DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD
MEETING

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IN THE MATTER OF:               :
                                :
Dancing Crab at Washington      :
Harbor                          :
t/a Tony & Joe's Seafood Place  :
3000 K Street, NW               :
Retailer CR                     :
License No. 10762               :
ANC 2E                          :  Fact Finding
PPT, Inc.                       :  Hearing
t/a Nick's Riverside Grill      :
3050 K Street, NW               :
Retailer CR                     :
License No. 17308               :
ANC 2E                          :
One Day Substantial Change      :
Application; Date of Events:    :
October 31, 2012 and December 31:
2012                            :
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October 24, 2012
The Alcoholic Beverage Control

Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT
RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT
TYRONE LAWSON, ABRA

2

1 P R O C E E D I N G S
2 3:06 p.m.
3 CHAIRPERSON MILLER: I'll start again. All
4 right. Fact finding hearing, Tony & Joe's Seafood
5 Place, 3000 K Street, N.W., License No. 10762, in ANC
6 2E. Good afternoon. When you are ready, please sign
7 in and identify yourself for the record.
8 MR. CASTEN: Gregory Casten, partner, Tony &
9 Joe's Seafood Place.
10 CHAIRPERSON MILLER: Okay.
11 MR. LAWSON: Investigator Tyrone Lawson with
12 the Alcoholic Beverage Regulation Administration.
13 CHAIRPERSON MILLER: Okay. So this one
14 sounds more fun. But we're going to have some parties,
15 Halloween and New Year's Eve?
16 MR. CASTEN: No, we're just going to do one.
17 I'm retracting the Halloween. We didn't get it done in
18 time clearly. So --
19 CHAIRPERSON MILLER: Oh
20 MR. CASTEN: -- we're removing that request.
21 This is a request only for New Year's Eve at this
22 point.

3

1 CHAIRPERSON MILLER: Okay. Okay. New Year's
2 Eve.
3 MR. CASTEN: Then I can't market, don't have
4 time to --
5 CHAIRPERSON MILLER: Okay. So -- well, you
6 want to tell us about your plans in general?
7 MR. CASTEN: It's generally the same event we
8 did, I believe, in 2009 and 2008 I think we had a
9 license here as well. We didn't do it in 2010. It's
10 essentially the two places are next door to each other.
11 I kind of brought a floor plan that marked out as you
12 guys had wanted it. If you've been to Washington
13 Harbor, Nick's is on one side. Tony & Joe's is on the
14 other. And the patios abut each other with
15 approximately 40 feet in between.
16 And in essence, we just want to use the space
17 for the restaurants to allow patrons to go from one to
18 the other while carrying alcoholic beverages plus, put
19 the front doors outside in with the common area for the
20 building so -- to let the people in. And we check
21 their IDs and what not. We don't have this bottleneck
22 out the front door. I mark that down on the plans as

4

1 it works and we'll have answers to your 18 questions as
2 well in case you had any.
3 The event is marketed as a New Year's event
4 and the ticket is sold that includes alcohol, food and
5 entertainment all in one.
6 CHAIRPERSON MILLER: What kind of
7 entertainment are you going to have?
8 MR. CASTEN: Live band at Nick's Riverside
9 Grill. It's a disc jockey at Tony & Joe's and an
10 individual singer at another spot in Tony & Joe's, two
11 things inside the space. One's in a bar area. One's
12 in the back restaurant and then the live band at Nick's
13 is outside under a tent.
14 CHAIRPERSON MILLER: Okay. Okay. How many
15 people do you expect to have?
16 MR. CASTEN: I'd be happy if I had 1500,
17 somewhere between 1200 and 1500.
18 CHAIRPERSON MILLER: Did you have that the
19 last time?
20 MR. CASTEN: I think so. I think -- I don't
21 remember the exact count but I think it was somewhere
22 around that number.

5

1 CHAIRPERSON MILLER: Did you have any
2 problems the last time?
3 MR. CASTEN: None.
4 CHAIRPERSON MILLER: Okay. I haven't found
5 your answers to our questions so I'm sure I'm asking
6 questions that, you know --
7 MR. CASTEN: No, that's all right. And I
8 brought them.
9 CHAIRPERSON MILLER: Okay. How are you
10 checking IDs?
11 MR. CASTEN: We'll have six staff or four
12 staff at each of the two main entrances that come in
13 specifically to check IDs. And all those guys have
14 worked for us for years. We'll also have some off-duty
15 police officers that work through a Praetorian Guard
16 service that is a security firm that that's what they
17 do is handle events such as this nature. So they'll be
18 there.
19 CHAIRPERSON MILLER: You're going to hire a
20 security firm? Is that what you said?
21 MR. CASTEN: We'll have guards through them,
22 yes. Yeah, Praetorian Guard. Right.

