

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

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IN THE MATTER OF: :
: :
Dancing Crab of Washington :
Harbour, Ltd Partnership t/a : Fact-
Tony & Joe's Seafood Place : Finding
3000 K Street, NW : Hearing
Retailer CR - ANC-2C :
License No. 10762 :
: :
(One Day Substantial Change :
Application (New Year's :
Celebration) :
Date of Event: 12/31/2013 :
Size of Event: 1000-1500 :
Attendees :
p-----¼

November 13, 2013

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

ALSO PRESENT:

KOFI APRAKU, ABRA Investigator

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

(10:25 a.m.)

CHAIRPERSON MILLER: Dancing Crab
of Washington.

CHAIRPERSON MILLER: Oh, yeah,
yeah, okay. Sorry.

INVESTIGATOR APRAKU: No problem.

CHAIRPERSON MILLER: Thank you.
Okay.

MEMBER ALBERTI: Thank you, Mr.
Apraku.

CHAIRPERSON MILLER: Good morning.

MR. CASTEN: Good morning. Hi.

CHAIRPERSON MILLER: Hi.

MR. CASTEN: Greg Casten, PPT,
Inc.

CHAIRPERSON MILLER: I'm sorry,
could you say your name again?

MR. CASTEN: Gregory Casten, C-A-
S-T-E-N. It's PPT, Inc. t/a Nick's Riverside
Grill and Dancing Crab of Washington Harbour
t/a Tony & Joe's.

1 CHAIRPERSON MILLER: Got it.

2 Thank you.

3 MR. CASTEN: The licensee.

4 CHAIRPERSON MILLER: Got it.

5 Okay.

6 INVESTIGATOR APRAKU: Investigator
7 Kofi Apraku. The last name is spelled A-P-R-
8 A-K-U from ABRA.

9 CHAIRPERSON MILLER: Okay. Thank
10 you. So this one seems hopefully even more
11 simpler. This is just a substantial change
12 application to use a certain space.

13 MR. CASTEN: Essentially what I'm
14 requesting is to use the space that I have for
15 alcohol at the two restaurants, but to be able
16 to take the drink from one restaurant and
17 travel 15 feet to the other without discarding
18 the drink and getting a new one there. But
19 the entire event is within the boundaries of
20 both the two alcohol-licensed establishments.
21 They just want to connect through a night.

22 I have a drawing here if you want

1 it. And then I'll show you where the doormen
2 are placed, if you will. So they can just
3 walk from one tent over to the other, that's
4 what I'm requesting. Not any special use or
5 any additional space --

6 CHAIRPERSON MILLER: Right.

7 MR. CASTEN: -- for the event.

8 Merely walk through -- and I will say that the
9 public will walk through that area as well,
10 because it's the access from the skating rink
11 area up to the upper fountain. I made like
12 three copies if that helps you.

13 CHAIRPERSON MILLER: Okay.

14 MR. CASTEN: That's what I did,
15 but that's color coordinated. That's what I'm
16 asking for. An event from 9:00, which is
17 slated to be from 9:00 to 1:00. I put 9:00 to
18 1:30, I believe, for alcohol beverage, which
19 is within the confines of our license. I
20 haven't asked for extended hours or anything
21 of that nature. But I just don't want to make
22 a mistake and have somebody with a drink tell

1 you it's 1:00.

2 We are going to be saying last
3 call at 1:00, I can tell you that as far as
4 the event itself. I would rather license it
5 outside of that period of time. And actually
6 the event is, you know, essentially all you
7 can eat, all you can drink. There will be
8 food throughout. There will be drink
9 throughout in both the establishments with a
10 single entry ticket price for over 21 only.

11 The demographic is 25 to, you
12 know, 80, but 45, you know, maybe 50. And
13 it's an event that we have done historically
14 for about a decade except for those two years
15 when the establishments were not in a
16 situation to hold the event because of a
17 flood.

18 CHAIRPERSON MILLER: Right, okay.
19 So it's not fenced off or anything. It's just
20 an open area?

21 MR. CASTEN: No, the outside has a
22 boundary as it does within -- always. And

1 there will be a tent over both bars. Nobody
2 generally goes outside and both the spaces are
3 built now that the doors open completely, so
4 there is not even one -- I mean, even from a
5 fire exit standpoint, there is a huge mask to
6 get out if they wanted to all at once.

7 CHAIRPERSON MILLER: Okay.

8 MR. CASTEN: It's not really
9 denoted here, but --

10 CHAIRPERSON MILLER: And you did
11 this last year. Is that right?

12 MR. CASTEN: Yes.

13 CHAIRPERSON MILLER: Okay. And it
14 worked out fine?

15 MR. CASTEN: It was no problem at
16 all.

17 CHAIRPERSON MILLER: Okay. Mr.
18 Alberti, you have questions?

19 MEMBER ALBERTI: I'm going to ask
20 you the same question I asked last year.

21 MR. CASTEN: Sure.

22 MEMBER ALBERTI: Which

1 establishment -- in case there is a violation,
2 we don't anticipate it, but if there was a
3 violation that couldn't be attributed to
4 either establishment, what license would be
5 ultimately responsible?

