

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD
4

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6 IN THE MATTER OF: :
7 Pub Crawl :
8 Applicant: Cheryl Kirk : Fact Finding
9 Date of Event: 12/19/15 : Hearing
10 Event: 5th Annual Snow Day :
11 Bar Crawl :
12 Neighborhood: Multiple :
13 Licensed Premises :
14 Size of Event: 2000-3000 :

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16

17 Wednesday, December 2, 2015

18

19 Whereupon, the above-referenced matter
20 came on for hearing at the Alcoholic Beverage
21 Control Board, Reeves Center, 2000 14th Street,
22 N.W., Suite 400S, Washington, D.C. 20009.

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CHAIRPERSON:

DONOVAN ANDERSON, Presiding

BOARD MEMBERS:

RUTHANNE MILLER

NICK ALBERTI

MICHAEL SILVERSTEIN

JAMES SHORT

ALSO PRESENT:

CHERYL KIRK, Applicant

On behalf of NIBEK Events, SnowDay Bar Crawl

KEVIN PUENTE, Investigator

On behalf of ABRA

CRAIG STEWART, Supervisor/Investigator

On behalf of ABRA

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

2 [11:08 a.m.]

3 CHAIRMAN ANDERSON: The next fact-finding
4 case on the agenda today is -- it's the Fifth
5 Annual SnowDay Bar Crawl, Multiple Licensed
6 Premises.

7 And I guess the applicant is Cheryl Kirk.

8 MS. KIRK: Good morning.

9 CHAIRMAN ANDERSON: Good morning.

10 (Pause)

11 MS. KIRK: My name is Cheryl Kirk, C-H-E-
12 R-Y-L, last name is Kirk, K-I-R-K, and this
13 should be actually under NIBEK Events; not my
14 name and not under SnowDay.

15 CHAIRMAN ANDERSON: I'm sorry. Repeat
16 what -- I didn't hear what you said.

17 MS. KIRK: The fact-finding should be
18 under NIBEK Events, which is what the --

19 CHAIRMAN ANDERSON: Can you --

20 MS. KIRK: -- request was for.

21 CHAIRMAN ANDERSON: -- spell that? I
22 mean, I --

1 (Simultaneous discussion)

2 CHAIRMAN ANDERSON: On the calendar
3 today, it says Fifth Annual Snow -- so, I guess
4 you're changing the record?

5 MS. KIRK: For the record -- yes. For
6 the record, it should be under NIBEK, N-I-B-E-K
7 Events.

8 (Discussion off the record)

9 MS. KIRK: And I believe that was what
10 the permit request was --

11 CHAIRMAN ANDERSON: The license -- it
12 says NIBEK Event/SnowDay Bar Crawl.

13 MS. KIRK: Correct.

14 CHAIRMAN ANDERSON: So, that's what on
15 the actual application.

16 MS. KIRK: Correct. So, SnowDay Bar
17 Crawl is basically the event that NIBEK Events
18 will be supporting.

19 CHAIRMAN ANDERSON: All right. Again,
20 this is not an adversarial hearing, but rather,
21 an opportunity to gather facts --

22 MS. KIRK: Yes, sir.

1 CHAIRMAN ANDERSON: -- on the matter.
2 And so, I'll have -- in order for us to make a
3 determination whether or not this is an
4 appropriate action.

5 (Discussion off the record)

6 CHAIRMAN ANDERSON: So, can I also have
7 you guys introduce yourselves for the record, and
8 spell your name, please.

9 MR. PUENTE: Kevin Puente, P-U-E-N-T-E.
10 I'm an ABRA investigator.

11 MR. STEWART: Supervisor/investigator
12 Craig Stewart, S-T-E-W-A-R-T.

13 CHAIRMAN ANDERSON: All right. Now, can
14 you give us some information -- tell us what the
15 concept -- what's this that you're applying for?

16 MS. KIRK: So, this is the bar crawl that
17 is requested for the district. We've done four
18 previous in the district for SnowDay, but we've
19 also done multiple permit requests, and approvals
20 have been provided.

21 We've had four so far this year. We've
22 had -- I believe it was President's Day, the

1 Bunny Hop, '80s Bar Crawl and '90s Bar Crawl.

2 All permits were requested and approved
3 for 2015. This will be the fifth one for the
4 district for this year.

5 CHAIRMAN ANDERSON: Now, tell me about --
6 how did -- when was the last even you had? I'm
7 sorry?

8 MS. KIRK: It would have been the '80s
9 Bar Crawl, and I believe that was October. I'd
10 have to go back and look at the date.