6

1 CHAIRPERSON MILLER: Do you know how many?
2 MR. CASTEN: I plan to have 15-18 of my staff
3 and probably 8-10 of their staff.
4 CHAIRPERSON MILLER: And how about the other
5 place, Nick's?
6 MR. CASTEN: Beg your pardon?
7 CHAIRPERSON MILLER: Nick's Grill, is there --
8 MR. CASTEN: Same. Now, you're talking about
9 the two as if one --
10 CHAIRPERSON MILLER: Together as if it's one?
11 MR. CASTEN: -- divided between two.
12 Correct.
13 CHAIRPERSON MILLER: Okay. Okay. Is it the
14 same security you used last time, do you remember?
15 MR. CASTEN: By and large, my staff will be
16 the same. Whether or not their specific staff is the
17 same -- he generally hires off-duty police officers
18 from Washington, DC and Maryland. I assume they'll be
19 some of the same people. I don't necessarily know.
20 CHAIRPERSON MILLER: And --
21 MR. CASTEN: I can ask him that.
22 CHAIRPERSON MILLER: What are the hours going

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1 to be?
2 MR. CASTEN: 9:00 to 2:00.
3 CHAIRPERSON MILLER: Okay. So are you going
4 to have people there who are underage?
5 MR. CASTEN: No.
6 CHAIRPERSON MILLER: No. So if they don't --
7 you won't let them in?
8 MR. CASTEN: Correct.
9 CHAIRPERSON MILLER: Okay. And is -- where
10 is the liquor to be, at the regular bars that in --
11 MR. CASTEN: At the bar.
12 CHAIRPERSON MILLER: They're regular --
13 MR. CASTEN: There'll be one -- and I marked
14 it on this thing --
15 CHAIRPERSON MILLER: Okay.
16 MR. CASTEN: -- satellite bar, if you will,
17 set up so that -- where it's hard to get access way
18 back in the back of Tony & Joe's, which will generally
19 just do bottled beer back there. And it's (inaudible).
20 CHAIRPERSON MILLER: Okay. I'm going to let
21 others ask questions if you have any.
22 MR. BROOKS: I have a question.

8

1 CHAIRPERSON MILLER: Yeah, uh-huh.
2 MR. BROOKS: Yeah, thank you, Madam Chair.
3 CHAIRPERSON MILLER: Okay.
4 MR. BROOKS: Mr. Casten, I'm looking at your
5 application. And you have hours of event, 8:00 p.m. to
6 2:00 a.m.
7 MR. CASTEN: We open the door at 9:00. That
8 may be a miswriting but I wanted to make sure there was
9 no question. We will open the door to the general
10 public at 9:00. That's what time we'll let people in.
11 MR. BROOKS: Okay. So it's 9:00 to 2:00
12 a.m.?
13 MR. CASTEN: It's 9:00 to 2:00 is what the
14 event will be held at.
15 MR. BROOKS: Thank you, Madam.
16 CHAIRPERSON MILLER: Okay. Other questions?
17 MR. ALBERTI: Yeah, I --
18 CHAIRPERSON MILLER: Yes.
19 MR. ALBERTI: Hi, Mr. Casten. Thank you for
20 coming. Just hopefully I won't have too many
21 questions. What's the type of fencing that you're using
22 to fence this in?

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1 MR. CASTEN: Rope area and then the tents
2 will have plastic. So the tents are -- you might --
3 MR. ALBERTI: Yeah, mine isn't very clear.
4 MR. CASTEN: I'm sorry?
5 MR. ALBERTI: My drawing isn't very clear.
6 So --
7 MR. CASTEN: Here's a better one for you if
8 you want but basically there'll be tents --
9 MR. ALBERTI: Ms. Walker, could you grab that
10 from --
11 MR. CASTEN: And then the sides of the tents
12 will be down along 50-75 percent of the tent area. And
13 then beyond that, the exact boundary that we have now
14 exists, which is basically a rope with stanchions in
15 between. That way they're -- there's --
16 MR. ALBERTI: Okay.
17 MR. CASTEN: I have two of those if you want
18 them.
19 MR. ALBERTI: Okay. On this map, I guess --
20 yeah, this would be -- the river would be here on this
21 map here? Is this -- mine have the right --
22 MR. CASTEN: Steps.

10

1 MR. ALBERTI: Pardon?
2 MR. CASTEN: That's the steps. The river
3 would be on the other side.
4 MR. ALBERTI: On this side?
5 MR. CASTEN: Right.
6 MR. ALBERTI: On this side here?
7 MR. CASTEN: It's -- that's right.
8 MR. ALBERTI: Okay. So -- okay.
9 MR. CASTEN: It says, "Exit only."
10 MR. ALBERTI: Ah, okay.
11 MR. CASTEN: That would be --
12 MR. ALBERTI: And then this emergency access
13 along the --
14 MR. CASTEN: All that is open boardwalk area
15 on the other side of the line that goes through at the
16 top. And then the river's actually past. There's
17 another boardwalk area beyond and the river's beyond
18 there.
19 MR. ALBERTI: Okay. So I'm a little familiar
20 with this but, I'll admit, not entirely familiar with
21 it. I haven't spent a lot of time there. So hopefully
22 you can understand my -- you've got a roped-in area.

