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

- - - - -X  
Pub Crawl Rulemaking : Public Hearing  
- - - - -X

Wednesday, March 2, 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.

1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

3 LAVERNE FLETCHER, Mediation Specialist

4

5 BOARD MEMBERS:

6 RUTHANNE MILLER

7 NICK ALBERTI

8 MICHAEL SILVERSTEIN

9 JAMES SHORT

10 MARTHA JENKINS, Esq. - OAG

11 DANETTE WALKER, ABRA

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

2 [1:41 p.m.]

3 CHAIRMAN ANDERSON: So, now we can do why  
4 we have a full house today, and I thank everyone  
5 for being here today.

6 We have basically, today, a proposed to -  
7 - hearing on the proposed emergency rulemaking  
8 regarding Pub Crawl.

9 We're here today to conduct a public  
10 hearing and to take comments on the emergency and  
11 proposed rules adopted by the board in December  
12 of 2015. Proposed amendments include, among  
13 other things, revisions to the Pub Crawl License  
14 Requirement, Establishment of a Pub Crawl  
15 Licensing Fee, providing the board with more  
16 authority over the management of Pub Crawl, and  
17 strengthening the requirements of Pub Crawl  
18 applicants regarding their responsibilities  
19 before, during and after Pub Crawl events,  
20 including having a little plan in place.

21 There are four -- I said there are four  
22 panels, or three established panels today, and

1 what I'm going to do is, I'm going to call up the  
2 different panels to come and testify, one panel  
3 at a time.

4 If you did not sign up prior, please --  
5 what I can do, I can have Ms. Randall -- if you  
6 did not sign up before and if you want to testify  
7 today, you still have an opportunity. So, I will  
8 have you on panel four.

9 So, what I will just say is that Ms.  
10 Randall --

11 (Discussion off the record)

12 MALE SPEAKER: Walker.

13 CHAIRMAN ANDERSON: You know, I'm sorry  
14 (Laughter). And today is her birthday, and I  
15 made a big deal this morning, and now I'm calling  
16 her Ms. Randall.

17 (Simultaneous discussion)

18 CHAIRMAN ANDERSON: But today is Ms.  
19 Walker's birthday. So, if you're here today and  
20 you want to testify and you did not sign up, you  
21 can give her your name, and then I'll call you up  
22 on the fourth panel to testify.

1           All right. So, as I said before, I'll  
2 begin today by calling the witnesses who have  
3 notified the agency in advance regarding their  
4 desire to address the board. And all right, so  
5 the first panel that we have here is Mr. Patrick  
6 Powell, from the Golden Triangle Bid.

7           We have Commissioner Melvin Gresham from  
8 the MPD.

9           MALE SPEAKER: Commander.

10          MALE SPEAKER: Commander.

11          CHAIRMAN ANDERSON: Commander. What did  
12 I say?

13          (No response heard)

14          CHAIRMAN ANDERSON: I thought I said  
15 Commander Melvin Gresham from MPD.

16          MALE SPEAKER: Mm hmm.

17          CHAIRMAN ANDERSON: Christine Davis,  
18 general counsel, DPW, and Captain Scott Egan from  
19 D.C. (Inaudible) department. Are they here?

20          (No response heard)

21          CHAIRMAN ANDERSON: So, please, come up,  
22 please. And you are the first panel.

1           And so, what I'll have you do, you can  
2 provide your testimony. There is a sign in  
3 sheet. You can sign your name and give your  
4 name, and then, we'll have -- you can testify.

5           We'll have the board -- we'll have some  
6 questions, and I'll ask the board members. And  
7 we're probably going to have four panels today,  
8 so no -- unfortunately, because it's four panels,  
9 I can't bring everyone up to testify and ask  
10 questions, so I just want the board to keep in  
11 mind that we have four panels today, although  
12 this is the only thing on our agenda today.

13           But I know that not everyone wants to  
14 spend the rest of their day here. Okay? So,  
15 I'll just (Inaudible) (Laughter) to my --

16           All right. So, I'll have Mr. Powell --  
17 you can identify yourself and you can present  
18 your testimony, sir.

19           MR. POWELL: Good afternoon, members of  
20 the ABC board. I am Pat Powell. I am the  
21 director of operations and preparedness for the  
22 Golden Triangle Bid.

1           I appreciate the opportunity to appear  
2 before you today to discuss the emergency and  
3 proposed rulemaking on Pub Crawls.

4           As you're aware, many neighborhoods in  
5 the city are experiencing an increase in density  
6 of nightlife establishments. The Golden Triangle  
7 is just one of many such neighborhoods.

8           Establishments in close proximity create  
9 an environment where bar crawls can work. While  
10 the economic impact of these events on the city  
11 is important, it's also important that core  
12 issues like public safety and trash removal be  
13 addressed.

14           Over the past years, the number and size  
15 of pub crawls has increased. The greatest impact  
16 of this increase came on Halloween, when three  
17 different pub crawls created public safety and  
18 litter concerns.

19           We have documented this through a number  
20 of before and after photos that I have copies of  
21 today. We very much appreciate the board's  
22 response to that incident, and we also applaud

1 the regulations that have been created, and have  
2 a few ideas to improve the public safety and  
3 trash removal part.

4 Any event that is permitted to draw  
5 several thousand attendees will create impacts to  
6 public safety agencies and to the residents of  
7 the area. Proper notification is important for  
8 those groups.

9 I would suggest expanding the required  
10 notifications to include the D.C. Fire and EMS  
11 Department, as well as the impacted advisory  
12 neighborhood commission.

13 Again, I would like to thank the board  
14 for including trash removal in the regulations,  
15 and have made several comments based on our  
16 experience cleaning up the public space in my  
17 written comments that were submitted prior to  
18 this.

19 In these comments, I noted that further  
20 specific requirements are needed in Section  
21 712.7, the litter clean up plan. It's very  
22 important that the contractor selected to clean

1 up after these events is professional, equipped  
2 and experienced in cleaning the public space.

3 I'm pleased to let you know that we have  
4 been approached by a pub crawl organizer, On Tap  
5 Magazine, and we are in the process of developing  
6 a model agreement on the process. Our contractor  
7 is going to be working with them in their  
8 application to clean up after the event.

9 Finally, I would encourage the ABC board  
10 and ABRA to meet with representatives from  
11 Arlington, Virginia to discuss their challenges  
12 and successes that they have had with their pub  
13 crawl local ordinance.

14 One key element that remains missing from  
15 the current rulemaking is a provision to  
16 reimburse MPD for the staffing that is required  
17 to maintain public safety around these private  
18 events. These events, by their very nature,  
19 require patrons to transit public space between  
20 as many as ten or more locations.

21 MPD is the only entity that has  
22 jurisdiction in that public space. Currently,

1 the taxpayers of D.C. are left footing the bill  
2 for MPD to support these private events.

3 Thank you again, for the opportunity to  
4 testify.

5 CHAIRMAN ANDERSON: Thank you, Mr.  
6 Powell. Commander Gresham?

7 COMMANDER GRESHAM: Good afternoon.

8 CHAIRMAN ANDERSON: Good afternoon.

9 COMMANDER GRESHAM: Again, good  
10 afternoon, members of the panel and those in  
11 attendance. I would like to thank you for  
12 affording me the opportunity to testify before  
13 you in regards to the concerns surrounding pub  
14 crawls.

15 Pub crawls are a major concern to the law  
16 enforcement community for a number of reasons.  
17 As the commanding officer of the Second Police  
18 District, I am tasked with ensuring the safety of  
19 thousands of residents in both wards two and  
20 three, and the many thousands of commuters who  
21 either work or pass through the second police  
22 district.

1           On weekend nights, the second district's  
2 night life is besieged upon by thousands of  
3 nightclub patrons, who, due to their behaviors  
4 and the increased vehicular traffic, strain the  
5 resources of my command.

6           With the allowance of pub crawls, the  
7 number of patrons can sometimes exceed over  
8 10,000. This increased number of patrons not  
9 only causes a danger to the residents and  
10 business owners in the area, but also, increase  
11 the danger level of the patrons themselves.

12           The number of drunken drivers will  
13 increase, thereby increasing the likelihood of an  
14 innocent person being maimed or killed by a  
15 drunken driver. Many female patrons who are  
16 under the influence of alcohol become ripe  
17 targets for sexual predators.

18           Both male and female patrons become easy  
19 pray for robbers who target them due to their  
20 intoxicated state. The large crowds can not only  
21 incite public disorder, which sometimes lead to  
22 violent assaults, but it can also lead to actual

1 homicides.

2           In my 31 years of law enforcement  
3 experience, I have yet to see any comparisons to  
4 the aftermath of these pub crawls. There are  
5 pounds of trash which contribute to rodent  
6 infestation, piles and piles of vomit and other  
7 deplorable conditions which the innocent business  
8 owners and community stakeholders are tasked with  
9 cleaning up.

10           I would sincerely be remiss in my role as  
11 a public law enforcement official if I did not  
12 share these concerns. I ask respectfully that  
13 these events be limited, and that there be some  
14 regulations implemented to protect the community  
15 and assist law enforcement in protecting the  
16 lives of our citizens and preserving their  
17 properties.

18           I'd like to thank you again for allowing  
19 me to present my concerns and my testimony.

20           CHAIRMAN ANDERSON: Thank you, Commander.

21           COMMANDER GRESHAM: Thank you.

22           CHAIRMAN ANDERSON: Ms. Davis?

1 MS. DAVIS: Good afternoon, Chairman  
2 Anderson and members of the board. I am  
3 Christine Davis, General Counsel for the D.C.  
4 Department of Public Works, and I'm delivering  
5 testimony on behalf of Christopher Shorter, our  
6 acting director.