11 CHAIRMAN ANDERSON: Was that Halloween,
12 or was that -- that's not -- or it's separate?

13 (No response heard)

14 CHAIRMAN ANDERSON: Was it around
15 Halloween?

16 MS. KIRK: No. I'd have to actually look
17 online to see exactly the date.

18 CHAIRMAN ANDERSON: No, you said October,
19 that's what I was --

20 MS. KIRK: Yeah, October, November.

21 CHAIRMAN ANDERSON: So tell me, how did
22 that event went (sic)? About how many people

1 attended, and how did that get --

2 MS. KIRK: I believe it had about 600
3 people that attended. There were no issues.
4 Basically, we sign up multiple bars to basically
5 participate.

6 You know, they register front line or --
7 front line -- sorry, wrong company -- Front Page,
8 right, bar, and basically, process through where
9 they're ID'd, given their wrist band and their
10 mug.

11 And we check the tickets that have been -
12 - they have procured, and then off they go to the
13 different participating bars.

14 CHAIRMAN ANDERSON: Were there -- are you
15 aware of any public safety issues that came about
16 in the last event or the previous events that you
17 have had?

18 MS. KIRK: No. We have not been apprised
19 of any issues. We are in contact with the local
20 police. We provide background prior to the
21 event, and then, we also do a follow up when
22 we've been not apprised of any issues. And we

1 also follow up with all the bars. So, we make
2 sure that there are no concerns.

3 CHAIRMAN ANDERSON: Now, I'm also new to
4 this, so forgive me. Is this within the same
5 vicinity?

6 This bar crawl that you are requesting,
7 is it in the same vicinity as the one that was
8 done in October, or is this a different area?

9 MS. KIRK: No, they're duplicate. Every
10 one of them are the same bars each and every
11 time. So, there's been no change over five
12 years.

13 CHAIRMAN ANDERSON: And what are the
14 specific bars that will be participating in this
15 event?

16 MS. KIRK: I'll pull it up.

17 (Discussion off the record)

18 CHAIRMAN ANDERSON: All right. On, the
19 application, you have the Irish Whiskey, Rumors,
20 Mad Hatter, Public Bar, Processions, Rumors, OZO,
21 Sign of the Whale, Dirty Bar, Dirty Martini, the
22 Bottom Line, the Huxley, Buffalo Billiards.

1 Have there been any changes from these
2 establishments?

3 MS. KIRK: No, sir. They are exactly the
4 same.

5 CHAIRMAN ANDERSON: No? So, these are
6 the establishments?

7 MS. KIRK: Yes.

8 CHAIRMAN ANDERSON: And I know in your
9 application that you have stated that you have
10 confirmed with ABRA that there have been no
11 outstanding issues with any of these
12 applications.

13 Have you had any indications subsequent
14 to your application that any of these
15 establishments might have had any ABRA concerns?

16 MS. KIRK: Not to my knowledge.

17 CHAIRMAN ANDERSON: Not to your
18 knowledge? Okay. All right.

19 Are there any -- it appears -- I was
20 about to say are there any board members who have
21 questions, and I know there is. So go ahead, Mr.
22 ALBERTI.

1 MR. ALBERTI: I'm going to jump right
2 into a couple of issues here.

3 First of all, you may not know this, but
4 on Halloween, we had (Inaudible portion) -- for
5 which there are many concerns.

6 MS. KIRK: Okay.

7 MR. ALBERTI: And one of the allegations
8 against two of the promoters was that they
9 oversold tickets. So, this is a warning
10 (Laughter). You have two to three thousand here.

11 MS. KIRK: Right.

12 MR. ALBERTI: Stern warning. Do not
13 exceed 3,000.

14 If we approve you, it'll be a big no no
15 (Laughter) with big consequences if you exceed
16 that number.

17 MS. KIRK: Okay.

18 MR. ALBERTI: So, just be forewarned.

19 MS. KIRK: Yes, sir.

20 MR. ALBERTI: This also -- my next
21 comment also relates to what happened on
22 Halloween from these other promoters.

1 Several establishments -- there's an
2 allegation that several establishments contracted
3 with an unlicensed bar crawl. And it concerns
4 me. We haven't sorted that out. We haven't had
5 a hearing on it. So they are only allegations at
6 this time.

7 But it's a very concerning matter for us,
8 and because of that, any of those establishments
9 who allegedly participated with the unlicensed
10 bar crawl are a concern to me, and I would want -
11 - not want them to be part of another bar crawl
12 until the board can sort out what happened on
13 Halloween.