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1 How do you -- how do you manage crowd control from --
2 MR. CASTEN: Well --
3 MR. ALBERTI: -- from the outside?
4 MR. CASTEN: If you look at the thing, we
5 have what we call roamers that are up there. To be
6 honest with you, at this event nobody really goes to
7 the riverside. So it's not --
8 MR. ALBERTI: Right.
9 MR. CASTEN: -- you know, but it's -- in the
10 normal course of our business that's what we do now
11 anyway. We have doormen that walk. People who are
12 eating can get up with a bottle and walk over that rope
13 or through it and we have that rope there to let them
14 know that's the end of our boundary. And we have
15 individual doormen that walk the perimeter constantly
16 throughout.
17 MR. ALBERTI: Okay. So you're saying your
18 staff -- this -- your staff is well trained in
19 monitoring that?
20 MR. CASTEN: Yes.
21 MR. ALBERTI: Okay.
22 MR. CASTEN: The floor plan on the upper

12

1 level, between the restaurants and the river is no
2 different, other than where the restaurants connect,
3 than the operation that occurs pretty much every day.
4 MR. ALBERTI: Okay.
5 MR. CASTEN: The difference would be that
6 part of it would have a firm wall because of the tent --
7 MR. ALBERTI: Uh-huh.
8 MR. CASTEN: -- would be a wall that goes all
9 the way to the ground, whereas, today there is just a
10 perimeter border marked by these stanchions, connected
11 by rope.
12 MR. ALBERTI: Okay. Now, if I understood,
13 the concept here is you have two establishments. And
14 there's a --
15 MR. CASTEN: We sell one ticket to get you --
16 MR. ALBERTI: And then there's a public --
17 MR. CASTEN: -- access to all --
18 MR. ALBERTI: -- there's a public area in
19 between or I -- it may not be public but whatever --
20 MR. CASTEN: All private area but there's an
21 access there.
22 MR. ALBERTI: There's between the two that

13

1 you normally don't use, right? I mean, you don't --
2 normally don't let --
3 MR. CASTEN: Allow people to --
4 MR. ALBERTI: Right. Because --
5 MR. CASTEN: -- on our steps.
6 MR. ALBERTI: Exactly. All right. So you
7 want to now allow those people to come out into that
8 area?
9 MR. CASTEN: I'm sorry?
10 MR. ALBERTI: You want to allow the patrons
11 to come out into that area -- is the idea here?
12 MR. CASTEN: Yeah, travel from one side of
13 the harbor to the other while carrying a bar. On the
14 lower area, generally, not on the upper, if you know
15 the harbor, there's two sets of --
16 MR. ALBERTI: Right.
17 MR. CASTEN: -- five steps. On the -- after
18 the first step from the river down and the second step
19 from the middle level down, on those two levels, just
20 to be able to walk back and forth in-between the
21 buildings without putting their drink down and then
22 getting another one.

14

1 MR. ALBERTI: Okay. So the question I have,
2 what do you do to either -- I don't know how you're
3 going to do this either -- discourage them from
4 congregating in that area or not encourage them from
5 congregating in that area?
6 MR. CASTEN: Well, the way --
7 MR. ALBERTI: What do you do?
8 MR. CASTEN: If you look at the thing,
9 there's no one else that's in that back area during
10 this time. The landlord's given us permission to sort
11 of close that whole area off. So there is no public
12 that's going to be in that area.
13 MR. ALBERTI: No. But, I mean, your patrons
14 from congregating in that area. What --
15 MR. CASTEN: Well, I would say that the
16 bands, the entertainment and the bars are all --
17 MR. ALBERTI: Okay.
18 MR. CASTEN: -- completely away from that
19 area. So it's really just a movement area back and
20 forth.
21 MR. ALBERTI: Okay. I don't want to be a
22 killjoy but I'm going to pose a -- that sound like a

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1 great event but I have to pose this --
2 MR. CASTEN: Sure.
3 MR. ALBERTI: You have two different owners,
4 two different venues, correct?
5 MR. CASTEN: They're owned in different
6 percentages essentially --
7 MR. ALBERTI: Right.
8 MR. CASTEN: -- by myself and my family.
9 MR. ALBERTI: Right, right. But it's two --
10 MR. CASTEN: Yeah.
11 MR. ALBERTI: -- licenses?
12 MR. CASTEN: Yes, that's correct.
13 MR. ALBERTI: Who becomes responsible -- when
14 we -- who becomes responsible for the common area?
15 MR. CASTEN: In terms --
16 MR. ALBERTI: And I have to ask this. I mean --
17 MR. CASTEN: In terms of alcohol license and
18 just --
19 MR. ALBERTI: Yeah, somebody --
20 MR. CASTEN: -- liability in general?
21 MR. ALBERTI: Well, liability is your
22 concern. My concern is ABRA law. So if there is a