7 Thank you for the opportunity to provide  
8 testimony concerning the pub crawl regulations  
9 adopted by the board in January, 2016. I would  
10 like to extend a special thanks to the board for  
11 its leadership in adopting these regulations  
12 governing pub crawls.

13 The District benefits from events that  
14 make the city more attractive for its citizens  
15 and tourists to enjoy the unique character of our  
16 neighborhoods and to patronize local businesses,  
17 but we also want to ensure that our public spaces  
18 are maintained in a safe, clean and healthy  
19 condition during and after these events.

20 This applies whether you are a  
21 participant in a pub crawl, a local business  
22 benefiting from foot traffic or anyone who might

1 pass through or who lives in an area where an  
2 event is planned.

3           One of the responsibilities of the  
4 Department of Public Works is to ensure the  
5 cleanliness of the District's residential  
6 neighborhoods, high visibility, commercial areas,  
7 gateway corridors and industrial zones through a  
8 combination of direct services, education and  
9 enforcement.

10           As such, the Department of Public Works  
11 fully supports the implementation of these rules.  
12 My testimony today focuses on the litter plan  
13 requirements and four main areas. One: The time  
14 period for approval of litter plans. Two:  
15 Source separation requirements. Three: Capacity  
16 to manage the litter control plan, and four, time  
17 limits for returning neighborhoods to pre-pub  
18 crawl condition.

19           First, the emergency rules require  
20 promoters and organizers to submit complete pub  
21 crawl applications to ABRA 45 days in advance of  
22 the event. The applications must include a DPW

1 approved litter control plan, and DPW is to  
2 approve such plans within 48 hours of receipt.

3           While we do not anticipate it will take  
4 a significant amount of time to review and  
5 respond to proposed plans, we do propose building  
6 in a 10 day period for DPW to thoroughly review  
7 plans. This will allow our agency to provide  
8 feedback to promoters and organizers who would  
9 then have an opportunity to revise and resubmit  
10 plans before their pub crawl applications are  
11 due.

12           Second: The District's solid waste  
13 management regulations require businesses to  
14 separate recyclable materials from solid waste.  
15 Since local businesses will be participating in  
16 the pub crawls, litter plans should address the  
17 means by which compliance with these regulations  
18 will be accomplished.

19           Third: The pub crawl rules require  
20 applicants to seek licenses for events involving  
21 200 or more attendees. The board conducted  
22 hearings in December, 2015 and received testimony

1 that on October 31st, 2015, pub crawl  
2 participants numbered in the thousands. Given  
3 the potential for significant turnout at these  
4 events, we recommend including language in the  
5 litter plan requirements addressing equipment and  
6 a minimum staffing levels, both during and after  
7 the event.

8 This will help ensure that the public  
9 space is appropriately maintained and returned to  
10 pre-pub crawl condition in an expeditious manner.  
11 Litter plans would need to include extra trash  
12 and recycling receptacles, equipment to power  
13 wash the area and remove litter, and adequate  
14 staffing among other concerns.

15 Finally, according to the rules,  
16 promoters and organizers must complete clean up  
17 within 12 hours of the event and submit proof of  
18 payment for clean up within 72 hours of the  
19 event. This will certainly help ensure the clean  
20 up work is done. However, we recommend reducing  
21 time frame for completion of the clean up to a  
22 maximum of six hours.

1           It is important that neighborhoods are  
2 returned to pre-pub crawl condition before the  
3 weekday rush hour begins. While rush hour  
4 traffic is not a concern on the weekends,  
5 residents and local businesses should still be  
6 able to enjoy clean and sanitary neighborhoods in  
7 the morning, and not have to wait until, in some  
8 case, close to noon to see it returned to an  
9 acceptable condition.

10           We are certainly willing to work with  
11 promoters and organizers on a reasonable  
12 timeframe. However, we believe a six hour  
13 maximum time limit will be sufficient to complete  
14 a clean up, particularly if staffing levels doing  
15 the pub crawl are adequate to address public  
16 space maintenance needs throughout the event.

17           In conclusion, the Department of Public  
18 Works supports the emergency legislation on pub  
19 crawls adopted by the board. Addressing the  
20 concerns raised by our agency will strike balance  
21 of ensuring that District neighborhoods are  
22 properly cleaned and maintained, while not

1 imposing a significant burden on promoters and  
2 organizers.

3 Thank you for the opportunity to testify,  
4 and I'd be happy to answer any questions you may  
5 have.

6 CHAIRMAN ANDERSON: Thank you, Ms. Davis.  
7 We're going to have questions, but I'm going to  
8 have Captain Egan testify, and then trust me, the  
9 board -- they're just killing themselves with  
10 questions to ask (Laughter).

11 CAPTAIN EGAN: Thank you, sir. Mr.  
12 Chairman, board members, I'd like to take this  
13 time to thank you for the opportunity to speak in  
14 front of the board related to pub crawls.

15 I am the station commander at Engine One,  
16 located in the west end of the city. My area  
17 overlaps with the Golden Triangle and the Second  
18 District Police Station, and of course, we work  
19 side by side with DPW. I support each of the  
20 department's comments to the board today as far  
21 as their concerns go.

22 One of the things that we have seen is

1 that with the increase in the population, it  
2 makes it extremely difficult for emergency  
3 services to immediately access many of these  
4 facilities, if we have an emergency response.

5 We've seen an uptick on emergency calls,  
6 and as the commander talked about, assaults,  
7 alcohol induced medical problems, overdoses,  
8 sexual assaults. We've seen these occur time and  
9 time again, but again, we have problems in which  
10 we are having difficulty in getting access to the  
11 patients or the buildings, if we get an automatic  
12 alarm, or even the report of a fire.

13 Much of the time, we do not even know  
14 that a pub crawl is even going on until it's game  
15 day, and then, we're out there on the street, and  
16 then it's face -- we're faced with it at that  
17 particular point. We try to work very closely  
18 with MPD on a regular basis. They have the night  
19 life team that's assigned out there that  
20 supplements or augments Second District. And we  
21 find that in many cases, the information on a pub  
22 crawl, they're not even getting correctly. And

1 so, their Intel is by going on the promoter's Web  
2 sites to be able to see that they're having a pub  
3 crawl.

4 The other problem that we see is you  
5 could have multiple promoters for the same  
6 geographic area that you may have somebody that's  
7 selling 1,500 tickets here, 2,000 tickets here,  
8 3,000 tickets over here. We don't have a single  
9 point of contact.

10 Formerly, I was on the Mayor's Special  
11 Events Task Force Group, in which we reviewed all  
12 special events. And I would really consider  
13 reclassifying these pub crawls as a special  
14 event. There are systems in place by all of the  
15 core agencies at the end of the day, in which  
16 they are presented with the plans and the  
17 agencies work with the promoter or the organizer  
18 to ensure that all -- compliance is met across  
19 the board, and at the end of the day, public  
20 safety requirements are met.

21 If additional resources are needed,  
22 through special events, we can press those in

1 service, and there's a cost recovery that's  
2 associated with it. So, both for MPD, DPW, the  
3 fire and EMS departments. So, if additional  
4 ambulances are needed, additional law enforcement  
5 officers are needed out there on the street, we  
6 have that conduit already.

7 We're asking that if we don't go that  
8 route, we ask that the signatories at least  
9 include not only the fire department, but our  
10 special operations division. Currently, I think  
11 ABRA works with our fire marshal's office. They  
12 have submitted testimony for the record, and I  
13 think that it's paramount that we have systems  
14 already in place within the District; that these  
15 core agencies are already integrated at the end  
16 of the day.

17 I think that we can do it better, and I  
18 think that we can do it safer and have better  
19 controls in place and return the community to  
20 safe sense.

21 CHAIRMAN ANDERSON: Thank you, Captain  
22 Egan, for your testimony. Do we have any

1 questions by any board members for Mr. Shorter?

2 SPEAKER: Yes.

3 CHAIRMAN ANDERSON: And I don't even know  
4 why I asked (Laughter). I knew that I should  
5 have turned to Mr. Short, because I knew he was  
6 going to have a comment.

7 MR. SHORT: Thank you.

8 CHAIRMAN ANDERSON: Especially towards  
9 the D.C. Fire. Go ahead.

10 MR. SHORT: Thank you, Mr. Chair. Thank  
11 you, Captain Egan, for your many, many years of  
12 service to our city and films (sic) -- D.C. fire  
13 and enriched medical services. Your comments  
14 were very well received here, and you can be  
15 guaranteed that the board will be looking forward  
16 to some recommendations from your testimony.

17 Thank you, Ms. Davis, for your DPW  
18 comments. We do know that if the littler plans  
19 don't work, then we are leaving our city exposed  
20 when it comes to hygiene and other things, and  
21 our city deserves better.

22 Also, thank you, Commander Griffin (sic)

1 for your many years of service, and thank you for  
2 your comments. We wrote them all down and look  
3 forward to working with you through these pub  
4 crawls.

5 Thank you, Mr. Powell. We see you again,  
6 and again, you start at the very beginning with  
7 these recommendations, and the fruition now it's  
8 coming to (Inaudible 00:27:18) that the citizens  
9 will be better off, the businesses will be better  
10 off.

11 I'll just say this. I'm for business in  
12 Washington, D.C. Been here all my life. I  
13 served 33 years with Captain Egan and others,  
14 MPD, all these special events over the years.  
15 And I've never seen pub crawls before these last  
16 couple of years, and so they've evolved, so the  
17 government's responses, too, evolved. And thank  
18 you for your testimony with the (Inaudible  
19 00:27:45) does for our city.

20 Thank you, Mr. Chair.

21 CHAIRMAN ANDERSON: Thank you, Mr. Short.

22 MS. MILLER: I will, but Mr. Silverstein

1 can go first.

