

CULTURAL FESTIVAL

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :

Temporary License Application

Date of Event: May 21, 2016

Event: Cultural Festival

Applicant: Wuiping Yap (Asia Heritage Foundation)

Neighborhood: Pennsylvania Avenue, 3rd to 6th Street NW

Attendees: 300

FACT FINDING HEARING

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Wednesday, May 18, 2016

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

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CHAIRPERSON:

DONOVAN W. ANDERSON, Presiding

OTHER PERSONS PRESENT:

RUTHANNE MILLER, BOARD MEMBER

JAMES SHORT, BOARD MEMBER

MIKE SILVERSTEIN, BOARD MEMBER

NICK ALBERTI, BOARD MEMBER

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

2 CHAIRPERSON ANDERSON: The next matter on
3 our afternoon schedule we have a fact finding hearing
4 for -- the date of the event is May 21, 2016. It's a
5 cultural festival. It's the Asia Heritage Festival --
6 Foundation. I'm sorry. The neighborhood is
7 Pennsylvania Avenue, 3rd through 6th Street NW, 300
8 attendees. Can you please identify yourself -- your
9 name for the record and please -- there's a sign in
10 sheet that I would you to sign in and identify yourself
11 for the record please.

12 MS. YAP: Sure. Good afternoon. My name is
13 Wuiping Yap. I represent Asia Heritage Foundation that
14 will be run -- organizing the street festival Asia
15 Street Fair on Pennsylvania Avenue. Should I go and
16 just talk about?

17 CHAIRPERSON ANDERSON: We don't have a
18 investigator who is going to -- no, we don't. Do we
19 have a -- where is the investigator for this case?

20 MR. SHORT: There should be one here.

21 CHAIRPERSON ANDERSON: Hold on. Once the
22 investigator shows up, then I'll have you proceed.

1 MS. YAP: I am so sorry. That was not my
2 presentation.

3 CHAIRPERSON ANDERSON: Well, you could have
4 stated that -- I mean that was part of your
5 presentation. I think that would have gone over much --
6 that would have gone over well. It would have because
7 it says that you're prepared with a -- and as soon as
8 the investigator showed up it's like you decided your
9 present -- can you introduce yourself for the record
10 please, sir.

11 INVESTIGATOR PERU: Yes. I'm Investigator
12 Jason Peru.

13 CHAIRPERSON ANDERSON: All right, ma'am.
14 Go -- go ahead, ma'am. Please tell us about this event.

15 MS. YAP: Okay. So this is our 11th year
16 doing the festival. And I want to go on the record and
17 say that the date is May 21. However, we have
18 discovered that the forecast for this coming Saturday is
19 100 percent over an inch of rain. So we have spoken to
20 the HSEMA team, and we are looking at a rain date. So I
21 would like to include that as an option. We haven't
22 made that call yet. We will be making the call

1 tomorrow. But I want to have that option on the permit.

2 CHAIRPERSON ANDERSON: So what is it -- so
3 what is the rain date, ma'am?

4 MS. YAP: June 5th. It's going to be a
5 Sunday, June 5th. So we'll have a fighting chance
6 possibly for better weather. It's a cultural festival.
7 As you can see it's a family friendly activity all day
8 long. We run the festival from 10 a.m. to 7 p.m., and
9 this is our 11th year. We have a lot of cultural
10 activities and cultural performances.

11 The alcoholic beverage garden is a small
12 part of the festival. We are setting it up in a gated
13 area with 30 -- 30 to 60 feet in a rectangular shape.
14 It's only there to give a sampling of the Asian beers
15 that we have to offer. You have to purchase a ticket.
16 Everybody is ticketed, and also everybody is wrist
17 banded. There's only one entrance in and out. We don't
18 expect a huge crowd. We expect maybe a couple hundred
19 people all through the day. We're not known to be able
20 to handle our alcohol anyways as an ethnic group. So it
21 is an activity that we have at our festival. It's not
22 our feature. We're not a alcohol focused event, but

1 it's just something that we have every year. And we've
2 been doing it for 11 years. Questions?