16

1 violation of ABRA law in the -- in that common area,
2 who's responsible?
3 MR. CASTEN: I would offer that we put a --
4 either license would be -- I was going to say that we
5 put a demarcation down between the two of them but I
6 would say that you may pick whichever license you feel
7 appropriate to be responsible for --
8 MR. ALBERTI: I'll let you volunteer on the
9 record.
10 MR. CASTEN: Actually say -- let's say Nick's
11 Riverside Grill.
12 MR. ALBERTI: Okay. Fine.
13 MR. CASTEN: It'd be to --
14 MR. ALBERTI: Fine. And it's just -- it's a
15 formality.
16 MR. CASTEN: I understand. I understand.
17 MR. ALBERTI: I don't anticipate anything
18 going wrong but I --
19 MR. CASTEN: That's fine.
20 MR. ALBERTI: -- have to dot all the I's and
21 cross all the T's. And I thank you for that. I have
22 no further questions.

17

1 MR. BROOKS: I have a question, Madam Chair.
2 CHAIRPERSON MILLER: Yes, Mr. Brooks.
3 MR. BROOKS: Thank you, Mr. Casten. Does
4 either Nick's Riverside or the Tony & Joe's - do you
5 have cameras?
6 MR. CASTEN: Yes.
7 MR. BROOKS: You do?
8 MR. CASTEN: Yeah.
9 MR. BROOKS: Approximately how many?
10 MR. CASTEN: Oh, we just rebuilt them after
11 the flood and right now there's only 26 cameras at each
12 location. But they're on 24 hours a day that I can
13 actually show you on my telephone.
14 MR. BROOKS: All right.
15 MR. CASTEN: But there should be another half
16 dozen or so after the outside is built. The outside
17 property doesn't have -- we're getting our awnings and
18 everything done to match the park next door. And once
19 that work's done -- and I want to say it should be by
20 December 31st but I had to work with our construction
21 report and our budget not being in my control, I don't
22 know that those awnings will be in place and that the

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1 cameras will be at the two outside bars for this event.
2 I think so. I can report back to you on the
3 progress of it. If I have my way, it'll be done by
4 December 1st when the standing wing opens but I don't
5 know that for a fact. So it's out of my control.
6 MR. BROOKS: I mean, so you have a camera --
7 MR. CASTEN: The intention is for the cameras
8 there. The insides of both restaurants and the bars
9 and some of the current patios are currently under
10 cameras as well.
11 MR. BROOKS: Thank you, Madam Chair.
12 CHAIRPERSON MILLER: Thank you. Others? Mr.
13 Lawson -- and I just want to say for the record that
14 you've been here the whole time. But I'm not sure that
15 I had you introduce yourself for the record at the
16 beginning.
17 MR. LAWSON: Oh, yes, ma'am.
18 CHAIRPERSON MILLER: Good. Good.
19 MR. LAWSON: Thank you very much. I have a
20 few questions to follow up with Mr. Alberti's question
21 regarding the common area.
22 MR. CASTEN: Yes, sir.

19

1 MR. LAWSON: And you indicated that the
2 landlord has given you permission to use that area?
3 MR. CASTEN: That's correct.
4 MR. LAWSON: Can you obtain any documentation
5 from them to --
6 MR. CASTEN: It's here on the package.
7 MR. LAWSON: Okay.
8 MR. CASTEN: Because it's --
9 MR. LAWSON: Okay.
10 MR. CASTEN: Yeah, I meant to give it to a
11 friend and they were a little delinquent in giving it
12 to me.
13 MR. LAWSON: Okay.
14 MR. CASTEN: So it's here today. And --
15 MR. LAWSON: Great. All right. Thank you.
16 MR. CASTEN: -- I brought copies for you guys
17 for the record.
18 MR. LAWSON: Okay. And what -- I know that
19 you said that there won't be any public in that area so
20 you generally would be closing off that whole area?
21 MR. CASTEN: That's correct.
22 MR. LAWSON: But if there a public -- what if