2 CHAIRMAN ANDERSON: Go ahead, Mr.  
3 Silverstein.

4 MR. SILVERSTEIN: Thank you all. I think  
5 what we've gained here -- I think everyone has,  
6 is an understanding of some of the challenges in  
7 terms of public safety and in terms of having to  
8 know and having to plan, so that when these  
9 events occur, and they will, that they do so in a  
10 manner that does not in any way impair public  
11 safety, and that we can clean up and go about our  
12 work afterwards; and that the business community  
13 includes both nightlife -- what we call the  
14 nighttime economy and the daytime economy. And  
15 we have to work in harmony.

16 Ms. Davis, you spoke of proposing --  
17 building in a 10 day period for DPW to review and  
18 approve litter plans?

19 MS. DAVIS: Yes.

20 MR. SILVERSTEIN: How and when and where  
21 in the process -- in the overall process, would  
22 this be? Help me out with understanding how we

1 can choreograph this in the most efficient  
2 manner?

3 MS. DAVIS: Well, what we've done is,  
4 we've set up an email address where a promoter or  
5 an organizer can submit their plan, via email.  
6 The email goes directly to the approving  
7 officials. There are several throughout the  
8 department, but it's pretty much in the solid  
9 waste matter clean division.

10 The reason we want additional time, as I  
11 stated, was so that we can have interactive  
12 process with the promoter and organizer, and  
13 also, to build in a little additional time, she  
14 there be an emergency; should there be a  
15 hurricane or some other event that our crews must  
16 respond to, and we can't back to the promoter  
17 within the 48 hour timeframe.

18 We don't want them to miss their  
19 deadlines with ABRA for filing for the event.  
20 So, if you give us additional time up front, we  
21 can ensure that we are responding appropriately  
22 and approving the plan timely.

1 MR. SILVERSTEIN: So, how would this work  
2 with our 45 day advance thing?

3 MS. DAVIS: It should be on the front  
4 (Inaudible) --

5 (Simultaneous discussion)

6 MR. SILVERSTEIN: At what point would you  
7 ask that they submit this to you? And how would  
8 this -- I just want to be sure that we're not  
9 saying 55 days instead of 45, or that this is  
10 part of the internal part of the 45 days.

11 MS. DAVIS: It should be part of the  
12 internal 45 days. We need -- you've already  
13 built in 48 hours for the application process,  
14 the approval for DPW. What we're asking is that  
15 rather than 48, you give us 10 days.

16 MR. SILVERSTEIN: Absolutely.

17 (Simultaneous discussion)

18 MR. SILVERSTEIN: And how much can you  
19 folks be involved, or do you not want to be  
20 involved in the cleanup? If somebody were to  
21 say, we want to pay DPW for this, is there any  
22 possibility of that?

1 MS. DAVIS: If that's the route we're  
2 going to go, I would second Mr. Egan's comment  
3 that we go through the special events task force.  
4 DPW is already a member of that task force, and  
5 when there are events throughout the city, they  
6 pay for District services, including trash  
7 collection and pickup and disposal.

8 If that's the route we're going to go, I  
9 prefer that we have it through the established  
10 mechanism, rather than creating a second  
11 mechanism through ABRA for people procuring our  
12 services.

13 MR. SILVERSTEIN: Okay. And as far as  
14 the six hours for a cleanup period, the concern  
15 that I would have with something like that, is  
16 that a pub crawl -- we're asking -- this is one  
17 hand knowing what the other is doing, the police  
18 would prefer that these events end prior to the  
19 change of shift, so the event would end in the  
20 middle of the nightlife period.

21 And I'm not sure how safe or proper it  
22 would be for folks to be out there trying to

1 clean up, or how efficient it would be at 10:00  
2 at night, if folks are going to be partying until  
3 three in the same streets. So, that's one of  
4 those things that we're all just going to have to  
5 work out among ourselves, so that one hand knows  
6 what the other is doing, and that we're not  
7 working at cross purposes.

8 MS. DAVIS: I agree. Our intent is not  
9 to penalize those who live in the community or  
10 surrounding the areas where the pub crawl is  
11 occurring. We don't want them to have to walk  
12 through strewn about trash or suffer through the  
13 aftermath of the event. That's why we were  
14 encouraging six hours rather than the 12. But I  
15 do understand your concern.

16 MR. SILVERSTEIN: Commanders, is there  
17 anything that you see in our proposed rules --  
18 rulemaking that gives you a concern, or that you  
19 think we should tighten up, or that we've missed?

20 COMMANDER GRESHAM: At this time, I think  
21 the biggest concern would be the restrictions in  
22 the number allowed of pub crawls.

1 FEMALE SPEAKER: Mm hmm.

2 COMMANDER GRESHAM: We're already facing  
3 a challenge with the average activities in the  
4 nightlife during the weekends, and especially  
5 during the holiday season; this past holiday  
6 season, we noticed that there was an increase of  
7 pub crawls, and that really strained our  
8 resources.

9 But as far as the rulemakings, no, other  
10 than the restrictions, there are no major  
11 concerns on my part.

12 MR. SILVERSTEIN: Is there anything that  
13 we could do working together with the promoters,  
14 the nightlife people to at least make them aware  
15 or more aware of the challenges, the safety  
16 concerns that you have?

17 COMMANDER GRESHAM: I think if we had the  
18 promoters physically on-site, that way, it would  
19 open up the lines of communications. Because in  
20 most cases, the promoters are in other states.  
21 They're not physically at the locations.

22 And the challenges that we faced, when we

1 inquired about the operations or activities,  
2 there was no one there that really, I guess was  
3 in charge of the activities.

4 MR. SILVERSTEIN: You need a point of  
5 contact there at that time as it is operating?

6 COMMANDER GRESHAM: Yes, someone in a  
7 managerial position.

8 MR. SILVERSTEIN: Mr. Powell?

9 MR. POWELL: Yes, sir?

10 MR. SILVERSTEIN: Anything missing from  
11 our regulations?

12 MR. POWELL: I think from our  
13 perspective, we would just like to see again, a  
14 little more content in the trash management plan  
15 portion of the regulations that further lays out  
16 for applicants, the things that will be required  
17 of them for the pub crawl to occur.

18 MR. SILVERSTEIN: And finally, Captain  
19 Egan? You mentioned that you had specific  
20 problems not knowing until game day?

21 CAPTAIN EGAN: Yes, sir.

22 MR. SILVERSTEIN: This involved such

1 things as getting in and out of the neighborhood?  
2 I mean, you're at the temporary station on L  
3 Street, now.

4 CAPTAIN EGAN: Yes, sir. That's  
5 correct. It does bring a number of challenges,  
6 and increased resources. And a lot of times, you  
7 know, we're sort of blindsided and not prepared.

8 So, during -- which special events are  
9 the Mayor's Special Events task force group. In  
10 developing the necessary requirements per those  
11 agencies, we have time to build out and determine  
12 what those resources are that are going to be  
13 needed at the table, a command and control  
14 presence.

15 If the license -- we know who the  
16 signatory is, so that's why when we would do an  
17 event, it would only be one organizer in one  
18 geographic location type of deal. We would work  
19 all the way through under a unified command,  
20 depending on the size of the event.

21 We would work all of the core agencies  
22 and the organizers in the command unit, and if

1 the event -- if something of significance were to  
2 occur, manmade or natural, we would then tell the  
3 organizer, we're probably going to come close.

4 We need you to probably cancel your event. Okay?

5           And then currently, we have no capacity  
6 to be able to do that or be aware that this is  
7 going to impact you. Okay? But right now, there  
8 is no health, medical, safety or communications  
9 plan that's established that -- you know, we have  
10 guidelines. The D.C. Department of Health has  
11 guidelines through HEPRA (phonetic 00:36:17),  
12 working with MPD, ensuring that we have the  
13 correct number of security, both of the security  
14 force of off duty officers and the nightlife team  
15 that's out there, and then, the Districts that  
16 overlap.

17           It doesn't take much to really stretch  
18 the resources. One call, and we're stretching  
19 everything that MPD and Fire EMS have to offer in  
20 that one area.

21           MR. SILVERSTEIN: Give me some good news.

22 When are you going to have the new fire station

1 ready?

2 CAPTAIN EGAN: Yes, sir. So, it looks  
3 like at the end of this year or the beginning  
4 part of next year. So, as long as we keep having  
5 good weather, we'll be on track.

6 MR. SILVERSTEIN: And finally, this is my  
7 last question to all of you. The captain  
8 mentioned having one event and one person at one  
9 time. I take it that's the general wisdom among  
10 those in public safety, that that's what you  
11 need?

12 COMMANDER GRESHAM: I would agree to  
13 that. Yes, sir. I think that would make it a  
14 lot easier to handle, considering the limited  
15 resources.

16 CHAIRMAN ANDERSON: And Mr. Powell?

17 MR. POWELL: Yes, I would think that  
18 would be prudent. And in our neighborhood, as  
19 well, it's helpful to know, you know, who we're  
20 going to be working with, if we -- if they do  
21 decide to work with us on litter management.

22 MR. SILVERSTEIN: Thank you all very

1 much. Thank you, Mr. Chairman. No further  
2 questions at this time.

3 MR. POWELL: Thank you.

4 CHAIRMAN ANDERSON: Ms. Miller?

5 MS. MILLER: Thank you. Thank you all  
6 for coming down here. Your input is really  
7 important.

8 For instance, I really had no idea before  
9 today that the fire department had any concerns  
10 or any interests in pub crawls. And we've been  
11 authorizing pub crawls for several years, and my  
12 impression has been that things were going fairly  
13 smoothly, until Halloween, and then that brought  
14 to surface all of these problems. And I think  
15 these regulations are a good idea, in general.

