

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)
)
)

Project D.C. Events LLC
Event: Cupid's Bar Crawl
Event Date: February 6, 2016

) Case No.: N/A
) License No: N/A
) Order No: 2016-030
)
)

Application for a Pub Crawl)
)
)

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ALSO PRESENT: Project D.C. Events LLC, Applicant

Michael Bramson and Alex Lopez, on behalf of the Applicant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING PUB CRAWL APPLICATION

INTRODUCTION

The Alcoholic Beverage Control Board (Board) denies the Pub Crawl Application filed by Project D.C. Events LLC (Applicant) based on its failure to abide by the terms of the pub crawl permit issued on October 31, 2015 and the use of false advertising related to the current event.

Procedural Background

The Applicant filed a Pub Crawl Application (Application) on December 22, 2015. The Board held a fact finding hearing related to the Application on January 14, 2016.

FINDINGS OF FACT

The Board, having considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board's official file, makes the following findings:

1. The Applicant filed a Pub Crawl Application (Application) on December 22, 2015, to host a pub crawl on February 6, 2016. *Pub Crawl Application*, Project D.C. Events LLC, 1 (rec. Dec. 22, 2015). The Applicant proposed including various establishments in the Dupont Circle neighborhood, which include: Public Bar, Ozio, Irish Whiskey, The Mad Hatter, Rumors, 1831, The Front Page, Kabin, Café Citron, Bottom Line, Eden, Recessions, and BlackFinn. *Id.* at 2-3. The Applicant indicated in the Application that the maximum number of participants would be 2,900. *Id.* Nevertheless, the Applicant advertised on Facebook that the event would involve more than 5,000 people. *Transcript*;¹ *see also Facebook Post*, Project DC Events (Jan. 6, 2015) (See Fact Finding File for copy).
2. Project D.C. Events LLC, previously represented by Mike Bramson and Alex Lopez, hosted a pub crawl on Halloween, on October 31, 2015. *Transcript (Tr.)*, December 9, 2015 at 7-8. As part of its application for the Halloween event, the Applicant indicated that the event would have a maximum of 3,500 people and last until 11:00 p.m. *Case Report*, Project DC Events, 1-2 (Oct. 31, 2015).
3. On Friday, November 6, 2015, the Alcoholic Beverage Regulation Administration received a complaint from Leona Agouridis, the Executive Director of the Golden Triangle Business Improvement District. *Id.* at 1. In her complaint, Ms. Agouridis indicated that pub crawls in the neighborhood create excessive levels of trash and damage. *Id.* The Metropolitan Police Department also reported that on the night of the pub crawl, twenty-five officers had to be summoned to the district and officers on horseback had to break up a large crowd in the streets that threatened officers engaging in crowd control. *Id.* at 2.
4. On Monday, November 10, 2015, Alcoholic Beverage Regulation Administration (ABRA) Investigator Kevin Puente spoke with Managing Member Michael Bramson over the phone. *Id.* at 2. During their conversation, Mr. Bramson admitted that the Applicant sold 3,800 tickets for the event. *Id.* A ticket report submitted by Mr. Bramson indicated that the Applicant sold 3,577 tickets. *Id.*, Exhibits Nos. 4-5. Moreover, Mr. Bramson admitted that he was aware that they had oversold the event on the day of the event. *Id.* at 41.
5. The Applicant also submitted event contracts with various licensed establishments that participated in the event. *Id.* Investigator Puente observed that the contracts indicated that the pub crawl would last until 1:00 a.m. with drink specials ending at 11:00 p.m. *Id.*, Exhibit Nos. 6-16.

¹ The transcript from the hearing was not available at the time this Order was written; therefore, information obtained from the hearing cannot be cited with specificity.

CONCLUSIONS OF LAW

6. The Board denies the Application because the Applicant failed to abide by terms of the event proposed to the Board the pub crawl permit issued by the Board on October 31, 2015. Under the new pub crawl regulations, “[A] ‘pub crawl event’ shall be defined as an organized group of establishments within walking distance which participate in the promotion of the event featuring the sale or service of alcoholic beverages during a specified time period.” *Notice of Emergency and Proposed Rules*, § 712.3 (Jan. 13, 2016) [*Emergency Rulemaking*]. A pub crawl event that involves 200 or more individuals requires the approval of the Board. *Id.* at § 712.26.