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1 a person wants to walk through that area? Do you just
2 redirect him?
3 MR. CASTEN: We're going to direct him around
4 for those five hours. That would be our intention.
5 CHAIRPERSON MILLER: I'm sorry, could you say
6 that louder?
7 MR. CASTEN: We're going to direct him around
8 or her around. There are ways to get around. In other
9 words, the only reason somebody would want to come
10 there is to either go to one of the -- there's one
11 restaurant on the inside near the steps and the people
12 could then walk around the building and come in -- it's
13 actually Virginia Avenue that's closed -- and then come
14 back down from the front and have access to it. So
15 there's a way to get to the other side --
16 MR. LAWSON: Okay.
17 MR. CASTEN: -- from the river -- I think is
18 what you're asking, correct?
19 MR. LAWSON: Yes.
20 CHAIRPERSON MILLER: Okay.
21 MR. LAWSON: The other question I have is,
22 your application says that the security company is off-

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1 duty police officers. And then that even goes any
2 further to say off-duty PG police but you mentioned a
3 specific --
4 MR. CASTEN: This is -- I put in here the
5 security company is one Praetorian Guard.
6 MR. LAWSON: Okay.
7 MR. CASTEN: And that's their bio and their
8 (inaudible) I put that in the package for you guys.
9 MR. LAWSON: Okay.
10 MR. CASTEN: It shows who they've done work
11 with and which individuals.
12 MR. LAWSON: Okay. So this basically is a
13 corporation providing security?
14 MR. CASTEN: Yes, they do. Individuals and
15 high end events more --
16 MR. LAWSON: Okay.
17 MR. CASTEN: -- public figures -- a lot of
18 public figure stuff.
19 MR. LAWSON: Okay. How do you plan to
20 regulate counting the patrons that will be going into
21 the restaurants?
22 MR. CASTEN: Ticket sale. We'll know by the

22

1 number of tickets we've sold. Nobody will enter in
2 without a ticket admission.
3 MR. LAWSON: So -- and the tickets that you
4 sell are going to be no more than the capacity for each
5 restaurant?
6 MR. CASTEN: Correct.
7 MR. LAWSON: Okay. And the people that buy
8 tickets for the tents won't be able to access the
9 restaurants?
10 MR. CASTEN: No, that's incorrect. The
11 ticket will give you -- or that's my intention is that
12 the tickets will give you access to wherever. And if
13 your question is, what would happen if one part got
14 more heavily full, if you will, than before, there's
15 two answers that I have for that -- or more capacity
16 than it's placarded for --
17 MR. LAWSON: Uh-huh.
18 MR. CASTEN: -- there's two answers that I
19 have for that. One, we have security people stationed
20 in there and we have the ability to cut off individual
21 areas. And two, now, the way the harbor has rebuilt
22 the restaurants -- or the restaurants, all the walls

23

1 fold and disappear. So you -- we could actually open
2 them and move the -- move the space and make the space
3 bigger.
4 And I can show you when you're on the scene
5 exactly what I'm talking about. This particular wall
6 here --
7 MR. LAWSON: Okay. Because what -- my
8 question is more the concern --
9 MR. CASTEN: This is -- it's this wall.
10 MR. LAWSON: Right. I'm familiar with the --
11 MR. CASTEN: (inaudible) --
12 MR. LAWSON: But my concern is -- or the
13 question is with regards to overcapacity in any one of
14 the restaurants at any one time. And how do you -- how
15 do you -- do you have any plans to regulate? There are
16 283 that can go in -- the maximum capacity in one
17 restaurant.
18 MR. CASTEN: So I'll tell you we do --
19 MR. LAWSON: Right.
20 MR. CASTEN: You know, I -- the immediate
21 answer is I don't have a plan but the plan on site
22 would be the management would say, "Hey, that's it for

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1 this room." And then we will start pushing people out
2 the door into the tented areas outside. We would say,
3 "No going in this room."
4 MR. LAWSON: Okay.
5 MR. CASTEN: We would stop them. If you look
6 at the plan, there's security personnel in every single
7 egress and exit point. And we don't sit there with a
8 counter. We more look at the room and go that way.
9 MR. LAWSON: So you won't be using a --
10 MR. CASTEN: We won't use a counter inside
11 the space -- or I hadn't planned on using a counter
12 inside the individual space, only at the doors getting
13 the people over and, you know, I hadn't really
14 considered that specific aspect of it but I can work on
15 some plan that addresses that issue.
16 MR. LAWSON: Okay. Because -- will you be
17 using outdoor restroom, portable restrooms?
18 MR. CASTEN: Correct.
19 MR. LAWSON: Okay.
20 MR. CASTEN: Right. And the indoor restroom.
21 We have that facility covered.
22 MR. LAWSON: Okay. Okay. Thank you.