16 But I guess one of my questions, just to  
17 understand better what's been going on out there,  
18 I guess I would ask you, Mr. Powell, to start is,  
19 have things gotten a lot worse, or is it just  
20 that Halloween just brought to the forefront a  
21 lot of problems that now seem like a good idea to  
22 address?

1           MR. POWELL: I think we had seen a  
2 progression of more frequent pub crawls in the  
3 neighborhood, and I think Halloween was just kind  
4 of the head. It just happened to be that there  
5 were three happening on one day with a lot of  
6 people, and it was just -- it was kind of like  
7 the straw that broke the camel's back.

8           Our guys go out and clean up every  
9 Saturday, every Sunday, and it's kind of just --  
10 you can tell when there's an influx of people.  
11 You can tell when it's a holiday. You can tell  
12 when it's had the later hours. But this was just  
13 something that was so out of the realm of  
14 reasonable that we had to you know, make a  
15 comment on that.

16           MS. MILLER: Because I would say that you  
17 know, we often would see on the news, you know,  
18 Virginia having all these problems and think, oh,  
19 well D.C. is fine. But it's not all that fine.  
20 And I guess from what Commander Gresham says, I  
21 mean, some of those things make perfect sense;  
22 that if you have people who are somewhat

1 inebriated, they are going to be more likely prey  
2 to crime and things like that.

3 I did want to follow up and ask you, it's  
4 not exactly in our regulations, but it's  
5 something we deal with all the time, and I've  
6 asked this before. Are there certain numbers  
7 that you think we should be looking at? That is,  
8 like a certain number is like enough in the  
9 neighborhood, like 1,000 or 2,000? Do you have  
10 any feelings or thoughts on that in general?

11 COMMANDER GRESHAM: Yes, ma'am. I do. I  
12 don't think the allowance should exceed the  
13 capacity of the establishment.

14 MS. MILLER: Right. Okay.

15 COMMANDER GRESHAM: I think that makes it  
16 a little bit easier to control.

17 MS. MILLER: Okay. So, you think that's  
18 the good benchmark?

19 COMMANDER GRESHAM: Yes, ma'am. I do.

20 MS. MILLER: Capacities. Okay.

21 I did also want to say to Mr. Powell, I'm  
22 glad to hear that you're working on a model

1 agreement for trash, because I think -- from the  
2 limited amount of hearings we've had since these  
3 regulations, I think that -- and they'll speak to  
4 it themselves, but I think that some of the pub  
5 crawl organizers may not really know what they  
6 should be doing, and I think that would be  
7 extremely helpful.

8           And I wanted to ask, I guess, Ms. Davis  
9 and Captain Egan, I understand that you think  
10 it's a good idea that you all work as part of the  
11 Mayor's task force, because they deal with these  
12 kind of big events. But if that cannot happen  
13 for whatever you know, reason, that's not  
14 necessarily within our control, do you think that  
15 you could bring to the table for us, ways in  
16 which we could integrate what you're looking for  
17 into our process?

18           MS. DAVIS: Yes.

19           MS. MILLER: Yes. Okay, that would be  
20 great.

21           CAPTAIN EGAN: Yes.

22           MS. MILLER: Okay. Ms. Davis, I thought

1 I heard you talk about language dealing with  
2 equipment during an event, and not just after an  
3 event. Are you referring to litter plans, then,  
4 that would engage during an event -- doing  
5 cleanup while the event is going on or --

6 (Simultaneous discussion)

7 MS. DAVIS: If they choose to. Depending  
8 upon the size of the event --

9 MS. MILLER: Okay.

10 MS. DAVIS: -- we would advise cleaning  
11 as the event progresses, rather than waiting  
12 until the last minute, because it takes less time  
13 to clean up if you've been doing it all along.  
14 And we're not talking about bringing trash trucks  
15 in. There's manual equipment, brooms, dust pans,  
16 things like that.

17 MS. MILLER: Right.

18 MS. DAVIS: Manual equipment that we use  
19 to clean the streets that could be used during  
20 the event.

21 MS. MILLER: Is that something you like  
22 for festivals? Is there a model there?

1 MS. DAVIS: We do it as a part of a  
2 special event, but we do it daily.

3 MS. MILLER: Oh, okay.

4 MS. DAVIS: In some business districts,  
5 we provide the services, not the bids. But we do  
6 have manual cleaning throughout the day, as well.

7 MS. MILLER: Okay, that's great.

8 CAPTAIN EGAN: Ms. Miller?

9 MS. MILLER: Yes?

10 CAPTAIN EGAN: To echo a little bit  
11 deeper, the concerns about the trash, during some  
12 of these large scale pub crawls, and depending on  
13 how long they are -- some of them are throughout  
14 the day and into the evening and stuff, trash  
15 normally is not picked up on that particular day.  
16 However, the establishment has a process in which  
17 they take their trash either to the dumpster in  
18 the rear, or they're bringing it out to the  
19 curbside.

20 When they bring it out to the curbside,  
21 for example, what's happening is it becomes  
22 extremely overwhelming. Then, it goes into the

1 public space. The public space is already  
2 saturated with the patrons, and then, we have the  
3 concerns with the valet parking, for example, and  
4 then those crowd surges.

5 So, it all starts stacking up, so to  
6 speak, and becomes problematic, as far as fire  
7 and life saving goes, as well.

8 MS. MILLER: So, the establishments would  
9 be brought into this plan from the start, as  
10 well. I think that's a great idea. And I was  
11 going to ask -- I don't know if anybody brought  
12 this up. Mr. Powell, maybe you're a good person  
13 to ask about this; whether or not you think the  
14 ANCs should be a part of this communication  
15 network or not necessarily.

16 MR. POWELL: I think it would be  
17 important to make notification to the ANCs. The  
18 ANCs already have great weight on alcohol  
19 licensure issues, and so, I think it would make  
20 sense to notify them, as well.

21 MS. MILLER: Okay.

22 MR. POWELL: And if I could make one

1 comment about the six hour discussion with DPW?  
2 Our only concern with that would be having our  
3 folks, our contractor out working in that 3:00  
4 a.m., 4:00 a.m., as all the bars let out, just  
5 from an employee safety standpoint.

6 Our plan will be to blitz the area  
7 starting at 6:00 a.m. and conclude shortly after  
8 8:00 a.m. That's just our concern, is we don't  
9 typically have our folks out at those night  
10 hours, anyway, just because there's a myriad of  
11 supervision and safety issues, as well.

12 MS. MILLER: So, it's not just -- your  
13 concern is not just any conflicts with the people  
14 getting out of the bar?

15 MR. POWELL: Mostly, yes.

16 MS. MILLER: Mostly that.

17 MR. POWELL: And it's just -- it's so  
18 crowded. It's hard for us to drive our ATLVs --

19 MS. MILLER: Right.

20 MR. POWELL: -- and operate our heavy  
21 machinery, just because there's so many people in  
22 the crowds.

1 MS. MILLER: So, what would you feel  
2 then, about 4:00 or something like that?

3 MR. POWELL: Concluded by 4:00?

4 MS. MILLER: No. If they started after  
5 the patrons left the bars.

6 MR. POWELL: Oh yeah, that would be fine.

7 MS. MILLER: I mean, is there a noise  
8 issue there, or not really?

9 MR. POWELL: We do a lot of stuff with  
10 manual equipment, and most of the heavier  
11 equipment we use is not any louder than a city  
12 bus or a car.

13 MS. MILLER: Okay. And so what if the  
14 pub crawl ended at ten? Would you want the  
15 cleanup to start you know, after -- at 4:00 in  
16 the morning again or six in the morning? What do  
17 you think is ideal?

18 MR. POWELL: From our perspective?

19 MS. MILLER: From your perspective, yeah.

20 MR. POWELL: It would be -- the 12 hour  
21 rule from our perspective seems to be adequate  
22 for us, in that our planning would be to start

1 work at 5:00 a.m., and then have work completed,  
2 basically having staff really blitz the area, and  
3 have it completed within several hours, by about  
4 7 or 8 a.m, which is typically prior to seeing  
5 the crowds coming in on Sunday mornings or  
6 Saturday mornings.

7 MS. MILLER: Does anybody else have any  
8 more comments on that?

9 (No response heard)

10 MS. MILLER: Okay. Okay. Thank you very  
11 much.

12 CHAIRMAN ANDERSON: Thank you, Mr.  
13 Miller. Mr. Alberti?

14 MR. ALBERTI: I have nothing, except to  
15 thank everyone for their testimony. It's been  
16 very, very helpful. Thank you all.

17 CHAIRMAN ANDERSON: All right. Thank you  
18 very much for your presentation. I hope you can  
19 -- I know that you're all busy folks and that you  
20 have busy lives to go on to, but if you are able  
21 to stay to hear what the panels have to make, and  
22 maybe we have to call you for comments, I would

1 really appreciate that.

2 But I will understand. It will not be a  
3 strike against you, if you have to leave.

4 (Laughter) Okay? All right? Thank you very  
5 much.

6 MALE SPEAKER: Thank you.

7 MR. SILVERSTEIN: Thank you all.

8 (Discussion off the record)

9 CHAIRMAN ANDERSON: Now, the second panel  
10 -- we have a list of promoters, so we'll call up  
11 Ms. Brenner -- Christine Benner from Lindy  
12 Promotions, Jonathan Gabel from Bar Crawls, LLC  
13 and Jennifer Currie from On Tap, and Eugene Craig  
14 from Charity Events, LLC. If you are here,  
15 please --

16 (Pause)

17 CHAIRMAN ANDERSON: And I will start with  
18 you, Ms. Benner. Please, everyone, sign in on  
19 the sheet in front of you and please identify  
20 yourself, and then, you can provide your  
21 testimony, please.