3 CHAIRPERSON ANDERSON: Any -- have you had a
4 chance?

5 INVESTIGATOR PERU: Just give me a -- just
6 give one second.

7 CHAIRPERSON ANDERSON: That's why I said
8 have you had a chance. Go ahead, Mr. Alberti.

9 MR. ALBERTI: So -- so you buy a -- is it
10 just samples of beer when you go in there?

11 MS. YAP: No. No. It's --

12 MR. ALBERTI: You -- you get a -- you can
13 buy beer?

14 MS. YAP: You have to buy beer
15 unfortunately.

16 MR. ALBERTI: Right. Okay. So you buy
17 tickets and you exchange those for beer in that tent?

18 MS. YAP: Right. Right.

19 MR. ALBERTI: Okay. And so everyone is --
20 where -- they're IDed at the entrance to the tent?

21 MS. YAP: They're IDed at the entrance. We
22 do not allow under 21 to come in even to -- it's not

1 even wrist banded. So we don't usually even allow
2 children to come in except for maybe if they're really
3 small babies on the stroller.

4 MR. ALBERTI: Okay.

5 MS. YAP: But otherwise no.

6 MR. ALBERTI: So yeah. And your application
7 says 300 people. And from what you just told me I'm
8 assuming that that's 300 people in the beer garden; is
9 that correct?

10 MS. YAP: No. That's 300 people maybe all
11 throughout the day. We don't even sell 300 beer.

12 MR. ALBERTI: For the -- for the beer tent
13 or for the whole festival?

14 MS. YAP: For the beer tent.

15 MR. ALBERTI: For the beer tent. Yeah.

16 MS. YAP: Right.

17 MR. ALBERTI: So just FYI and to help us
18 typically when -- when we get these applications when we
19 say number of participants we really mean for the entire
20 event.

21 MS. YAP: Oh, okay.

22 MR. ALBERTI: So -- so that kind of threw

1 me. I was like boy, you're closing three blocks for 300
2 people.

3 MS. YAP: 300 people. That's a very
4 expensive festival, isn't it.

5 MR. ALBERTI: Well, that explains -- that
6 explains why.

7 MS. YAP: Expensive, yeah. So we're talking
8 about --

9 MR. ALBERTI: So how many people do you --

10 MS. YAP: We're talking about maybe 7,000
11 people all day long.

12 MR. ALBERTI: All day long. Okay. Great.

13 MR. SHORT: 3,000 people.

14 MS. YAP: Seven.

15 MR. SHORT: 7,000.

16 MR. ALBERTI: 7,000. Okay. All right. So
17 on this diagram it doesn't really give me much detail.

18 MS. YAP: Uh-huh.

19 MR. ALBERTI: So I got the north side of
20 Pennsylvania Avenue. I guess that's the -- is that the
21 curve? Is that the curve there on the top? What's
22 on --

1 MS. YAP: On the north side. So the layout
2 is actually.

3 MR. ALBERTI: Yeah. It doesn't -- it's not
4 a very detailed layout, and that's -- I -- I would like
5 a more detailed layout.

6 MS. YAP: So --

7 MR. ALBERTI: Yeah. That's the sort of
8 thing we --

9 MR. SHORT: That's what we need.

10 MR. ALBERTI: -- would like. In the future
11 that's the sort of thing if you could provide for us,
12 would be much more helpful.

13 MS. YAP: We've been doing it this way
14 for -- so okay.

15 MR. ALBERTI: I know, but -- but just --

16 MS. YAP: So we'll put two maps in.

17 MR. ALBERTI: I'm not faulting you. Just in
18 the future we'd like --

19 MS. YAP: Understood. So the beer garden is
20 one little portion over --

21 MR. ALBERTI: Okay.

22 MS. YAP: One little portion over here on

1 one side of the street.

