Yes, sorry. It's a
16 little 8-1/2 by 11 piece of paper, but it's
17 much bigger than this.

18 MEMBER ALBERTI: And where's the
19 name Snallygaster come from?

20 MR. BABIN: Snallygaster was like
21 a monster that was sighted in the area around
22 the turn of the century, so Theodore Roosevelt

1 hunted it apparently.

2 MEMBER ALBERTI: In that area?

3 MR. BABIN: It was in Maryland,
4 D.C. area. Yes.

5 MEMBER ALBERTI: Okay, before it
6 was so developed. Okay, great. Thank you.
7 I have no further questions.

8 CHAIRPERSON MILLER: Other board
9 questions? Mr. Jones, do you have some
10 questions?

11 MEMBER BROOKS: I think the only
12 question that I have is still dealing with,
13 and I understand, and I know where the space
14 is and I know it's all fenced in.

15 MR. BERGMAN: Yes.

16 MEMBER BROOKS: And so it is a
17 very controlled environment. My only issue is
18 dealing with the PG police officers.

19 MR. BERGMAN: Sure. It's a more
20 of a private arrangement as far as having
21 security minded people help us with our cash
22 management that day. They're more concerned

1 with that. When you have general, the Allied
2 Barton Company will be handling security for
3 patrons.

4 MEMBER BROOKS: Okay. But if
5 anything happens where you need police
6 presence, what do you plan on doing?

7 MR. BERGMAN: That's a 911 issue
8 because obviously there won't be a
9 reimbursable detail on site.

10 MEMBER BROOKS: Right.

11 MR. BERGMAN: I will say we've had
12 this experience in the restaurants as well.
13 I feel like the environment that you create
14 directly, you get back the behavior in your
15 patrons. The kind of what you put out, if you
16 so please.

17 We have very few incidents in any
18 of our restaurants, I think, by the way of how
19 we conduct business. And last year, like I
20 said, was a really successful event from that
21 point of view as well. It was just a very
22 good vibe all around.

1 MR. BABIN: No incidents
2 whatsoever.

3 MR. BERGMAN: No, not even one. I
4 was running around all day with my feet in
5 everything and it went really well.

6 MEMBER BROOKS: All right. MEMBER
7 JONES: Dealing with the wristbands, is this
8 something that can be duplicated easily? Like
9 what type of wristbands do you plan on using?

10 MR. BERGMAN: We actually ordered
11 custom wristbands printed so that basically
12 anyone over 21 will receive a wristband, and
13 anyone under 21 will not. So as opposed to
14 doing two different colors or anything like
15 that, we thought it would be much easier to
16 identify just wristband or no wristband. Same
17 thing that we do for purchasing, which is you
18 don't do cash at the point of transaction.
19 You're buying tickets.

20 MEMBER JONES: Tickets, okay.

21 MR. BERGMAN: Yes, which we also
22 print for the same reason of, you know, not

1 just going to Staples and buying a roll of,
2 you know, raffle tickets. This particular
3 thing, in fact, with the wristband. Same
4 thing we did last year as well which we had a
5 lot of success with.

6 MEMBER JONES: What's going to be
7 printed on the wristband?

8 MR. BERGMAN: It's the
9 Snallygaster branding that we've created.

10 MEMBER JONES: As far as when you
11 purchase a beer, how is that going to come to
12 the customer? What type of, is it in the cup
13 --

14 MR. BERGMAN: Yes, it's a plastic
15 cup.

16 MEMBER JONES: It's a plastic cup.
17 No type of insignia on the cup, just a regular
18 plastic cup?

19 MR. BERGMAN: That's correct.

20 MEMBER JONES: Are you guys
21 selling sodas and those types of things?

22 MR. BERGMAN: Absolutely.

1 MEMBER JONES: So what does that
2 come in?

3 MR. BERGMAN: That's like cans.

4 MEMBER JONES: Okay. So you could
5 clearly distinguish what's --

6 MR. BERGMAN: For sure. And it's
7 clear plastic, so --

8 MEMBER JONES: Okay.

9 I think I'm done.

10 CHAIRPERSON MILLER: Okay. I just
11 want to ask you, could you explain what the
12 Neighborhood Restaurant Group actually is, or
13 who they are?

14 MR. BABIN: Who we are?

15 CHAIRPERSON MILLER: Who you are,
16 the Neighborhood Restaurant Group, yes.

17 MR. BABIN: I opened a restaurant
18 17 years ago in Alexandria called the Evening
19 Star Cafe, and then started calling the group
20 that owns the restaurants the Neighborhood
21 Restaurant Group after that. They're all
22 actually independent restaurants.

1 So we have several in Alexandria
2 and Arlington. Vermilion, Rustico, Columbia
3 Firehouse, Buzz. We have several in
4 Arlington. Tullula, EatBar, another Rustico,
5 another Buzz. And we have Birch & Barley and
6 ChurchKey in D.C., GBD, Golden Brown and
7 Delicious donuts and fried chicken on Dupont.

8 Red Apron is a butcher shop in
9 Union Market and down in, we actually have one
10 in Fairfax County. And we're getting ready to
11 open Blue Jacket Brewery and Restaurant near
12 the ballpark and another place on D Street in
13 Penn Quarter, another Red Apron butcher shop.

14 CHAIRPERSON MILLER: Okay, so
15 they're all your entities?

16 MR. BABIN: The ownership
17 structure is different in every case.

18 CHAIRPERSON MILLER: Okay.

19 MR. BABIN: And Erik and other
20 members of the operating team are owners as
21 well of individual businesses, and they all
22 just operate under the auspices of

1 Neighborhood Restaurant Group.

2 CHAIRPERSON MILLER: Okay, thank
3 you. All right. Any other questions?

4 Mr. Silverstein?

5 MEMBER SILVERSTEIN: Just a brief
6 comment. You folks did an excellent job last
7 year. Expect to see the same this year.

8 MR. BERGMAN: Thanks very much.

9 MR. BABIN: Thank you. Appreciate
10 that.

11 CHAIRPERSON MILLER: Okay, I guess
12 we're ready to sign off.

13 MR. BERGMAN: Thank you all for
14 your time. We really appreciate it.

15 (Whereupon, the foregoing matter
16 went off the record at 10:49 a.m.)

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