14 MS. KIRK: We're quite fine with that.

15 MR. ALBERTI: Fine.

16 MS. KIRK: If there's anybody on the list
17 who is --

18 MR. ALBERTI: So, there are four on the
19 list.

20 MS. KIRK: Okay.

21 MR. ALBERTI: And you're fine with
22 eliminating those, if --

1 MS. KIRK: Absolutely.

2 MR. ALBERTI: So, the four on the list
3 are Mad Hatter, Sign of the Whale, Dirty Martini
4 and Buffalo Billiards.

5 Again, I emphasize, my concerns are only
6 allegations at this time against those
7 establishments, but those concerns are so severe
8 that I can't move forward until I hear the facts
9 and learn what happened on Halloween. But since
10 you're willing to eliminate those --

11 MS. KIRK: Yes, sir.

12 MR. ALBERTI: -- I'm please. I have no
13 other comments.

14 CHAIRMAN ANDERSON: Any other board
15 member? Yes, Mr. Silverstein?

16 MR. SILVERSTEIN: I want to thank board
17 member ALBERTI. I live within eyesight of a
18 number of these establishments, and I have been
19 one of the biggest supporters of the pub crawls.

20 But I think that's important that we
21 underscore in a public meeting, exactly what
22 we're talking about. There were two simultaneous

1 pub crawls, legal ones, on Halloween, and an
2 illegal one.

3 The crowds were so rowdy, that
4 establishments, retail establishments in the
5 Connecticut Avenue corridor had to close early
6 for fear for their customers' safety and the
7 safety of their staff.

8 Extra police had to be brought in,
9 including mounted units. This was something that
10 was so beyond what we had envisioned, that we
11 have to make absolutely certain that it not occur
12 again.

13 And it does -- this type of situation
14 does cross the threshold of imminent danger to
15 the public, and that is why we're taking the
16 steps, or why we want to make sure that those who
17 participated in the illegal pub crawl, if in
18 fact, that did happen, have some penalty, and
19 that these events can happen safely.

20 I'm sorry if it -- you folks have an
21 excellent record.

22 MS. KIRK: Yes, sir. We try to keep it

1 that way.

2 MR. SILVERSTEIN: But our primary concern
3 is for the public, and it's not just you folks,
4 but also, those who participate with you.

5 I wish you well, but we would be remiss
6 if we did not take the steps that we need to take
7 to ensure public safety.

8 MALE SPEAKER: Thank you.

9 MS. KIRK: I echo your concerns.

10 MS. MILLER: Mm-hmm.

11 CHAIRMAN ANDERSON: Yes, Mr. Short?

12 MR. SHORT: Okay. I'd like to ask you
13 this: If this permit is granted for you to have
14 a bar crawl, and you find out that there is
15 illegal activity going on at the same as you're
16 having yours, what steps would you take?

17 MS. KIRK: Well, unfortunately our term -
18 - if we can find out who they are, we will sue
19 them.

20 MR. SHORT: Now, before you sue them
21 (Laughter) -- because you're suing them way after
22 the event. So, the things that were just

1 described by --

2 MS. KIRK: So, the only thing we can do,
3 sir, and I don't know how to you know, take it
4 off the table, is for us to stop registration
5 right then and there.

6 The harder part is, is that you've got
7 people who have paid for tickets. Right? So,
8 I'm not sure how we control somebody's illegal
9 activity.

10 MR. SHORT: Can I make a suggestion?

11 MS. KIRK: Yes, sir. I'll be happy to
12 listen.

13 MR. SHORT: You call ABRA right away, and
14 you call metropolitan police right away.

15 MS. KIRK: I'd be happy to.

16 MR. SHORT: You do those things right
17 away. You don't wait until two weeks later to
18 talk about suing someone after you've had to shut
19 down half of Connecticut Avenue.

20 MS. KIRK: Oh, absolutely. If we find --

21 MR. SHORT: If we break --

22 MS. KIRK: Yes, sir?

1 MR. SHORT: Excuse me for cutting you
2 off.

3 If you should be granted this permission,
4 and you find out something illegal is happening
5 even before your event, will you tell this board
6 now that you're going to do all you can to work
7 with the police department, to find out who it
8 is, cut them off before they get started?

9 And if it happens during the night that
10 you are having your event, or the evening that
11 you're having your event, that you immediately
12 contact ABRA, our investigators and MPD and let
13 everybody know right away what's going on?

14 MS. KIRK: Yes, sir. In fact, I will go
15 further to request that I would like to have
16 emergency operations numbers to make a phone call
17 or two or three or four or ten. Whatever I need
18 to do.

19 MR. SHORT: You can contact our attorney,
20 and they should be able to provide you with that.

21 MR. SILVERSTEIN: If you talk to one of
22 our investigators, they'll give you the number.

1 MS. KIRK: Yes, absolutely.

2 MR. SILVERSTEIN: Yeah (Laughter).

3 CHAIRMAN ANDERSON: Let me add
4 (Inaudible) at this point.

5 (Simultaneous discussion)

6 MR. SILVERSTEIN: And if I may add one
7 other thing, very briefly. And if you find out
8 that anybody is running an unauthorized pub crawl
9 or trying to do something involving that, let us
10 know that, and let us know that ahead of time.