2 MR. ALBERTI: Okay.

3 MS. YAP: So the rest of it is all the other
4 tenting and all the other activities.

5 MR. ALBERTI: And is it all -- it's all
6 fenced in, the whole --

7 MS. YAP: No. The entire festival is open.
8 The only thing that is fenced in is the beer garden.

9 MR. ALBERTI: Okay.

10 MS. YAP: Because it's a free festival.

11 MR. ALBERTI: Oh, okay. So how -- how is
12 the beer garden fenced in then?

13 MS. YAP: We use barricades all around.

14 MR. ALBERTI: Uh-huh.

15 MS. YAP: So you can't -- you can't cross
16 and you have to go through the entrance.

17 MR. ALBERTI: Okay. And how many people
18 will you have sort of monitoring the perimeter of the
19 beer garden?

20 MS. YAP: We usually -- I think we said six
21 people that we use to check ID, to walk in -- to man
22 the -- the entrance in and out because the flow -- most

1 of the day like even that 300 people will get at maybe
2 between 3:00 to 5:00.

3 MR. ALBERTI: Right.

4 MS. YAP: So from like 10 to 4:00 literally
5 nobody is there.

6 MR. ALBERTI: Will you have people
7 monitoring the perimeter to make sure that no one's
8 handing a beer over to the friend outside?

9 MS. YAP: Yes. Because -- yes. Yes. We do
10 have our volunteers and staff is right around.

11 MR. ALBERTI: Okay. I have no further
12 questions. Thank you.

13 MS. YAP: Thank you.

14 CHAIRPERSON ANDERSON: Investigator -- yes,
15 Mr. Short.

16 MR. SHORT: Good afternoon.

17 MS. YAP: Good afternoon.

18 MR. SHORT: Did you go before the Mayor's
19 Special Task Force on this or special events?

20 MS. YAP: Yes.

21 MR. SHORT: Okay. Good. So I know you had
22 permits -- have a drawing similar to that.

1 MS. YAP: Uh-huh.

2 MR. SHORT: Is it possible we could take a
3 look at that drawing?

4 MS. YAP: Sure. This is what we submit --

5 MR. SHORT: [Inaudible 11:33] their
6 committee.

7 MS. YAP: Can I walk up there or I will be
8 tackled down?

9 MR. SHORT: So you have -- you have police,
10 fire. You have all -- all to the government?

11 MS. YAP: I have everything. Everything is
12 already -- actually we're permitted through. Our issue
13 now is the weather. So we actually have a backtrack.
14 But everybody else's permit, we have already permit
15 through NPD, fire, health, public. Everybody has to
16 sign off.

17 MR. SHORT: Who did -- who's doing your tent
18 for you at the beer garden? Who -- are you having a
19 tent?

20 MS. YAP: Yes.

21 MR. SHORT: Who's providing your tent.

22 MS. YAP: A commercial company, Allied

1 Tents.

2 MR. SHORT: So you have all the permits for
3 it also, correct?

4 MS. YAP: I have the permit for everything.

5 MR. SHORT: Okay.

6 MS. YAP: DCRA has -- knows every tables and
7 chairs that we have on the streets.

8 MR. SHORT: Thank you. That's all I have,
9 Mr. Chair. Thank you.

10 CHAIRPERSON ANDERSON: Any other questions
11 by any other board members?

12 MS. MILLER: I -- I just have a couple.

13 CHAIRPERSON ANDERSON: Yes.

14 MS. MILLER: Hi. Good afternoon.

15 MS. YAP: Good afternoon.

16 MS. MILLER: So you've been doing this for
17 11 years?

18 MS. YAP: Yes.

19 MS. MILLER: So I was just wondering are you
20 doing anything different this year than you've done in
21 the past?

22 MS. YAP: In terms of the beer garden?

1 MS. MILLER: Primarily, yeah.

2 MS. YAP: Uh-huh. We made it smaller.

3 MS. MILLER: Okay.

4 MS. YAP: We actually made it smaller
5 because we realize that we have -- our crowd is
6 primarily not a drinking crowd. But we didn't -- we --
7 we -- previous years we have sponsors and we have to
8 have the beer garden in larger form. But then I end up
9 having to drink which I don't really do anyways. So we
10 reduced the size of the beer garden. We want to keep a
11 presence. The festival itself is essentially the same.
12 We just added additional sort of activities. We have a
13 cooking demo this year. So the difference is that.