22 MS. BENNER: My name is Christine Benner.

1 I'm here representing Lindy Promotions, and I  
2 want to thank the Chairperson and the board  
3 members for allowing myself and my fellow pub  
4 crawl producers the opportunity to come in here  
5 today and speak to you about our point of view  
6 with the new emergency rulemaking that was  
7 effective January 13th.

8 CHAIRMAN ANDERSON: Hold on one minute,  
9 please --

10 MS. BENNER: Mm hmm.

11 CHAIRMAN ANDERSON: -- Ms. Benner.

12 MS. BENNER: Yes.

13 CHAIRMAN ANDERSON: Are there any other  
14 pub crawl promoters in the audience who would  
15 like to testify? They can come up.

16 Are there -- I'll repeat it one more  
17 time, because I realize someone was not in the  
18 room. Are there any other pub crawl promoters  
19 who would like to testify? You're welcome to  
20 come up.

21 (No response heard)

22 CHAIRMAN ANDERSON: You don't have to.

1 MALE SPEAKER: Mr. Kramer.

2 CHAIRMAN ANDERSON: I know. That's why I  
3 repeated it.

4 MALE SPEAKER: I know. I know  
5 (Laughter).

6 CHAIRMAN ANDERSON: I know that you were  
7 out of the room, and I guess in my short period  
8 of time, I do know who you are, Mr. Kramer. You  
9 can pull a chair up, sir. And that's why I  
10 repeated myself when I saw you were out of the  
11 room. And just --

12 (Pause)

13 CHAIRMAN ANDERSON: And so, you can go,  
14 Ms. Benner. And the other two can identify  
15 themselves when they testify.

16 MS. BENNER: Okay.

17 CHAIRMAN ANDERSON: All right.

18 MS. BENNER: Founded in 1992, Lindy  
19 Promotions has been D.C.'s prominent bar crawl  
20 producer. Our founder, Dave Lindy, even helped  
21 write the first rules and regulations for pub  
22 crawls. And although we do agree that there is a

1 need for change, as we are no longer the only pub  
2 crawl producers, our thoughts after the denial of  
3 our motion to reconsider the 15th Annual  
4 Leprechaun Lap feel that these rules and  
5 regulations affect the community more than the  
6 pub crawl producers themselves.

7           During our application process, we  
8 reached out --

9           MR. SILVERSTEIN: Ms. Benner, if you  
10 could move the microphone a little closer. I  
11 apologize for the interruption.

12           MS. BENNER: Is that better?

13           MR. SILVERSTEIN: Yeah.

14           MS. BENNER: Okay. During our  
15 application process, we reached out to two  
16 security companies we work with every bar crawl -  
17 - Massive Entertainment and City Security, LLC.  
18 We asked them both to supply at least 12 guards,  
19 totaling 24 guards, total, for our registration  
20 locations.

21           Both of these security companies were  
22 able to oblige and bring us invoices promising us

1 the total of 24 guards. After the denial of our  
2 permit process, we then had to call both security  
3 companies and tell them those 24 guard services  
4 were no longer needed.

5 We did the same with Beltway Cleaning  
6 Services, where they gave us an invoice over a  
7 thousand dollars which was approved by Mr. Ducket  
8 (phonetic) and Mr. May of the DPW. And once  
9 again, after the denial, we had to call them and  
10 tell them that that thousand dollar invoice was  
11 no longer going to be needed.

12 The same happened with all of the bars  
13 who agreed to participate and signed contracts  
14 agreeing to participate in only our pub crawl.  
15 This would have been the 15th Annual Leprechaun  
16 Lap Bar Crawl, and it usually has about 25 venues  
17 on it, who as of right now, have nothing to do on  
18 March 12th. And we've gotten a lot of calls from  
19 previous customers calling, wondering what is  
20 going on and why there is no 15th Annual  
21 Leprechaun Lap.

22 And we feel that as much as we agree that

1 there needs to be a change, that a lot of these  
2 obstacles that we're jumping through feel as  
3 though we're jumping through them, and we're not  
4 getting anywhere. So, we do agree and we do  
5 oblige to follow all of these rules and  
6 regulations.

7 I just want to know that at the end of  
8 the day, I'm following everything, that we will  
9 be approved, if everything is up to your  
10 standards. So once again, thank you for allowing  
11 us to be here today and talk to you about our  
12 point of view.

13 CHAIRMAN ANDERSON: Thank you very much  
14 for your testimony, Ms. Benner, and I will just  
15 say I hear and I see your pain. I will just say  
16 that I am just one member of the board, and  
17 that's one of the purposes of these new rules and  
18 regulations. And as chair of the board, I'll  
19 ensure that we look at all of the applications  
20 and make the decision that's in.

21 So, I'm glad that you're here testifying  
22 today and you will hear what other folks have to

1 say. And I'm hoping that the board will do  
2 what's in the best interest, as always, of the  
3 residents of the District of Columbia.

4 MS. BENNER: Thank you.

5 CHAIRMAN ANDERSON: Okay. Yes, sir?  
6 Identify yourself please, sir.

7 MR. GABEL: Good afternoon. My name is  
8 John Gabel. I'm with Barcrawls.com. We also  
9 work with Lindy's Promotions on bar crawls, too.  
10 Thank you for having us here today.

11 This is -- we do -- we are one of the  
12 companies that actually does bar crawls in about  
13 40 different cities throughout the country, and  
14 we do a tremendous amount of bar crawls per year.  
15 We probably do about 400 bar crawls in those 40  
16 cities. Between the 40 cities, there's basically  
17 40 different personalities of each city. They're  
18 all very different.

19 I actually welcome this process. We've  
20 been doing bar crawls in D.C. for many years,  
21 also. Not as long as Lindy's, but we've been  
22 doing them for, I believe, about five years.

1 Never had a problem. It's been a good market to  
2 work in, putting in the permit and whatnot.

3 I have maybe a little bit more of a  
4 unique experience, in having dealt with 40  
5 different cities, and dealing with some cities  
6 where there's no permit whatsoever and nothing  
7 happens, all the way over to some cities that are  
8 very strict, and there's permits and meetings and  
9 various processes to go through in getting your  
10 bar crawl done, whether it's a 200 person bar  
11 crawl or a 4,000 bar crawl.

12 I can say that from my experience, the  
13 cities that we have the most success in, the  
14 cities that I personally enjoy working with the  
15 most are actually, ironically, the ones where  
16 there is the most meetings, permits and  
17 communication. Because of the communication, it  
18 enables us to be able to resolve these problems  
19 in real time, and also, be able to have much  
20 better end results.

21 There's probably people from the  
22 community here that are going to testify. I

1 don't know if they are or if they aren't, but I  
2 can guarantee there's people out there that are  
3 very upset at the way these bar crawls happen.  
4 The testimony that was given by the police  
5 department, the fire department, DPW, was  
6 actually, in my opinion, a very calm one. I've  
7 experienced much more oppressive ones (Laughter).

8           But I understand what everybody is  
9 talking about, and I agree with every single word  
10 that they said. You know, my position is that if  
11 we can actually have communication and we can  
12 actually talk to each other, and you can actually  
13 get a system in place and get a checklist done,  
14 whether it be formally or informally, and what I  
15 mean by that is I actually have some markets  
16 where I just literally have the police -- the  
17 local police captain's you know, phone number and  
18 email, local fire department's phone number and  
19 email, and we just call them up and organically  
20 just do our own meeting, you know, two or three  
21 weeks ahead of time and go through all the  
22 issues, and we don't have any problems.

1           It's where you don't have the  
2 communication that you have the problems. That's  
3 where the neighborhood people suffer. That's  
4 where the other small businesses in the  
5 neighborhood get the short end of the stick from  
6 our customers walking around, and there not being  
7 proper cleanup and there not being proper  
8 security and stuff like that.

9           Every single thing that was said is dead  
10 on and a hundred percent correct. Ms. Davis is  
11 totally right about -- there's no reason -- if  
12 you're someone up here, okay, as a promoter, then  
13 you need to take responsibility for your  
14 business, and you need to treat it like a  
15 business.

16           The problem that we have sometimes is you  
17 can get a college kid who's sitting in his dorm  
18 room and goes, let's get a bunch of friends  
19 together and go do a pub crawl. And they're  
20 going to do it, and they're not going to adhere  
21 to anything we're saying, and nor do they care,  
22 because they're 21 years old. And when I was 21

1 years old, I didn't care about a lot either, but  
2 I'm not 21 anymore.

3 So, we need to take it seriously as a  
4 business. For the companies that are out there,  
5 and this is why I sort of disagree with the  
6 concept of one company for one day, it shouldn't  
7 be about one company for one day. It should be  
8 about which company is going to properly  
9 communicate, follow the rules, lead by example  
10 and then execute properly. That's what we should  
11 be having a conversation about.

12 Everything that was said, like I said, I  
13 totally agree with. I think the concept of not  
14 doing it on the actual holiday -- I don't think  
15 that's necessary. I think we should be able to  
16 do it on the holiday, but you should be able to  
17 do it right. There's a difference between doing  
18 something right and doing something wrong.

19 If you're going to do it the right way,  
20 then you know, you're not going to have the  
21 problems that we're sitting here discussing.  
22 Now, with that said, of course, there's an

1 asterisk that says when you have human beings and  
2 you have alcohol, you're never going to have  
3 perfection.

4 I've been in this business for over 20  
5 years. I've owned 10 venues in Manhattan, and I  
6 mean, anything you could possibly think of, I've  
7 seen, unfortunately. But again, if you go  
8 through a process of doing it the right way and  
9 you have proper communication, whether it be from  
10 us to the local agencies, from us to the venues  
11 and the establishments, we should only be working  
12 with establishments that are going to be in true  
13 partnership with us.