11 MS. KIRK: Absolutely.

12 MR. SILVERSTEIN: So that we can work
13 together.

14 MS. KIRK: So, my commitment to you will
15 be that if we see anything online, because
16 obviously, the social media is talking, and I do
17 that for a living on my day job, because I work
18 for the National Security Agency.

19 So, I will be looking and monitoring
20 social media. If I find that there's illegal use
21 taking place, I will be happy to make a phone
22 call way before the 19th of December.

1 MR. SILVERSTEIN: I thank you for that
2 (Laughter), and I thank Board Member Short for
3 bringing that matter up.

4 (Simultaneous discussion)

5 MS. KIRK: That won't be a problem
6 (Laughter). Not even a little.

7 CHAIRMAN ANDERSON: What are the hours of
8 the event?

9 MS. KIRK: The hours of the event -- the
10 bars will usually go from two till ten to offer
11 the specials. If you want them to get a
12 different time frame, just let us know.

13 CHAIRMAN ANDERSON: No, okay.

14 MS. KIRK: But the actual registration
15 takes place from two till six, and usually, we'll
16 back that up and do it like 1:30 till 5:30,
17 because of dark.

18 I just don't like registration -- people
19 walking with money, those kinds of things during
20 that time frame.

21 CHAIRMAN ANDERSON: Gotcha.

22 MS. KIRK: So, with it being dark early.

1 So, for security purposes, for safety issues
2 associated with the patrons, we try to get
3 registration done by 5:30, and pack up, and you
4 know, basically be gone.

5 CHAIRMAN ANDERSON: Okay.

6 MS. KIRK: And then, nobody can get bands
7 and those kinds of things after that.

8 CHAIRMAN ANDERSON: All right. Any other
9 -- yes, Ms. Miller?

10 MS. MILLER: Yeah, I have a few
11 questions.

12 First, I want to thank you for running
13 great pub crawls. I think that we've worked with
14 you over the years, and so I think there are --

15 (Simultaneous discussion - Ms. Miller's
16 comments inaudible)

17 MS. MILLER: -- good procedures in place
18 (Inaudible) that make sure that all of your
19 (Inaudible).

20 I think you should be concerned, too, I
21 think, because we have been going through these
22 (Inaudible) and think, oh, Arlington has problems

1 but (Inaudible portion) --

2 (Simultaneous discussion)

3 MS. MILLER: But this raises the alarm
4 with us. And so, I think that those who are good
5 players in the industry might want to see what
6 you can do about stopping the bad players.

7 I wanted to ask you if -- maybe in your
8 pub crawls in general, how do your establishments
9 know that they're participating in a licensed pub
10 crawl?

11 MS. KIRK: So, essentially, when they are
12 -- for the district -- and of course, we hold
13 them in other cities, as well.

14 And each city, each environment is
15 different in how it's overseen. Right? Has its
16 oversight. So essentially, the bars are
17 contacted. They have contracts they sign, and
18 they all know that ABRA has to provide the permit
19 prior to them participating.

20 So, from the standpoint of the
21 coordination, they have been instructed that we
22 obviously have to have the permit from ABRA for

1 it to take place. So, it's not like they are not
2 aware.

3 And obviously, because they have to have
4 the oversight just to run their businesses here,
5 I would think it all goes hand in hand.

6 MS. MILLER: And your participants have
7 to wear something that identifies them as part of
8 the pub crawl.

9 MS. KIRK: Yeah. So, they have specific
10 bands that are provided -- wrist bands. They are
11 put -- obviously, placed by the NIBEK Event
12 staff. So, it's not like they just get handed
13 out where they can just hand them off to
14 whomever. So that way, we're controlling
15 anything that's under age, those kinds of things.

16 The other piece that we do is make sure
17 that with the particular bars that are
18 participating, that they're basically double --
19 their IDs are double touched.

20 We touch them. We review them. They're
21 also touched again, before they're also touched
22 again before they're able to walk in to a

1 particular bar, by the bar staff.

2 CHAIRMAN ANDERSON: All right, thank you.

3 MS. MILLER: Okay, thank you.

4 MS. KIRK: And I apologize for my
5 aggressiveness. I'm just -- it's just me.

6 CHAIRMAN ANDERSON: That's fine.

7 On the application, you stated that the
8 actual hours two p.m. --

9 (Simultaneous discussion)

10 MS. KIRK: Two to six.

11 CHAIRMAN ANDERSON: Two to ten. The
12 actual hours --

13 MS. KIRK: Two to ten for the --

14 CHAIRMAN ANDERSON: -- for the event.

15 MS. KIRK: That's right. So, the event
16 means that it's the specials that the bars will
17 provide for the drink specials.