14 MS. MILLER: Okay. And did you have any
15 problems in the past with the beer garden?

16 MS. YAP: Never. We're one of the most well
17 behaved festivals in the city with ABRA and with the
18 entire HSEMA team. We follow the rules to the T, and we
19 understand that it's -- it's actually a safety issue,
20 not to just to be in compliance. It's on our part. If
21 we don't do it well and if there's a hazard, we can't
22 come back. And we fully comprehend that which is why

1 we're thinking of not doing it on the rain date.

2 MS. MILLER: You're thinking of not doing it
3 on the rain date?

4 MS. YAP: Sorry. Of not doing it on the
5 rain day.

6 MS. MILLER: On a rainy day?

7 MS. YAP: Yeah. No.

8 MS. MILLER: Okay. Good.

9 MS. YAP: Because it's just -- it's just
10 nasty.

11 MS. MILLER: Right. Right. Right. Okay.
12 So good luck on that.

13 MS. YAP: I know. Do you -- if anybody has
14 a direct channel to the rain God's, please share. I'm
15 willing to pay heavily for that.

16 MS. MILLER: Thank you, Mr. Chairman.

17 CHAIRPERSON ANDERSON: Thank you. Any other
18 questions by any of the board members. Inspector Peru,
19 do you have any questions?

20 INVESTIGATOR PERU: Yes, I have a couple.
21 So on your application I'm looking --

22 MS. YAP: Thank you.

1 INVESTIGATOR PERU: You wrote the age group
2 attending the event 21 and over. Was that a mistake as
3 well referring to just the summer -- the beer garden?

4 MS. YAP: No. It's only 21 and above that
5 can get into the beer garden.

6 INVESTIGATOR PERU: Correct. But the event
7 is for all ages, correct?

8 MS. YAP: Right. It's a free -- it's a free
9 event.

10 INVESTIGATOR PERU: And are you having food
11 at this event?

12 MS. YAP: You have to purchase from the food
13 vendor. Yes.

14 INVESTIGATOR PERU: How many food vendors
15 are you going to have there?

16 MS. YAP: I believe we're at around the mark
17 of 15.

18 INVESTIGATOR PERU: 15. Is that food trucks
19 or actual vendors with tents set up?

20 MS. YAP: It's a mix.

21 INVESTIGATOR PERU: It's a mix.

22 MS. YAP: But it's mostly stand vendors and

1 less of food -- less food trucks.

2 INVESTIGATOR PERU: So for alcohol purchase
3 is it going to be tickets being purchased or cash or how
4 does that transaction --

5 MS. YAP: They have to -- so the minute they
6 enter we check the ID, and then they have to purchase
7 the ticket before they get to where we sell the --

8 CHAIRPERSON ANDERSON: Excuse me, Ms. Yap.

9 MS. YAP: Yes.

10 CHAIRPERSON ANDERSON: You're talking to us.
11 I know -- I know he's asking you the questions. But
12 you're talking to us.

13 MS. YAP: Okay.

14 CHAIRPERSON ANDERSON: So you have to raise
15 your voice so we can hear.

16 MS. YAP: Got you. So I'm going to have to
17 move my eye contact back and forth. It's kind of rude,
18 yeah. Yeah. So we -- when you walk in you get IDed,
19 and then you have -- the first stop is the ticket
20 station. You have to buy a ticket before you even go
21 past to get a beer.

22 INVESTIGATOR PERU: Okay. Let's -- let's

1 back up some. So when you -- when I walk up to the
2 event at the main entrance you're saying, right?

3 MS. YAP: At the main entrance you check ID
4 and you have to walk into the garden, and then you can
5 buy a ticket.

6 INVESTIGATOR PERU: At the main entrance of
7 the beer tent or the main entrance of the event? That's
8 what I'm confused about.