14 If we're going to put an establishment on  
15 the crawl, that establishment should also be  
16 putting up signs -- be mindful of our neighbors.  
17 You know, be mindful of noise. They should have  
18 the proper security. It should be a team effort,  
19 and we shouldn't have establishments that just  
20 figure, well, I don't want to follow those rules,  
21 but I'll just let in the people from the bar  
22 crawl.

1           That's where the -- you know, the  
2 government agency side should say no, you can't  
3 do that. You also have to participate. When the  
4 pub crawl, bar crawl, whatever you want to call  
5 it, when they're functioning, people have a great  
6 time. People have a lot of fun. You know?

7           I mean, if you go on the social media and  
8 you go to these people's Instagram or Facebook or  
9 whatever it is, they've got pictures up of them  
10 and their friends and their family. It's  
11 memorabilia. It happens for a long time. We  
12 quite often, will tie in a lot of our work with  
13 charities, whether it be food drives, big  
14 supporters of Wounded Warriors or whatever it is.

15           So, there is a lot of good that can come  
16 about it and a lot of positiveness (sic) that can  
17 come about it. But the thing that needs to  
18 happen, which could happen literally tomorrow,  
19 and it doesn't even have to be formal, is a  
20 meeting. I would love to sit down with the four  
21 people that were up here and say, hey, this is  
22 what we want to do. This is how many people it

1 is. This is the venues. This is the date. What  
2 feedback do you have?

3 As Chrissy said, we're turning around.  
4 We're willing to spend the money. We had offered  
5 to pay for the entire Halloween cleanup, even  
6 though we were one of only four companies. We  
7 were turned down for that. We're a business  
8 that's willing to put our best foot forward,  
9 willing to invest in the process, hire the right  
10 resources and be able to have this be a more  
11 positive experience for younger people that are  
12 going out and have the neighbors not be  
13 frustrated the way they are currently.

14 Thank you for your time. I appreciate  
15 it.

16 CHAIRMAN ANDERSON: Thank you, Mr. Gabel,  
17 for your testimony. And unfortunately,  
18 Halloween, and this was before my tenure on the  
19 board -- Halloween was the perfect storm, that  
20 everything that could or would go wrong, went  
21 wrong. And so unfortunately, that's where we are  
22 today. But I do hear you and appreciate your

1 testimony.

2 Are you Ms. Currie?

3 MS. CURRIE: Yes.

4 CHAIRMAN ANDERSON: Yes. Identify  
5 yourself officially for the record, please.

6 MS. CURRIE: Yes. My name is Jennifer  
7 Currie. I'm the publisher of "On Tap Magazine,"  
8 and I'm pleased to be here this afternoon. Thank  
9 you for your time.

10 As Mr. Patrick Powell from the Golden  
11 Triangle Bid mentioned, we are in the process of  
12 organizing, we hope, a pub crawl to take place in  
13 April. And because we've had past experience  
14 working with the Bid, we had reached out to them  
15 initially to solicit their input on ways that we  
16 could work with them to have a pub crawl in their  
17 neighborhood, and also, in particular, to explore  
18 avenues for meeting the litter plan guidelines.

19 And we have worked with them or are in  
20 the process of working with them to put together  
21 a plan that utilizes their current contractors,  
22 for, I call them a clean and green team that

1 already maintain the neighborhood. And we're  
2 hopeful that that will be something that will  
3 work well going forward.

4 I divided my comments into two sections,  
5 as a person who is actively going through the  
6 process of trying to obtain approval with the new  
7 guidelines in place. And my first comments were  
8 on the littler plan guidelines.

9 Some of these issues have already been  
10 addressed now by prior testimony, but I do think  
11 it would be particularly helpful to have a  
12 resource guide of DPW approved trash vendors.  
13 That is not something that you know, right off  
14 the top of my head, I might have access to, and I  
15 would presume that there are certain companies  
16 that DPW would feel best have the resources and  
17 the experience to manage the cleanup. So, that  
18 would be most helpful. Ms. Davis did mention  
19 there now is a contact at DPW to work with. That  
20 had been one of my suggestions, but it sounds  
21 like that's already in place.

22 Next is that I know that for us, we are

1 fortunate that the neighborhood that we've  
2 reached out to does have a very good system in  
3 place for managing the appearance of their  
4 neighborhood, but that's not necessarily the case  
5 for all neighborhoods in the city.

6           And again, I think that would require  
7 more coordination with DPW, and perhaps, having  
8 some guidelines as to available resources,  
9 whether it be simply the opportunity to put  
10 additional trash cans out. I know from personal  
11 experience, sometimes, you know, the distance  
12 between trash cans can seem a lot greater in some  
13 areas than not.

14           And certainly, depending on the state of  
15 a neighborhood's appearance when you're beginning  
16 your bar crawl, some sort of, I think, general  
17 recognition of what is an acceptable level of  
18 cleanliness, or what is existing litter. I do  
19 think that's something that may have to be kept  
20 in mind a little bit as we go forward, that --  
21 well, I certainly agree with you, that if folks  
22 are going to be able to have a business that is

1 given the opportunity to make money and operate  
2 doing a bar crawl, certainly, there's an  
3 obligation to contribute back to the area that  
4 hosted you.

5           The flip side might be that it may become  
6 more of a cleanup project than people  
7 anticipated. And I think that does speak to  
8 having the fairly narrow window of cleanup hours,  
9 so that you know, suddenly you're not just  
10 cleaning the whole neighborhood the whole time.

11           Conversely, I thought for organizers,  
12 there's something that we can be mindful is, when  
13 we think of what items or giveaways or things we  
14 may be giving people attending the crawl; having  
15 just a mindfulness as to will this produce trash  
16 -- you know, is this an item that they're likely  
17 to walk out the door and drop? You know, perhaps  
18 even something as simple as extra trash cans at  
19 the doors as people leave the bars, would be  
20 helpful.

21           As to the specific pub crawl guidelines,  
22 I know our current experience in working through

1 this is we've gone to visit bars to ask them if  
2 they would like to participate in our crawl, and  
3 the bars all have been very aware that there is a  
4 process in place, and have also notified us back  
5 to say, you know, this is per approval that we  
6 can be involved.

7 I don't know if there is an opportunity  
8 to create a little bit more of a list at the get  
9 go, or an easy way to know if a bar is eligible  
10 to participate, so that we don't either start  
11 down a path with somebody that we know is going  
12 to be denied, or raise someone's hopes that  
13 they're participating and then find out that  
14 they're not.

15 Then, my understanding of the guidelines  
16 as they're presented now is that there's a 14 day  
17 deadline prior to the crawl date for the board to  
18 notify if the bar crawl is approved. If I'm  
19 understanding that correctly, I would suggest  
20 that that's perhaps, not enough time for  
21 organizers to adequately promote, sell tickets,  
22 and, as you alluded to, line up the vendors

1 needed to properly pull off the crawl.

2 I know that in my experience with  
3 vendors, particularly if it is a busy time of  
4 year, they'll only save the date for you for so  
5 long, and then in order to them -- you know, be  
6 able to take on other opportunities, they have to  
7 tell you, I'm sorry. Now I can't help you. And  
8 I think you may have a situation that if it truly  
9 is 14 days prior, you're going to run into that.  
10 With all good intent, the plan is going to hard  
11 to execute without earlier notice.

12 And then lastly, and this would again be  
13 speaking back to maybe something that promoters  
14 can do, working with you, is maybe a guideline as  
15 to the number of registration points per set of  
16 attendees. I heard reference from Commander  
17 Gresham that a guideline for attendance may be  
18 the capacity of the locations.

19 I would suggest that may have to be  
20 weighted, also, to the duration of the crawl,  
21 because you know, they are multi-hour events, and  
22 you're not going to have everybody there all at

1 the same time. So, I think maybe some guidelines  
2 that advise you know, capacity weighted to length  
3 of the bar crawl, as well as establishing a  
4 baseline of number of check-in points based on  
5 the size crowd would help with lines and  
6 management.

7 That may also help MPD and EMS know that  
8 we have a certain number of managers on site,  
9 because you'd have a manager at each of those  
10 registration points. So, it would give them  
11 multiple places to go to ask somebody in  
12 authority questions or get information.

13 Thank you very much for your time, and I  
14 look forward to continuing to work with you.

15 CHAIRMAN ANDERSON: Thank you. Thank you  
16 very much for your comments, Ms. Currie. And Mr.  
17 Bramson?

18 MR. KRAMER: Kramer?

19 CHAIRMAN ANDERSON: Mr. Kramer. I am  
20 sorry. I apologize. That's why rather than I  
21 say you, but I should have say you (Laughter).

22 MR. KRAMER: I respond to you (Laughter).

1           CHAIRMAN ANDERSON: Identify yourself for  
2 the record, please.

3           MR. KRAMER: Yeah. Daniel Kramer, and my  
4 partner, Sam Gelin, from Craft Hospitality and  
5 Beerathon (phonetic 01:07:18) LLC. I appreciate  
6 the opportunity to be here again. I think this -  
7 - I welcome this -- excuse me. We welcome this.  
8 And just some quick comments.

9           We're proud of our company's record in  
10 D.C. for over five years, which includes bringing  
11 visitors from places as far as Sweden, Puerto  
12 Rico, Germany and Canada and to fly into our  
13 airports, stay at our hotels and put money into  
14 all facets of the local economy while patronizing  
15 over 50 different restaurants and bars all in  
16 Washington, D.C. And the model that we have here  
17 has been a successful one for growth into six  
18 different -- six other markets.

19           Our reputation, to be very frank, is  
20 important to us for a lot of reasons. Besides  
21 the pub crawls we do, there is also a D.C. Wine  
22 Fest, a craft distillers festival in New York

1 City, coffee festivals in New York and San  
2 Francisco and personally, as the managing partner  
3 of one, and soon to be two ABRA licensed venues  
4 in D.C., I take this stuff very seriously, and  
5 that's why we've always followed your rules, and  
6 also why I'm happy to follow all of the new ones.