18 CHAIRMAN ANDERSON: Right.

19 MS. KIRK: That's from two till ten. But
20 the actual registration for people to be able to
21 participate will probably be 1:30 to 5:30, where
22 they come in. They register.

1 MR. ALBERTI: So, my point is that -- I
2 think just to be safe, so there's no
3 misunderstanding with our investigators --

4 MS. KIRK: Sure.

5 MR. ALBERTI: -- who might be looking at
6 this. We would ask you put 1:30 as the start
7 time.

8 MS. KIRK: Okay.

9 MR. ALBERTI: Because that's what they're
10 looking for.

11 MS. KIRK: Sure.

12 MR. ALBERTI: They're saying, well, when
13 did you start registering.

14 MS. KIRK: Right.

15 MR. ALBERTI: That's usually the way we
16 interpret it.

17 MS. KIRK: Okay.

18 MR. ALBERTI: It's just a technicality.
19 You can change it right now and initial it and
20 log it.

21 MS. KIRK: Be happy to. Okay.

22 CHAIRMAN ANDERSON: All right. I want to

1 keep my schedule, so if you guys have anything
2 you want to offer.

3 MALE SPEAKER: Yeah, in regards to the
4 Front Page, on the Halloween pub crawl, we had
5 several issues with them. They had substantial
6 changes in operation without approval.

7 They had overcrowding inside the
8 establishment.

9 MALE SPEAKER: Please speak into the mic.

10 MALE SPEAKER: Yes. The Front Page, they
11 had overcrowding inside of the establishment as
12 well as outside. They put a bar outside on the
13 sidewalk café, and they allowed patrons to leave
14 with alcohol during the event.

15 CHAIRMAN ANDERSON: Which establishment?

16 MALE SPEAKER: The Front Page. One of
17 their registration locations.

18 MALE SPEAKER: Now, wait a second. The
19 Front Page isn't part of this. You don't have --
20 they don't have a contract with Front Page.

21 (Simultaneous discussion)

22 MALE SPEAKER: They're the registration

1 site.

2 MS. KIRK: Front Page would be the
3 registration site, yes.

4 MALE SPEAKER: Oh, no.

5 MALE SPEAKER: No.

6 MS. KIRK: Okay. So, then we will need
7 to come back and provide the registration.

8 MALE SPEAKER: That's another one that I
9 would like to eliminate --

10 MS. KIRK: Okay.

11 MALE SPEAKER: -- because they also
12 participated in the unlicensed -- they allegedly
13 participated in the unlicensed --

14 MS. KIRK: Gotcha. Okay.

15 (Simultaneous discussion)

16 MS. KIRK: Okay.

17 MALE SPEAKER: So, I didn't get -- I
18 didn't understand --

19 MS. KIRK: We'll find another
20 registration site.

21 MALE SPEAKER: All right, great. Thank
22 you. And Investigator, thank you for pointing

1 that out.

2 CHAIRMAN ANDERSON: Nothing else?

3 (No response heard)

4 MALE SPEAKER: Thank you.

5 (Simultaneous discussion)

6 MR. STEWART: Can you provide contracts
7 to us, to ABRA prior to the events for all the
8 participating establishments?

9 MS. KIRK: Yes, sure.

10 MR. STEWART: Okay. We'd like to see
11 that.

12 MS. KIRK: Okay.

13 MR. STEWART: Also, you said there's a
14 limit between 2,000 and 3,000 participants?

15 MS. KIRK: That's the estimate, yes.

16 MR. STEWART: Okay. How many tickets are
17 you printing up?

18 MS. KIRK: They don't get printed.
19 They're all electronic.

20 MR. STEWART: Okay. So, how do you know
21 when you exceed -- when you're going to exceed
22 the 3,000?

1 MS. KIRK: It's all electronic. So, we
2 would basically go through the ticket company
3 that runs it. We will look to see, and then we
4 just shut it off.

5 MR. STEWART: Okay. So, there's no
6 online sales? Are there online sales (Inaudible)
7 --

8 (Simultaneous discussion)

9 MS. KIRK: Yes, they're all -- yeah, all
10 online.

11 MR. STEWART: Right now? So, what is the
12 registration when they arrive?

13 MS. KIRK: It basically --

14 MR. STEWART: What is that -- from 1:30
15 till 5:30.

16 MS. KIRK: They bring in their phone,
17 just like you do when you go to get on an
18 airplane now.

19 MR. STEWART: Mm-hmm.

20 MS. KIRK: The ticket's right there, and
21 it just gets scanned.

22 MR. STEWART: Okay.

1 MS. KIRK: So, we just take an iPad, scan
2 it, and it basically impacts the database that
3 says that they've been logged up.