25

1 MR. ALBERTI: I have one more question.
2 CHAIRPERSON MILLER: Yes, go ahead. Uh-huh.
3 MR. ALBERTI: A follow-up to Mr. Lawson's
4 excellent questions. Just out of curiosity -- you
5 estimate 2000 people here -- I mean maps. I know. I
6 know. So do you know, like, what is the added capacity
7 that you're asking for here --
8 MR. CASTEN: You know, I don't --
9 MR. ALBERTI: -- above and beyond what those
10 two restaurants --
11 MR. CASTEN: That's a question I really
12 hadn't considered. The capacity for Tony & Joe's is
13 600 and -- or 583 with the patio.
14 MR. ALBERTI: Okay.
15 MR. CASTEN: The capacity for Nick's is 543 --
16 MR. ALBERTI: Okay.
17 MR. CASTEN: -- with it. So I guess at some
18 point maybe I should get the fire department -- because
19 it's standing and the furniture by and large is
20 removed. We leave a certain number of tables at the --
21 at the windows.
22 MR. ALBERTI: Right.

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1 MR. CASTEN: So the capacity when you're
2 standing is -- it's three feet per person to one --
3 MR. ALBERTI: Right.
4 MR. CASTEN: -- as opposed to seven feet. I
5 mean, at least --
6 MR. ALBERTI: Right, right.
7 MR. CASTEN: -- that's what our architects
8 tell me. So then the capacity increases dramatically.
9 And I haven't explored whether or not there's a way for
10 the fire department to change that. I know you can get
11 a second capacity based on not having the tables in
12 your restaurant.
13 MR. ALBERTI: Uh-huh.
14 MR. CASTEN: I also know we're having
15 problems getting the fire department issuing those
16 capacities. And the city is trying to work with them
17 through Mr. Majits (ph) and some of the other folks to
18 get the fire department to be more responsive to that.
19 MR. ALBERTI: Right.
20 MR. CASTEN: I don't know the answer to that
21 until I go to them. And whether or not they -- my
22 guess is it's based on the square footage that we're

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1 going to be well in excess of probably 2500 people.
2 MR. ALBERTI: Yeah.
3 MR. CASTEN: And I can be in this space but --
4 MR. ALBERTI: Partly my reason for asking --
5 I appreciate that. I guess my redress is going to be a
6 sense of how difficult it would be. I mean, because
7 you're going to have extra area here.
8 MR. CASTEN: No, there -- they --
9 MR. ALBERTI: And so how difficult it would
10 be to sort of manage a crowd that size --
11 MR. CASTEN: I acknowledge --
12 MR. ALBERTI: -- in the space that you have.
13 And so that was helpful to me.
14 MR. CASTEN: I acknowledge the concern. And,
15 you know, it's kind of funny, the experience -- the two
16 times that we've done this, I think, that the -- you
17 know, the ebb and flow. People like to move and go in
18 -- there is never one space that's crazy full or at
19 least in my experience. That doesn't mean I didn't see
20 it and it didn't occur but by and large, it's really an
21 evenly dispersed -- and no place feels like it's so
22 crazy in there that it's beyond --

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1 MR. ALBERTI: Okay.
2 MR. CASTEN: -- our capacity.
3 MR. ALBERTI: And you understand your
4 responsibility --
5 MR. CASTEN: But I -- my question --
6 MR. ALBERTI: -- towards that end. Yeah.
7 MR. CASTEN: -- is the fire marshal. I
8 understand completely.
9 MR. ALBERTI: Thank you.
10 CHAIRPERSON MILLER: Oh, I'd like to follow
11 up on that. Are you also having an outdoor tented
12 area? Did you say that?
13 MR. CASTEN: Correct. In-between where the
14 outside bars are partly would be tented. And then
15 there would be one with a lighted walkway in-between
16 that would be tented with no sides on it so that if it
17 did rain, they could get from one side to the other.
18 And then the tents would encompass, although I didn't
19 mark them here, roughly to the exterior of the bars
20 with a little bit of room on them, all the way down to
21 the inner circle of the harbor.
22 And then there would be the connection in

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1 case it rained, if people just wanted to walk across
2 and not congregate in that common area. And then up
3 to, at the upper level, there would be one tent at
4 Nick's and one tent at Tony and Joe's. And then there
5 would be additional areas open to the sky where people
6 could smoke or not be under the tent, depending on how
7 cold that might be.
8 CHAIRPERSON MILLER: So, I mean, is it
9 because of those additional areas that you can go up to
10 2000 or 2500 when your capacity inside -- I guess for
11 seated though -- is, like, about 500 each?
12 MR. CASTEN: And most -- well, most of the --
13 aside from where the DJ tends to be, most of the people
14 are outside near the band or at the bars outside.
15 CHAIRPERSON MILLER: Is it going to be heated
16 outside?
17 MR. CASTEN: There's a lot of bodies or --
18 lot of bodies and they heat. But the answer to that
19 is, yes, I -- and I have provided heat but we didn't
20 use it.
21 CHAIRPERSON MILLER: Oh, really? Okay.
22 MR. CASTEN: Because we heated it up before