7. “The issuance of a pub crawl license shall be solely in the Board’s discretion.” *Id.* at § 712.18. “When reviewing an application for a pub crawl license, the Board may consider the Applicant’s conduct and management of previous pub crawl events.” *Id.* at § 712.21. The Board notes that both the prior and current version of § 712 require the Applicant to provide both the “anticipated” and “maximum number” of participants and the “actual hours” of the event. 23 DCMR § 712.2(3)-(4); *Emergency Rulemaking*, at § 712.5(c)-(d).

8. In this case, the record shows that the Applicant oversold tickets for the Halloween pub crawl by anywhere from 77 to 300 tickets, and had no means to ensure that the event did not exceed the maximum number of participants. *Supra*, at ¶¶ 2, 4. In addition, the Applicant’s contracts for Halloween indicate that the event did not end at 11:00 p.m., as indicated in the Application, but rather ended at 1:00 a.m. *Supra*, at ¶ 5. Under these circumstances, the Applicant’s failure to take steps to ensure that the Halloween pub crawl did not exceed the number of proposed participants and abided by the proposed hours of operation in the application for Halloween merit denial of the present Application.²

9. Section 401.1 permits the denial of an application when “the applicant has permitted at the establishment conduct which is in violation of this title.” 23 DCMR § 401.1 (West Supp. 2016). The Board further notes that § 25-766 prohibits the making of false or misleading statements in relation to any “material fact” in an advertisement. D.C. Official Code § 25-766. The Board deems the expected participant count a “material fact,” because the figure must be disclosed in the pub crawl application pursuant to § 712.5. In this case, the Applicant applied for a pub crawl with a maximum participant count of 2,900, but advertised that the event would involve more than 5,000 people. Therefore, the advertisement misled the public as to the size of the event, which violates § 25-766 and merits denial of the Application pursuant to § 401.1

ORDER

Therefore, the Board, on this 27th day of January 2016, **DENIES** the Pub Crawl Application filed by Project D.C. Events LLC for the reasons stated above. The Board notes that this denial does not prevent the Applicant from proposing additional events in the future.

² It is also noted that the conduct on which this Order is based likely constitutes a violation of D.C. Official Code § 25-401(c) and 25-823(7) for the making of a false statements and violating the terms of the license issued by the Board related to the Halloween pub crawl, and may be used to consider the Applicant’s qualifications for licensure under D.C. Official Code § 25-301.

IT IS FURTHER ORDERED that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision.

The ABRA shall deliver copies of this Order to the Applicant.

District of Columbia
Alcoholic Beverage Control Board



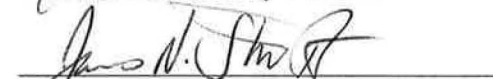
Donovan Anderson, Chairperson



Nick Alberti, Member



Mike Silverstein, Member



James Short, Member

I dissent from this order.

This decision in this case is one of first impression under the new Emergency and Proposed Pub Crawl Regulations. The majority relies on Section 712.18, "The issuance of a pub crawl license shall be solely in the Board's discretion," and Section 712.21, "When reviewing an application for a pub crawl license, the Board may consider the Applicant's conduct and management of previous pub crawl events." While I agree that these provisions may be relied on in denying a pub crawl application, I disagree as to the Board's reliance on them in denying this Application.

The Applicant in this case has been conducting pub crawls in Washington, D.C for approximately 5 years without incident prior to the Halloween pub crawl referenced in the Order. Given that the transgressions noted by the Board in this Order do not appear to have impacted public safety nor contributed to community complaints, police action or other negative impacts on the community or the environment, I would have allowed this pub crawl to proceed. In my view, the Board should have issued a warning to the Applicant and emphasized the criteria for denial of a pub crawl in the future.



Ruthanne Miller, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-

1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. *See* D.C. App. Rule 15(b) (2004).