7           Though not required by ABRA or anyone  
8 else, we're also proud to have partnered with  
9 over 20 different local non-profits, including  
10 Becky's Fund, the Ranger Lead the Way Fund, the  
11 D.C. Firefighters Burn Foundation, the Washington  
12 Literacy Center and the Leukemia and Lymphoma  
13 Society.

14           The existing rules that are on the books  
15 work and have worked for 15 plus years, when  
16 they're followed. When you start having things  
17 that were already outlawed by those rules, that's  
18 when you begin to see problems. Hard color  
19 plastic mugs from which you can't see the  
20 beverages; system glitches that result in  
21 thousands upon thousands of extra tickets  
22 happening. That's when you start to see

1 problems.

2 I will note that our company -- I  
3 understand that the perfect storm, I think,  
4 chairman, that you said, was Halloween. I will  
5 note that we did not have a company event on  
6 Halloween. I will note that we did the following  
7 weekend at 26 different bars. That was the  
8 Fourth Annual Beerathon. And like every single  
9 other event we have had in D.C., there were no  
10 issues with that event.

11 I understand from DPW, we had advocacy of  
12 classifying these as special events. In my mind,  
13 those are events that generally take place on  
14 closed down city streets or in major public  
15 thoroughfares, as opposed to our events, the  
16 majority of which happen inside location venues.

17 So, I think that's a differentiator  
18 there, and that's what the board ends up  
19 deciding, that's what we'll end up doing. And I  
20 would just continue to urge the board to consider  
21 applications on a case by case basis, taking into  
22 account the history of the company and the result

1 of their past events not just here in D.C., but  
2 also, in other jurisdictions, as well. Again, I  
3 appreciate the opportunity to be here and to  
4 answer any questions you may have.

5 CHAIRMAN ANDERSON: Thank you, Mr.  
6 Kramer. Do you wish to --

7 MR. GELIN: Let me go ahead and echo  
8 Dan's --

9 CHAIRMAN ANDERSON: Identify yourself for  
10 the record, please.

11 MR. GELIN: I am Sam Gelin with Craft  
12 Hospitality and Beerathon, LLC. I want to echo  
13 Dan's remarks and speak well for us. We've done  
14 a tremendous amount of events here and  
15 nationally, and we haven't had a single issue.  
16 So, reputation is very important to us, and we  
17 appreciate the opportunity for input and open  
18 conversation with the board. Thank you.

19 CHAIRMAN ANDERSON: Thank you.

20 Sir, can you -- since I'm not going to  
21 butcher your name, because I don't know your  
22 name. So, can you identify yourself for the

1 record, please.

2 MR. ELIACIN: My name is Reginald  
3 Eliacin. I'm with RegMoPromo Holdings. This  
4 actually has been great. I'm glad we could all  
5 come together and communicate about throwing  
6 these bar crawls. We've been throwing bar crawls  
7 since 2010, all on the U Street area. Never had  
8 a problem or issue; learned a lot as we've gone.  
9 They've gotten bigger.

10 And just right now, I guess I don't  
11 really have too much more input to provide,  
12 because everybody has done a great job of  
13 addressing all types of issues. Just basically  
14 just clarification on a lot of -- like some of  
15 the proposals, like as far as like the litter  
16 removal, the determination between -- like if you  
17 have a pub crawl going from like three to ten,  
18 and then you go into the -- then you have like  
19 nightlife and you do it like in the U Street  
20 area, it's kind of determining what litter is  
21 from the bar crawl versus what litter is from  
22 generally, just a regular nightlife or whatever.

1           You know, so just being able to clean up  
2 as you go, you know, with your staff, I feel is a  
3 great idea to help that situation. Another  
4 question I had, as far as like security, if  
5 you're doing the pub crawl, and our pub crawls  
6 are mostly entertainment based. We have like  
7 deejays at each bar, and it's more of the music  
8 versus just the alcohol. You know?

9           So, the thing is, if these venues have  
10 entertainment licenses already, and they're  
11 required to have security, what exactly  
12 additional security are we supposed to provide?  
13 If we have our staff, can they provide -- just  
14 make sure everything flows? It's not like a  
15 large amount of people like falling into the  
16 streets, or just some clarification on some of  
17 these regulations that you guys have said. Can  
18 the venues actually be able to provide the  
19 security for the amount of people, depending on  
20 their capacity and things like that?

21           And then, I guess one other thing I was  
22 thinking, as far as like the amount of people

1 that are going to be able to participate in the  
2 crawls, it's going to be like -- if they were  
3 going to propose like going with the capacity of  
4 the venue, since these are multiple venues, would  
5 it be like a combined -- like you know,  
6 everything is like on a time basis. You know?

7           Some bar crawls are just like okay, you  
8 can go to like 10 bars at the same time. Other  
9 crawls, like ours, are for three hours, you're at  
10 this bar. Another three hours, this bar opens  
11 up. Another three hours, this bar opens up. So,  
12 I guess it's just a matter of how many -- like  
13 how do you determine how many people can we --  
14 how many tickets can we sell, or whatever? You  
15 know?

16           I think it's just a matter of just  
17 clarification. That's all. But besides that,  
18 everybody has just brought up so many points. I  
19 had a whole bunch of points, but I guess I don't  
20 really need to say them anymore, because  
21 everybody else pretty much covered it up. So,  
22 that's about it.

1 CHAIRMAN ANDERSON: All right. Thank  
2 you, sir.

3 MR. ELIACIN: Thank you.

4 CHAIRMAN ANDERSON: All right. Questions  
5 by the board? Yes, Mr. Short?

6 MR. SHORT: Good afternoon, everyone.

7 I guess we're having these hearings  
8 because pub crawls have got to the point where  
9 they were not being managed properly -- some.  
10 I'd like to ask Mr. Kramer -- Mr. Kramer, you  
11 mentioned in your testimony that some people  
12 oversell. Can you expound on that? And how is  
13 that positive or negative for the District of  
14 Columbia?

15 MR. KRAMER: We've never done that, sir,  
16 so I'm not really comfortable speculating on what  
17 others do. I'm just going off the testimony that  
18 was given in this room on prior occasions to that  
19 effect. So, that's where I'm getting that from.

20 For us, specifically, we have always been  
21 within whatever the range of our you know, number  
22 of minimum to maximum. We've never exceeded the

1 maximum, and we never will.

2 MR. SHORT: Okay. Well, public trust, I  
3 guess is something that when you get a license to  
4 sell alcohol in the District of Columbia, the  
5 District government must trust that person to  
6 give them that permission to do that. We know  
7 large crowds and alcohol are a mixture for what  
8 could be a catastrophe.

9 We know if you have 16,000 people in a  
10 two city square block, 16,000 people where  
11 somebody might have oversold tickets -- 3,000  
12 tickets oversold by mistake, and then we have the  
13 police department trying to respond. We have the  
14 fire department trying to respond.

15 Can you imagine if we had had a major  
16 fire, and 16,000 people in the street trying to  
17 get out of the way? Ambulances coming, fire  
18 trucks coming? So, that's the reason for these  
19 hearings and other things like this. And I would  
20 just really like to say all of the promoters,  
21 we're for business in Washington, D.C. We're for  
22 business. We're for good practiced businesses.

1           We want to see our communities stay  
2 clean. We want to see our establishments and  
3 licensees make money. We want to see anybody who  
4 comes to town, enjoy themselves. But the worst  
5 thing that could happen is, someone gets injured.  
6 This board is -- give us the permit for that to  
7 happen. If someone is going to ask this board,  
8 you mean to tell me you trusted that person with  
9 a license to sell alcohol or to have an event,  
10 did you check their record? How are they in  
11 business? How was their last event?

12           If they were in another city, can they go  
13 back to that city? Again, all these things that  
14 come to trust. And I would really like to think  
15 that someone having business and making money in  
16 the city would think about the citizens after  
17 they're gone, or pick up the trash, or worried  
18 about is it my trash or someone else's.

19           If you are allowed to have an event in  
20 this city, if you can't even speed through (sic)  
21 clean, wouldn't you like to think the next time  
22 you come there clean? Would you like to think

1 that you're going to have trash in the street  
2 when you come here, or you're going to attract  
3 customers if the street's full of trash, the curb  
4 is full of trash? You know it's not going to  
5 happen.

6 But at any rate, I would just like to say  
7 public safety, public trust, all of those things  
8 are part of the reason why we're having these  
9 hearings today. And I as a board member -- I  
10 can't speak for the other board members, would  
11 like to say that this town has always been known  
12 to be a clean town.

13 This town had some problems over the  
14 years, but we're making a comeback, and we don't  
15 need anything to take us back to the bad days.  
16 That's all I have, Mr. Chair. Thank you very  
17 much.

18 CHAIRMAN ANDERSON: Thank you, Mr. Short.  
19 Mr. Silverstein?

20 MR. SILVERSTEIN: Thank you. First, Mr.  
21 Kramer, you're in a unique situation here in that  
22 you not only promote pub crawls, but you also own

1 a business. And it is a licensed establishment,  
2 and you're going to have a second. So, you're  
3 able to look at this from both sides, and I'm  
4 going to try to see if you can help us out here.

5 How do licensed establishments and other  
6 businesses, retail or whatever, benefit from a  
7 well run pub crawl, and what are the warning  
8 signals that something is not going well? And  
9 how do they maybe negatively impact in bad  
10 situations?

11 MR. KRAMER: The benefits are something  
12 that not just the establishments themselves see,  
13 but the benefits through increased sales, repeat  
14 business, booking of special events in the future  
15 besides the extra business they do that day --  
16 the benefits actually accrue when run well, just  
17 like any other purchase made in the District at  
18 10 percent sales tax, they accrue to everybody in  
19 every government agency, because the money all  
20 goes to the D.C. Treasurer.