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1 they came and then turned it off and then got more,
2 "Hey, can you blow this side up to get some more
3 (inaudible) in here?"
4 CHAIRPERSON MILLER: Okay.
5 MR. ALBERTI: So that was a nice night then.
6 CHAIRPERSON MILLER: How much are the tickets
7 going to be?
8 MR. CASTEN: From $99 to $149. We haven't
9 decided exactly what we plan to do. What we did the
10 one year is started selling them early in advance at a
11 discounted price.
12 CHAIRPERSON MILLER: Right.
13 MR. CASTEN: And then, once we got closer,
14 amazingly we sold a whole lot more at the more
15 expensive price than we sold at the -- people have a
16 tendency to wait until the last five days on New Year's
17 Eve to make any true decisions. But --
18 CHAIRPERSON MILLER: True.
19 MR. CASTEN: -- it's important to get a core
20 group of people coming so that you have people that
21 want to be there. I don't want to call it science but
22 there is something to how you figure out how to get

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1 there -- and we're not using an outside promoter in any
2 way.
3 CHAIRPERSON MILLER: Right. Okay. So you
4 plan on talking with the fire department?
5 MR. CASTEN: I will now.
6 CHAIRPERSON MILLER: Okay. Any other
7 agencies that you've talked with or --
8 MR. CASTEN: I'm not sure of any. It's
9 private property and I'm not sure of any that I need to
10 talk to but I -- if you advise me that you want me to
11 talk to someone, I'm happy to.
12 CHAIRPERSON MILLER: Did you say -- I'm sorry
13 -- what you're doing -- are you using some police for
14 security or just all private security?
15 MR. CASTEN: I'm using a firm that hires off-
16 duty police --
17 CHAIRPERSON MILLER: Oh, they --
18 MR. CASTEN: -- or ex-police. Maybe it's ex.
19 Maybe I'm --
20 CHAIRPERSON MILLER: Okay.
21 MR. CASTEN: -- misspeaking that they're not
22 off-duty, that they're ex-police officers. I --

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1 CHAIRPERSON MILLER: I see.
2 MR. CASTEN: -- may be misstating that. They
3 may not actually be off-duty police. They may in fact
4 may be retired police officers. In fact, that's
5 probably what they are.
6 CHAIRPERSON MILLER: Okay. I don't have any
7 other questions. Anybody else? Okay. Looks good.
8 MR. CASTEN: This is a packet. It answers --
9 CHAIRPERSON MILLER: Oh, you got it?
10 MR. CASTEN: -- the 15 questions that you
11 asked and a copy of the security firm that I use and
12 their brochure or whatever and our (inaudible).
13 CHAIRPERSON MILLER: Oh, good. Okay. That's
14 great.
15 MR. CASTEN: And that other copy is yours to
16 keep and I made too many.
17 MR. ALBERTI: Do you want -- do you want that
18 other copy back?
19 MR. CASTEN: Oh, no. I don't want it but I
20 made two for you guys to keep.
21 MR. ALBERTI: We have it.
22 CHAIRPERSON MILLER: Okay.

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1 MR. CASTEN: And I have mine --
2 MR. ALBERTI: Great.
3 MR. CASTEN: -- that I keep for the thing but
4 this is yours if you want to keep it. However, it's
5 for you.
6 MR. ALBERTI: All right. Great. Thank you
7 very much.
8 MR. CASTEN: You're welcome.
9 MR. ALBERTI: I guess we're signing the
10 license now.
11 CHAIRPERSON MILLER: What happened to --
12 MR. ALBERTI: Oh, I didn't sign the second
13 one.
14 MR. SILVERSTEIN: There's four (inaudible)
15 CHAIRPERSON MILLER: Oh, I didn't. All
16 right. It'll come back. There's four?
17 MR. JONES: But two of those (inaudible).
18 MR. ALBERTI: Yeah, yeah. We're only --
19 MR. CASTEN: I --
20 MR. ALBERTI: -- we're only approving New
21 Year's Eve. So -- hey, let's make sure -- I want to
22 make sure we're signing the two for New Year's Eve.

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1 MR. CASTEN: Yeah.
2 MR. ALBERTI: Okay.
3 CHAIRPERSON MILLER: Okay.
4 MR. ALBERTI: We're easily confused.
5 MR. CASTEN: And so I put -- there's no event
6 for October 31st.
7 MR. ALBERTI: Right, right, right. It's just
8 that we have all that paperwork and we're easily
9 confused. So --
10 MR. CASTEN: While I'm here, I might mention
11 to the Board that I have discussed this with the
12 management at present and I think that you will see
13 Washington Harbor want to try to do this more
14 encompassing -- there's two more restaurants that are
15 about to open down there -- and encompassing the
16 entire, you know, Fishers Farmers [sic] and whatever's
17 going there. We gave up Cabana's and that space is
18 going to go to somebody else.
19 And then they've just signed a lease with an
20 Italian restaurant to open the entire complex. And I
21 think that this maybe can be a model or you guys might
22 want to look at what we do here to see if there's some