4 MALE SPEAKER: So, there's no day of
5 registration?

6 MS. KIRK: There can be day of
7 registration, if we make it available.

8 MR. STEWART: So again, my concern is how
9 you're going to know that you're not going to
10 exceed that 3,000. Is that automatic, or like
11 you said, because if there's registration day of
12 --

13 MS. KIRK: So, we would have 3,000 wrist
14 bands, and when those wrist bands are gone,
15 they're gone. So, there's no more providing any
16 availability for anyone.

17 MR. STEWART: And are your wrist bands
18 distinct?

19 MS. KIRK: Yes.

20 MR. STEWART: Do they say something
21 special on them?

22 MS. KIRK: They'll either be Christmas

1 trees; it depends on what's chosen by the staff.
2 But they'll be either Christmas trees, like the
3 '80s and '90s bar crawls -- like they were happy
4 faces -- you know, for the old smiley faces type
5 of thing for the '80s and '90s.

6 So, they are distinct, where they're
7 provided -- we go through and check with every
8 bar. We go to every bar and say these are the
9 wrist bands for the pub crawl. If you receive
10 any other wrist bands, they do not belong to Snow
11 Day.

12 So, very clear, because bars want to
13 know, as well, who they're serving. So, they're
14 not just going to serve the specials out to wrist
15 bands that don't belong to the bar crawl. At
16 least it hasn't been our experience, let's put it
17 that way, till I guess obviously, recently.

18 (Simultaneous discussion)

19 MR. STEWART: Has your company done any
20 research to determine if any of these
21 participating bars are participating in other pub
22 crawls at the same time?

1 MS. KIRK: They are supposed to have a
2 contract. And I'll go back and reread the
3 contract. But they are supposed to be exclusive
4 on the date of the bar crawl.

5 Now, if they do something different, then
6 now I've got contract law. They've broken it.
7 I've got someplace to go with attorneys, and you
8 know, a courtroom.

9 But if they break it, I'm not going to
10 know until it gets proven differently that
11 something else has been going on. We won't know.
12 Right? I mean, unless we're walking around in
13 the bar.

14 MR. STEWART: Well, that goes to my next
15 question.

16 MS. KIRK: Right.

17 MR. STEWART: Will you have personnel
18 that monitor each establishment?

19 MS. KIRK: Yes, we do.

20 MR. STEWART: Okay. So, they would see
21 if other people were participating in the pub
22 crawls?

1 MS. KIRK: Yeah, and it keeps going back
2 to what went on with this you know, illegal
3 efforts during Halloween.

4 One of the questions I have, and I
5 understand this is all alleged, is if you had any
6 ideas of a name or something that we can target,
7 so I can be looking through social media to see
8 what the name -- what it was called, what the bar
9 crawl was called, and I can start doing some
10 keyword searches to figure out if there's
11 something else planned during this time.

12 Because the last we would want as a
13 company, is number one, somebody shadowing us,
14 which will not be tolerated. And two, we'll make
15 sure that you're notified immediately.

16 So, some of the things -- but those are
17 the kinds of details I need to be able to help
18 you help us.

19 CHAIRMAN ANDERSON: Thank you.

20 Yes, Mr. Short. Do you have a question?

21 MR. SHORT: Yeah. And I know, once
22 people get their online tickets and they

1 register, they have to show ID, and all of that.

2 MS. KIRK: Yes.

3 MR. SHORT: Do they show ID also, at the
4 bar doors?

5 MS. KIRK: Yes, sir.

6 MR. SHORT: So, no underage drinking?

7 MS. KIRK: Not to our knowledge. I mean,
8 we do our part that we need to do. The other
9 thing we also do is, we also make sure we go out
10 to every one of the bars and make sure that they
11 have a bucket sitting at the door, so they can
12 make sure they're dumping their drinks. Right?
13 Because they get their mugs -- right? But making
14 sure that they're not carrying for you know, an
15 open container situation.

16 And trust me, you see how I am here? I'm
17 worse at the bar crawl (Laughter). So, from the
18 perspective of making sure that people -- you
19 know, one, I'm trying to protect them. Right?

20 Number two, we're trying to protect our
21 reputation.

22 Number three, obviously number one of all

1 times is safety. And if we have bars that are
2 issues, then we need to make sure that we're no
3 longer doing business with them.