6 MR. CASTEN: I think I made the
7 claim and Tony/Dancing Crab of Washington
8 Harbour -- or the request, not claim at
9 Dancing Crab of Washington Harbour.

10 MEMBER ALBERTI: Great. We will
11 put that on the record. Great.

12 MR. CASTEN: And that's the top
13 biller on the --

14 MEMBER ALBERTI: Gotcha.

15 MR. CASTEN: -- when we advertise
16 it.

17 MEMBER ALBERTI: All right. Thank
18 you.

19 MR. CASTEN: Thank you.

20 CHAIRPERSON MILLER: Okay. Mr.
21 Brooks?

22 MEMBER BROOKS: Thank you, Madam

1 Chair.

2 CHAIRPERSON MILLER: Yes.

3 MEMBER BROOKS: Mr. Casten, now
4 don't you have an outside seating area?

5 MR. CASTEN: Correct.

6 MEMBER BROOKS: Is that a part of
7 this?

8 MR. CASTEN: I'm sorry?

9 MEMBER BROOKS: Is that a part of
10 the schematic here?

11 MR. CASTEN: Correct.

12 MEMBER BROOKS: And where is that?

13 MR. CASTEN: If you look on the
14 schematic --

15 MEMBER BROOKS: Uh-huh.

16 MR. CASTEN: -- pretty much the --
17 I mean, if you look here this blue and this
18 blue are the outside bars.

19 MEMBER BROOKS: Uh-huh.

20 MR. CASTEN: And then this line,
21 the firm line denotes the lease space that we
22 have from the landlord and that is all

1 outside, except the inside. You see the shape
2 of the building inside that -- you know, the
3 darker line that is hand-drawn.

4 MEMBER BROOKS: Okay. So you
5 would have outside seating during this time?

6 MR. CASTEN: Correct.

7 MEMBER BROOKS: Oh, okay.

8 MEMBER ALBERTI: And it's tented?
9 Is that what you are saying?

10 MR. CASTEN: The part that we use
11 for this event is tented.

12 MEMBER ALBERTI: Okay.

13 MR. CASTEN: Back where we put
14 some additional Porta Potties and johns that
15 is roped off and not tented with security
16 personnel to make sure they don't leave it
17 marked, no drinks beyond this.

18 MEMBER BROOKS: And the \$90 ticket
19 cost, is that for food and drink?

20 MR. CASTEN: Everything. Food all
21 night, drink all night, yeah.

22 MEMBER BROOKS: Okay. So it's

1 open bar.

2 MR. CASTEN: Correct.

3 MEMBER BROOKS: Okay. Okay.

4 MEMBER ALBERTI: It's a good deal.

5 MR. CASTEN: Yes.

6 MEMBER BROOKS: Okay. That's all
7 I have, Madam Chair.

8 CHAIRPERSON MILLER: Okay. Mr.
9 Apraku?

10 INVESTIGATOR APRAKU: Yes. How
11 many people did you get last year and how many
12 people do you anticipate getting this year?

13 MR. CASTEN: Last year there were
14 about 900.

15 INVESTIGATOR APRAKU: 900.

16 MR. CASTEN: And I anticipate
17 1,200 to 1,300. 1,350 would be capacity.

18 INVESTIGATOR APRAKU: Okay.
19 1,300. And then there will be seats
20 available?

21 MR. CASTEN: There will be some
22 seating available and then a lot of the seats

1 will be moved out of the establishment.

2 INVESTIGATOR APRAKU: Okay.

3 MR. CASTEN: But there won't be
4 1,200 seats available, but there will be 300
5 seats available.

6 INVESTIGATOR APRAKU: Okay. Now,
7 for the people who won't be sitting down, will
8 they all be contained? I mean, I'm just
9 trying to get a visual here --

10 MR. CASTEN: That's fine.

11 INVESTIGATOR APRAKU: -- of one of
12 them coming from one side of -- one restaurant
13 to another restaurant and there being
14 security.

15 MR. CASTEN: Okay. So the -- I
16 would love to show you around because I don't
17 know that I met you down there. But
18 basically, we will have a band in one area and
19 a DJ in the other. And so the people migrate
20 through the other -- and then just a little
21 bar activity and then a dining area as well
22 all in different places.

1 And so what we will do is we will
2 have a doorman and this was an issue with the
3 Board last year that we discussed. We will
4 have a doorman with a count for the particular
5 room based on the room occupancy. So inside
6 of Tony & Joe's, I want to say, that is 300.
7 Maybe 294. So when he hits that number, then
8 we push people to other areas by saying this
9 area is closed.