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1 other event that can really give this city an
2 alternative to National Harbor so that people can spend
3 their money here as opposed to there.
4 And I mentioned that to the Harbor ownership
5 and management and they are in full agreement that
6 they'd like to see something like that happen in the
7 future. So ours is a smaller event just on the front,
8 but I think you'll look at -- you might see them coming
9 and looking for an event that's more encompassing, all
10 the licenses --
11 CHAIRPERSON MILLER: Right.
12 MR. CASTEN: -- be then -- that would apply -
13 - I'm not sure exactly how the ramifications for the
14 licensing would occur but I think that there is a real
15 lot of potential there to do some really positive
16 things for the city.
17 CHAIRPERSON MILLER: Let me see though. On
18 that note though, there are other restaurants down
19 there that aren't participating in your event, right?
20 MR. CASTEN: Correct.
21 CHAIRPERSON MILLER: Yeah, they're doing
22 their own New Year --

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1 MR. CASTEN: Although, they may want to.
2 CHAIRPERSON MILLER: Yes.
3 MR. CASTEN: They have expressed a desire,
4 particularly the new one, Fishers & Farmers, which is
5 in the -- in the thing. And we don't encompass or
6 infringe on their property --
7 CHAIRPERSON MILLER: Right.
8 MR. CASTEN: -- or access at all.
9 MR. ALBERTI: So am I hearing that this year
10 there are others that might want to join you at some --
11 MR. CASTEN: He may ask and if he does, he's
12 going to have to come talk to you guys.
13 CHAIRPERSON MILLER: Right.
14 MR. ALBERTI: Obviously -- and the reason I'm
15 asking is that, please let them know that we'd like to
16 know sooner than later.
17 MR. CASTEN: Yeah. I think that when you're
18 actually renting this place -- the one year I rented
19 this place for a coat room, they weren't -- they were
20 not -- they have historically not had as much success
21 as our restaurant. But I think now they're -- it's a
22 little different.

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1 MR. ALBERTI: Okay.
2 MR. CASTEN: But, you know, as far as I'm
3 concerned, they didn't -- they're not here. If they
4 don't want to be a part of it, that's up to them. If
5 they want to be a part, then my answer would be, "Okay.
6 But it's up to you to go back to the Board and have
7 them say, 'Yes,' and you can attach to it." That's
8 their complication on --
9 MR. ALBERTI: Right.
10 CHAIRPERSON MILLER: Let me ask you another
11 thing just briefly.
12 MR. CASTEN: Sure.
13 CHAIRPERSON MILLER: Is the ice-skating going
14 to be going on that night?
15 MR. CASTEN: Yes, until 8:00 they told --
16 CHAIRPERSON MILLER: Okay. Just until 8:00.
17 Okay.
18 MR. CASTEN: I think it's going to be
19 interesting. And it'll be interesting to see what that
20 ice-skating rink actually does and bring. I think it's
21 going to be --
22 CHAIRPERSON MILLER: Yeah.

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1 MR. CASTEN: -- a real positive thing down
2 there. We'll see. I'm anticipating November 19th.
3 CHAIRPERSON MILLER: November 19 it's going
4 to open?
5 MR. CASTEN: The ice-skating rink to be open
6 to the public.
7 CHAIRPERSON MILLER: Great.
8 MR. CASTEN: Based on what I've seen, the
9 construction and everything, March might be -- no. I
10 think November 19th is probably -- that's the date but
11 December 1st is not. I think -- I think it'll be
12 definitely be in operation during the time that this
13 event occurs, not the hours, but the day. And I --
14 CHAIRPERSON MILLER: Right.
15 MR. CASTEN: -- believe they have some
16 restrictions on when they're operating, who can be in
17 there. No sports leagues (inaudible) so we want some
18 kids playing hockey --
19 CHAIRPERSON MILLER: Right.
20 MR. CASTEN: -- which I think is a great idea
21 but (inaudible) --
22 MR. ALBERTI: Well, maybe under controlled

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1 circumstances but you don't want to have a diner
2 sitting close by.
3 MR. CASTEN: Maybe not.
4 CHAIRPERSON MILLER: Well, thank you very
5 much.
6 MR. CASTEN: You're welcome. Thank you.
7 CHAIRPERSON MILLER: Okay. The next case is
8 a protest case we have after this. I think the Board
9 just wants to take a three-minute break. And we will
10 return for the protest case.
11 (WHEREUPON, at 3:35 p.m., the hearing was
12 concluded.)
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2
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10 parties to the action in which this hearing was taken;
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19 Notary Public in and for the
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41

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