4 They lose a lot of business, a lot of
5 business when they end up on the list. And
6 unfortunately, one of the conversations that will
7 take place with all five of these now, for us, is
8 to say by reason of what you've done, this is
9 what you've cost yourselves, and I can quantify
10 it pretty quickly. It's a large day. But it's a
11 large five days over the year.

12 So, they've cost themselves a few
13 thousand dollars. And that's their call. That's
14 their problem. And you know, we don't lose. We
15 really don't.

16 So, it's one of those things where it'll
17 be one of those -- you know, we're going to sell
18 3,000 tickets. Right? That's our cap.

19 My point is that they lose 3,000 tickets
20 worth of drinks that day.

21 MR. SHORT: Thank you. That's all I
22 have, Mr. Chair.

1 CHAIRMAN ANDERSON: Yes. You have one
2 more question.

3 MR. PUENTE: Actually, two.

4 With regard to what you were saying about
5 the -- there was actually two pub crawls being
6 advertised by the illegal pub crawl from
7 Halloween on the same day by pubcrawls.com.

8 MR. ALBERTI: Well, I would suggest that
9 (Inaudible) -- talk to our general counsel. Our
10 general counsel can provide whatever information
11 is public at this point. I don't want to cross
12 the line and provide information that might not
13 be public.

14 And I'm just be very cautious here. So,
15 if you would talk to our general counsel, she can
16 very quickly fill you in on any information that
17 she feels is public and she can provide you.

18 MS. KIRK: Great. Because that will put
19 us in position. I need to understand what we're
20 looking for that day.

21 MR. ALBERTI: Right.

22 MS. KIRK: Anything that's been pulled

1 together.

2 MR. ALBERTI: Thank you. Martha Jenkins
3 will be happy to talk to you.

4 MS. KIRK: Great. Thank you.

5 CHAIRMAN ANDERSON: All right, thank you.

6 MR. PUENTE: And are you able to describe
7 the event monitor's duties? Like how many you're
8 going to have and what their exact duties will
9 be?

10 MS. KIRK: So, depending on -- obviously,
11 registration. For every thousand people, we have
12 five people available. Okay? One is security,
13 four people doing bands, checking tickets,
14 checking IDs.

15 So, looking at 3,000, you're looking at
16 15 to 20 people on the ground. Event monitors
17 are going to basically check with the bar
18 managers, make sure everything is okay; make sure
19 there's no issues associated with people coming
20 in and creating any issues.

21 There's so many things we can do and
22 there's so many things we can't do. And we talk

1 to the managers and the bar; that the bartenders,
2 to please cut people off, you know, when they've
3 over extended.

4 So basically, the event coordinators and
5 event managers will be checking in about every
6 two hours or so. Once we finish at 5:30 or 6,
7 though, we're usually off the grounds.

8 If we need to be there until afterwards,
9 we'll be happy to do so, but then, it kind of
10 turns over to the bars, because the bars are the
11 ones that are serving drinks at that point.

12 There's not a whole lot I can do past the
13 5:30, 6:00 registration point, other than --
14 because we've capped out. Right? We're adding
15 to -- adding value to the bars at that point.

16 If we need to continue -- make sure that
17 we're holding security, then we'll extend our
18 time to the 10:00 or 8:00, 9:00 -- whenever it
19 is, for the actual drink specials.

20 MR. STEWART: And in my experience, as I
21 have investigated them, the pub crawls get worse
22 as the night goes on.

1 MS. KIRK: Well, that's why we do more --
2 that's why we do early day.

3 MR. STEWART: Okay.

4 MS. KIRK: We don't do evening, and we
5 never have and we never will, because I don't
6 want that issue on the table.

7 So, most of the time, people that are
8 coming in -- if they're smart enough to come in
9 at 1:30 or two, they're usually out of the city
10 by six or seven. They're not hanging until the
11 late hours of the night.

12 I mean, we just had one very successful
13 one at the University of Delaware. You're
14 talking college level. Right?

15 Anybody that could drink, obviously 21
16 and above. There were no issues on the street.
17 They were gone and in bed by 8:00. (Laughter)
18 So, that was the positive side of doing what I
19 would call, unfortunately, day drinking. Right?
20 They were doing night drinking.