10 Then in the facility you can see
11 that that's actually very easy to handle and
12 negotiate.

13 INVESTIGATOR APRAKU: All right.
14 Thank you.

15 CHAIRPERSON MILLER: Any other
16 questions? Do you have any questions for us,
17 besides whether we will approve?

18 MR. CASTEN: Thank you very much.
19 No, I don't.

20 CHAIRPERSON MILLER: Okay. Okay.
21 It looks good to me. You had it last year.
22 Did you have it another year or just one?

1 MR. CASTEN: Yes, we did, yeah.

2 CHAIRPERSON MILLER: This is your
3 -- which year is this doing this, second or
4 third?

5 MR. CASTEN: This actual event?

6 CHAIRPERSON MILLER: Yes.

7 MR. CASTEN: I've been doing it
8 for 12 years, but this is the second year
9 since the flood.

10 CHAIRPERSON MILLER: Right. Were
11 you using the outside?

12 MR. CASTEN: Using the outside.

13 CHAIRPERSON MILLER: Right.

14 MR. CASTEN: Using the whole space
15 on both, right.

16 CHAIRPERSON MILLER: Okay.

17 MR. CASTEN: And now there is the
18 skating rink down there, so it's even more
19 defined, which is actually what got better.

20 CHAIRPERSON MILLER: Great.

21 MR. CASTEN: It's a much easier
22 situation. And there is three jurisdictions

1 of police involved between the, you know,
2 whole harbour issue who has jurisdiction there
3 or not. I have talked to 5D or 2D and I have
4 also talked to the Park Police there. The
5 Park Police are there every day. They are the
6 real enforcers of the harbour, because of the
7 boat activity.

8 CHAIRPERSON MILLER: Okay. So
9 there are other establishments down there
10 having New Year's events, too, right?

11 MR. CASTEN: I don't know the
12 answer to that.

13 CHAIRPERSON MILLER: Oh.

14 MR. CASTEN: I'm sure Sequoia will
15 do something. I can't believe they won't.

16 CHAIRPERSON MILLER: Yes.

17 MR. CASTEN: Fishers & Farmers,
18 which is inside last year they did not. They
19 just opened to the -- you know, and the
20 skating rink does a big thing, so the skating
21 rink is open. There is a lot of activity, a
22 lot of bright lights, a lot of safe

1 atmosphere. It's not a crazy crowd by any
2 stretch of the imagination. I don't want it
3 to be a crazy crowd.

4 CHAIRPERSON MILLER: Um-hum, okay.
5 Good. All right.

6 INVESTIGATOR APRAKU: Can I ask
7 one more or so questions?

8 CHAIRPERSON MILLER: Yes.

9 INVESTIGATOR APRAKU: What about
10 how are you going to identify the people who
11 are participating? Is there like a wristband?

12 MR. CASTEN: Correct.

13 INVESTIGATOR APRAKU: There's a
14 wristband.

15 MR. CASTEN: Yes.

16 INVESTIGATOR APRAKU: Okay.

17 MR. CASTEN: 21 or over --

18 INVESTIGATOR APRAKU: Okay.

19 MR. CASTEN: -- to get in.

20 INVESTIGATOR APRAKU: Okay. And
21 then are there other -- what are the entryways
22 to get in? Is it like people come from the

1 boardwalk?

2 MR. CASTEN: So if you look here
3 and you see, you know, I marked in orange.
4 And the color code goes with your
5 questionnaire on the backside. This way over
6 here and over here are the only two entrances
7 into the event at all. And then back here
8 which is just a pass-through, it's not an
9 entrance-way.

10 So there will be a walk-around.
11 You would actually have to be in this
12 boundaried area which will be protected by
13 security to prevent people from coming in.
14 You know, I don't want them to come in unless
15 they paid.

16 INVESTIGATOR APRAKU: Exactly.

17 MR. CASTEN: And I certainly don't
18 want them to come in if they are underage and
19 trying to get in underage.

20 INVESTIGATOR APRAKU: Okay.

21 MR. CASTEN: That's my sense of
22 security. And this is the area between the

1 two elevations, if you will, is where the
2 general public will also be able to go around
3 and pass.

4 INVESTIGATOR APRAKU: Okay. All
5 right.

6 MR. CASTEN: And if you come down,
7 I'll give you my card and I'll walk you
8 through the place.

9 INVESTIGATOR APRAKU: Okay.

10 MR. CASTEN: I have done more than
11 a couple of -- a number of other
12 Investigators.

13 INVESTIGATOR APRAKU: Absolutely.

14 MR. CASTEN: And of course I don't
15 have a card.

16 INVESTIGATOR APRAKU: Thank you.

17 MR. CASTEN: I do have my official
18 card.

19 CHAIRPERSON MILLER: Okay. Thank
20 you. We have actually signed off.

21 MR. CASTEN: Thank you.

22 INVESTIGATOR APRAKU: Thank you.

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MEMBER ALBERTI: Thank you.

MR. CASTEN: Thank you.

CHAIRPERSON MILLER: Thank you.

MR. CASTEN: Uh-huh.

(Whereupon, the Fact-Finding
Hearing in the above-entitled matter was
concluded at 10:35 a.m.)

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