9 MS. YAP: There is no main entrance of the
10 event because the event --

11 INVESTIGATOR PERU: So -- so -- so there's
12 no controlled access point for the event?

13 MS. YAP: No.

14 INVESTIGATOR PERU: So basically you're
15 saying just -- so you walk into the -- the beer tent,
16 right? I show my ID. Do I get a wrist band? Do I get
17 anything?

18 MS. YAP: Yeah. So you go back up a little
19 bit and you see where the table is you have to walk in.
20 Not that one.

21 INVESTIGATOR PERU: Here?

22 MS. YAP: That one. Yes.

1 INVESTIGATOR PERU: Okay.

2 MS. YAP: So you walk up -- you get IDed
3 before you get your ticket.

4 INVESTIGATOR PERU: And is there a wrist
5 band process or --

6 MS. YAP: There is a wrist band process.

7 INVESTIGATOR PERU: Okay. So if the -- the
8 patrons are going in and out, they'll have wrist bands
9 on them --

10 MS. YAP: Yeah.

11 INVESTIGATOR PERU: -- correct? Okay. And
12 you're going to have -- you said there's only one
13 entrance to the beer -- the beer garden, correct?

14 MS. YAP: Uh-huh. Uh-huh.

15 INVESTIGATOR PERU: And who -- who's --
16 who's your vendor for alcohol?

17 MS. YAP: You mean where I'm buying it?
18 Premium.

19 INVESTIGATOR PERU: Yes. Premium?

20 MS. YAP: Uh-huh.

21 INVESTIGATOR PERU: And security I notice
22 you -- you labeled the circles as security personnel.

1 Is that all the security you're having for the whole
2 event is the six? You say -- you put -- you put
3 security on here, and you have these dots. One, two,
4 three, four, five, six, or the seven dots?

5 MR. ALBERTI: So I think -- I think what the
6 confusion is -- and I was confused about this -- this
7 diagram is just of the beer garden?

8 MS. YAP: Yes.

9 MR. ALBERTI: So that --

10 INVESTIGATOR PERU: Oh.

11 MR. ALBERTI: -- diagram really is just of
12 the beer garden. It is not for the entire --

13 INVESTIGATOR PERU: Oh, okay. That --
14 that --

15 MR. ALBERTI: -- event. That's the
16 confusion.

17 INVESTIGATOR PERU: That makes sense now.
18 Yes.

19 MS. YAP: So that little --

20 INVESTIGATOR PERU: Confusing me as well.

21 MS. YAP: This is here.

22 INVESTIGATOR PERU: Could I -- could I see

1 this please? Very -- very confusing. Yes. Yes. Okay.

2 MS. YAP: My apologize. We've been doing it
3 11 years the same way. So it's like --

4 MR. ALBERTI: And we're easily confused.

5 MS. YAP: I'm not going to repeat that.

6 MR. ALBERTI: I know.

7 INVESTIGATOR PERU: So show me on this
8 where -- where the beer garden is at. So this diagram
9 is of this area only?

10 MS. YAP: It's all this little area.

11 INVESTIGATOR PERU: Got you.

12 MS. YAP: It's this little square.

13 MR. ALBERTI: It makes a lot more sense now.

14 INVESTIGATOR PERU: Now it makes sense. So
15 you're going to have six -- seven security in the beer
16 garden alone. Is that what you're saying?

17 MS. YAP: We have staffing, volunteers, yes.
18 Everybody in -- around and in there.

19 INVESTIGATOR PERU: What about for the
20 whole -- is there also security at the event on the
21 outside?

22 MS. YAP: We actually have NPD.

1 INVESTIGATOR PERU: Oh, will be on the
2 streets? Okay.

3 MS. YAP: Yeah. We have NPD on the streets.
4 Yes.

5 INVESTIGATOR PERU: Okay. Okay. Perfect.
6 Okay. So the alcohol is controlled to this 60 foot
7 area?

8 MS. YAP: This little 60 foot. Yes.

9 INVESTIGATOR PERU: Got you. And that's the
10 only one on there. Okay.

11 MS. YAP: I will also be back on a sidebar
12 for H Street. So that one is a different story. This
13 one is a little [inaudible 18:10.]