21 Trying to make sure we -- if you're going
22 to run it, you run it in a safe environment.

1 That's the best we can do, given the type of
2 business it is, if that makes sense.

3 MR. PUENTE: Sure. To my point was --
4 that you said that after five or six o'clock,
5 that your staff was leaving.

6 MS. KIRK: This registration staff
7 leaves, yes.

8 MR. PUENTE: Okay. But just -- you still
9 have like security available.

10 MS. KIRK: Yes, we'll still have security
11 on the ground. Yes.

12 MR. PUENTE: Okay, all right. Thank you.

13 CHAIRMAN ANDERSON: All right. Thank
14 you.

15 MS. MILLER: Can I -- (Inaudible
16 portion).

17 CHAIRMAN ANDERSON: All right, keep it to
18 a minimum, please.

19 MS. MILLER: Yes.

20 CHAIRMAN ANDERSON: I'm trying to --

21 MS. MILLER: Just very quick.

22 CHAIRMAN ANDERSON: Yeah, thank you.

1 MS. MILLER: I just want to confirm that
2 -- do you know if they'll have the number that
3 you're available to be reached at in the event of
4 an emergency or something?

5 MS. KIRK: Yes, ma'am.

6 MS. MILLER: Okay.

7 MS. KIRK: I can give you my personal
8 cell.

9 MS. MILLER: No, I don't need that.

10 MS. KIRK: But yes, there is a number
11 that is reached. So, the bars have -- all the
12 bars have operations numbers to reach for all of
13 the people that are on the ground to handle any
14 issues that may take place.

15 And I'm going to tell you, the first
16 thing will be a 911 call, if that's what needs to
17 be done.

18 MS. MILLER: Okay.

19 MS. KIRK: And then, the second will be t
20 ABRA, because I don't think you guys want to be
21 woken up.

22 MS. MILLER: And did you say that you

1 have one person monitoring each establishment?

2 MS. KIRK: No. We have one person for
3 each establishment; two if need to.

4 MS. MILLER: You do? Okay.

5 MS. KIRK: Yes.

6 MS. MILLER: And are you going to be
7 filling the vacancies created by taking away a
8 few of those establishments (Inaudible phrase).

9 MS. KIRK: I'm going to have to leave
10 that up to the event staff that works this. I'm
11 not sure that they are going to extend it.

12 MS. MILLER: Okay.

13 MS. KIRK: At this point, it may be where
14 -- and I understand, you worry about numbers, so
15 we'll need to take a look at that. If we can
16 bring on other bars to participate that will
17 meet, then we'll come back to ABRA and share with
18 the investigators, because I guess I'll have your
19 cards, and make sure that they are correct in
20 being able to be included.

21 So, what we'll do is, we can put together
22 that preliminary list, because the first thing I

1 want to know is, number one, can they. Right?
2 Based on the rules; have they broken any rules,
3 those kinds of things.

4 Because I'm not even going to take the
5 time to put contracts together and take the time
6 for event coordination to go and talk to them, if
7 we have issues already.

8 MR. PUENTE: Right.

9 MS. KIRK: If that makes sense.

10 MR. PUENTE: Yes, ma'am.

11 MS. MILLER: And I just want to end by
12 saying that I think that the exclusivity clauses
13 you have in your contract is very important, and
14 now that we've seen what has happened. And I
15 would bring that to their attention in the event
16 that maybe are not noticing it, because that's an
17 important tool, I think, for controlling
18 (Inaudible) --

19 MS. KIRK: Yeah. It sounds like we're
20 going to have to school some of the bars, huh?

21 MS. MILLER: Yeah (Laughter). Exactly.
22 Okay, thank you, Mr. Chairman.

1 CHAIRMAN ANDERSON: All right, thank you.
2 With that, I will make a motion that we
3 approve the application with the exclusion of the
4 establishments that were publicly identified on
5 the record. Is there a second?

6 MR. ALBERTI: I'll second it. And just a
7 friendly moment -- and with the correction to
8 1:30?

9 MS. KIRK: Yes, sir.

10 MR. ALBERTI: Right, yeah, which you'll
11 make?

12 MS. KIRK: Yes, sir.

13 MR. ALBERTI: Great.

14 (Simultaneous discussion)

15 CHAIRMAN ANDERSON: And the friendly
16 amendment is accepted.

17 MS. MILLER: And with --

18 CHAIRMAN ANDERSON: Yes, ma'am.?

19 MS. MILLER: And the other friendly
20 amendment would be their ability to confirm with
21 enforcement if they want to bring in a different
22 establishment (Inaudible portion).

1 CHAIRMAN ANDERSON: Okay, I accept that.
2 That's appropriate.

3 MS. MILLER: Thank you.

4 CHAIRMAN ANDERSON: Those in favor say
5 aye.

6 GROUP: Aye.

7 CHAIRMAN ANDERSON: The matter is
8 approved five zero zero. And good luck.

9 MS. KIRK: Thank you, sir. And nice
10 meeting you.

11 CHAIRMAN ANDERSON: Thank you. All
12 right.

13 MR. PUENTE: Thank you.

14 [Whereupon, at 11:38 a.m. the
15 above-entitled matter concluded.]