14 INVESTIGATOR PERU: And will -- will there
15 be ABC managers or anybody, people that are TIPS
16 certified alcohol awareness certified working in the --

17 MS. YAP: I do have a beer manager, yes.

18 INVESTIGATOR PERU: Okay. And they --

19 MS. YAP: A licensed.

20 INVESTIGATOR PERU: -- they have a manager
21 ABC ABRA license?

22 MS. YAP: Yeah. Yeah.

1 INVESTIGATOR PERU: Okay. I think that's
2 it, Chair, I can think of at the moment.

3 CHAIRPERSON ANDERSON: Thank you, Mr. Peru.

4 MS. YAP: He will be the only person from 10
5 to 3.

6 CHAIRPERSON ANDERSON: Do we have any
7 other -- are there any questions by any other members?
8 Any final thoughts you want to -- a statement?

9 MS. YAP: I just want to invite you to come
10 whether it's the Saturday or the rain date. And I want
11 to make sure that my rain date can apply to the license.

12 MR. ALBERTI: So when will you know?

13 MS. YAP: I will make the call first thing
14 tomorrow morning.

15 MR. ALBERTI: Okay. So just -- you just
16 need to notify us here. You can probably even contact I
17 guess the investigator.

18 INVESTIGATOR PERU: Sure.

19 MS. YAP: But I get my license today though?

20 MR. ALBERTI: Yeah. If -- if we approve.

21 CHAIRPERSON ANDERSON: If we approve it.

22 MS. YAP: Right. Sorry. If I approve,

1 right. So I guess I --

2 MR. ALBERTI: I guess we can make a notation
3 on it that it might apply to either day. But you need
4 to -- we need to know. We need to know.

5 MS. YAP: Yes. I will -- and also HSEMA
6 will send an e-mail out. I'll send one directly, and
7 also they will send out to the whole special task force
8 because --

9 MR. ALBERTI: Okay.

10 MS. YAP: -- because everybody is affected.

11 INVESTIGATOR PERU: Chair, just one more
12 question. So if you do change the date to June 5th,
13 that Sunday, the same hours you're going to --

14 MS. YAP: Yeah.

15 INVESTIGATOR PERU: The same hours for that
16 Sunday?

17 MS. YAP: Yeah.

18 INVESTIGATOR PERU: Okay.

19 MS. YAP: We cannot serve alcohol on Sunday
20 or --

21 INVESTIGATOR PERU: Oh, no. No.

22 MR. ALBERTI: That's an old law.

1 MS. YAP: That's an old law. Okay. Yeah.
2 In some states they still do that.

3 CHAIRPERSON ANDERSON: Are there any other
4 questions any board members? Then I -- I make a motion
5 that we approve this event for May 21st and that if --
6 pending notification from the -- from the vendor -- the
7 applicant if -- if -- if they have decided to postpone
8 the event because of the weather, that the event be then
9 approved for June 5th, 2016. Is there a second?

10 MR. SHORT: Second.

11 CHAIRPERSON ANDERSON: Mr. Short has
12 seconded the motion. Those in favor say aye. [Chorus
13 of ayes]. Those opposed. [No audible response]. Well,
14 now it's approved.

15 MS. YAP: Now it's approved. Thank you very
16 much.

17 CHAIRPERSON ANDERSON: Thank you.

18 MR. ALBERTI: Thank you and good luck. And
19 I'm hoping for dry weather that day.

20 MS. YAP: It doesn't look like it right now.

21 INVESTIGATOR PERU: Can I keep this, or do
22 you need this one?

1 MS. YAP: Can I take it?

2 INVESTIGATOR PERU: Sure that's fine. Okay.

3 That's fine.

4 MS. YAP: I have to go [inaudible 20:48].

5 H-S-E-M-A. Thank you.

6 CHAIRPERSON ANDERSON: We're off the record
7 until our 2:30.

8 (Whereupon the above-entitled matter was
9 concluded.)

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