21 And then, how that money is spent is, I  
22 guess, a better question for the City Council

1 (Laughter). So, benefit number one is obvious.  
2 It's sales that day. Employees make more money.  
3 Tips are higher. Sales are bigger. That's the  
4 whole goal, is to you know, run the registers.

5 And then, down the line, you get -- you  
6 know, oh, I was there. It was fun. And what was  
7 the second part of the question?

8 MR. SILVERSTEIN: If these things --

9 (Simultaneous discussion)

10 MR. KRAMER: You wanted warning signs.

11 MR. SILVERSTEIN: How can it be negative?

12 MR. KRAMER: Yeah.

13 MR. SILVERSTEIN: How -- what goes wrong?

14 MR. KRAMER: Right.

15 MR. SILVERSTEIN: And how can it impact  
16 negatively?

17 MR. KRAMER: If the places are too  
18 crowded, then -- and if I'm the customer and  
19 you're the bartender, and this is the closest I  
20 can get to you, that's not good. That's thing  
21 one.

22 Thing two is, when you have food trucks

1 parked outside of licensed venues which are doing  
2 things in my mind -- one is stealing -- well, not  
3 stealing -- taking away business in the food  
4 sales that should be, would be and could be done  
5 inside the venues, point one.

6 Point two: Generating a lot of the trash  
7 that I believe Mr. Powell from the business  
8 association, the Bid, was referring to earlier.  
9 Because the food trucks are here, take your  
10 money, gone. If there's trash, if there's  
11 rodents, you know, literally, they're parked  
12 somewhere else.

13 And the restaurant side of the restaurant  
14 and bars that participate did not sell those  
15 sandwiches, burgers and other food. So, that's  
16 -- both of those things. Overcrowding and food  
17 trucks.

18 MR. SILVERSTEIN: Okay. I want to ask  
19 this question to each --

20 MR. GABEL: Can I chime in on that answer  
21 real quick?

22 MR. SILVERSTEIN: Sure.

1           MR. GABEL:  There's also another factor  
2  on the benefits side that a lot of the crawls  
3  have anywhere from five, to let's say up to 20  
4  venues -- as he said, 26 venues.  And on the  
5  popular bars, for them to have extra revenue,  
6  great.  But some of those bars are not popular,  
7  and struggling big time.  I have had owners tell  
8  me, oh, you saved my month.  Thank God you had  
9  people go.

10           So, I think that it's also a little bit  
11  more important than just oh, it was our biggest  
12  day of the month, because there's some of the  
13  businesses that genuinely really, really depend  
14  on this to stay open, because maybe those owners  
15  don't have the financial means that some of the  
16  other owners have to be these big, popular bars,  
17  and they're more neighborhood places.

18           MR. SILVERSTEIN:  I can go you one better  
19  on that.  There was a natural foods place a block  
20  away or half a block from where I lived that was  
21  trying to get started and struggling, and she  
22  participated in these things.  And people tried

1 her food, and she became very successful. And  
2 had Terry not had that, she might not have been  
3 that successful.

4 MR. KRAMER: Yep.

5 MR. SILVERSTEIN: So, it does give people  
6 that opportunity. As far as questions about  
7 where in the capacity of a pub crawl, I think the  
8 important issue, which you didn't bring up, sir,  
9 is what can a sidewalk hold? What can the  
10 neighborhood itself safely hold, because people  
11 are going from place to place. And it's a multi-  
12 faceted equation that we haven't quite figured  
13 out, but the key to it is public safety.

14 The question I want to ask each of you  
15 right now -- this is about the rulemaking -- the  
16 proposed rulemaking. I hope or trust that you've  
17 read through it or whatever. Are there any undue  
18 burdens or any bad ideas that you think are  
19 included in these rulemakings? Anything that  
20 gives you pause, or that you say boy, they  
21 shouldn't do that, because it's not going to turn  
22 out the way they want it?

1           MR. GABEL: The only one that I read,  
2 which I mentioned when I was speaking, was the --  
3 not being allowed to do it on the holiday. Like  
4 for example --

5           MR. SILVERSTEIN: So, you'd want to have  
6 one on New Year's Eve in Times Square (Laughter)?

7           MR. GABEL: Well, I actually do have one  
8 on New Year's Eve in Times Square. I own  
9 Newyears.com, and we do about 30,000 people in  
10 Times Square on New Year's Eve. And we work very  
11 closely with the Times Square Alliance and NYPD.  
12 And that production is an enormous production,  
13 but we do a great job.

14          MR. SILVERSTEIN: How does that affect  
15 traffic down there? You don't have any.

16          MR. GABEL: Well, there's about 1.3  
17 million people that go, and what happens when you  
18 go into Times Square is you get put right into a  
19 bullpen.

20                   (Simultaneous discussion)

21          MALE SPEAKER: Right. I see.

22          MR. GABEL: And if you're not put into a

1 bullpen, you have to have a ticket that you're  
2 going to an establishment.

3 MR. SILVERSTEIN: Okay.

4 MR. GABEL: But on New Year's Eve, for  
5 example -- you know, it's a good example. Let's  
6 say in Washington, D.C., and let's get back to  
7 some of the bars that are absolutely empty on New  
8 Year's Eve. They have zero business. You can't  
9 do a New Year's Eve bar crawl before or after New  
10 Year's Eve, because New Year's Eve is all about  
11 the countdown. The last 10 seconds of five,  
12 four, three, happy new year. That's what New  
13 Year's Eve is.

14 That is actually the one, you know, big  
15 example. We've done a New Year's Eve crawl here  
16 before. They're not that big, anyway, but I'm  
17 just saying, that would be the one thing -- since  
18 you asked --

19 MR. SILVERSTEIN: Mm hmm.

20 MR. GABEL: -- that I think --

21 MR. SILVERSTEIN: Anybody have anything  
22 else that -- in these that you feel is going to

1 be a problem that were misguided?

2 MS. CURRIE; Well, I did comment already  
3 that if I'm understanding it correctly, the 14  
4 day window --

5 MR. SILVERSTEIN: Right.

6 MS. CURRIE: -- for notification from the  
7 date of the event, I think is much too close to  
8 the event, not only from a revenue standpoint,  
9 but more importantly, from being to properly  
10 execute it. Even if, for example, you were going  
11 to be using DPW for trash removal, I think they  
12 would like more than a 14 days heads up that hey,  
13 we're really a go (Laughs).

14 MR. SILVERSTEIN: Thank you.

15 MS. CURRIE: Because I think that's an  
16 important one. And you know, that would be the  
17 one. I also think that if there's an opportunity  
18 to put together a little bit more -- so for  
19 example, should you adopt guidelines that  
20 recommend contacting ANCs or the Bids and so  
21 forth, that there is some understanding that  
22 oftentimes, if you're coming outside in, you

1 might now know who to contact.

2           Quite frankly, we're not in the business,  
3 as the other folks here are, of continually  
4 producing bar crawls, but I do produce a lot of  
5 events in the city. I work with DCRA a lot, and  
6 they do a pretty good job of making it clear,  
7 here's who you talk to every step of the way.  
8 And I think if some of these procedures are going  
9 to require notifying multiple parties, making it  
10 easy to do so would be most helpful. And I do  
11 think --

12           MR. SILVERSTEIN: So, having a to do list  
13 or a contact list --

14           MS. CURRIE: A contact list.

15           MR. SILVERSTEIN: -- for our applicants  
16 with points of contact --

17           MS. CURRIE: Yeah. A contact list --

18           MR. SILVERSTEIN: -- would be very  
19 helpful.

20           MS. CURRIE: -- and from the DCRA  
21 experience that we have had is understanding in  
22 what order to contact. Oftentimes, when you're

1 doing DCRA permitting, if you haven't done it  
2 before for a special event, you'll feel like  
3 you're going in circles, because you'll turn it  
4 in to somebody, and they'll say, well, you've got  
5 to see him first.

6 So, if there's going to be any sort of a  
7 chronology to the approval process making that  
8 clear up front would be --

9 MR. SILVERSTEIN: So, a countdown, a tick  
10 tock, a checklist -- you know, at 40 days you  
11 should do this. At 20 days --

12 (Simultaneous discussion)

13 MS. CURRIE: (Inaudible portion 01:26:37)  
14 first and that this person (Inaudible) --

15 MR. SILVERSTEIN: -- you should be ready  
16 here.

17 MS. CURRIE: Yeah.

18 MR. SILVERSTEIN: Excellent.

19 MS. CURRIE: I think that's helpful. And  
20 a last comment, it's not quite to this point, but  
21 back to the benefits. And again, I'm offering  
22 this up not as a person who typically hosts a lot

1 of bar crawls -- there are a lot of ancillary  
2 revenue benefits. Several of the folks in this  
3 room have used us to help notify people that  
4 they're having their bar crawls and so forth.

5 But we also work a lot with business  
6 improvement districts in the city and produce  
7 events for them, and they're really tasked with  
8 promoting, especially the up and coming  
9 neighborhoods of the city as good, vibrant places  
10 to live and visit. And a lot of times, it's the  
11 bars and restaurants that are the front line that  
12 go in, and they're the first retailers in those  
13 neighborhoods.

14 We do a lot of work down in the Capitol  
15 Riverfront Bid. And I know for those guys, for  
16 some of them, it's when can opening day get here,  
17 because the winter is a little bit slow. So,  
18 there is an ancillary benefit that the bar crawls  
19 do bring people who might not ordinarily know a  
20 neighborhood to see, wow, this is actually a  
21 pretty cool part of the city.

22 And then lastly, several people up here

1 mentioned in the crawl that we're working to put  
2 together, they do benefit Terry. Our particular  
3 one is a little bit unique. We're doing it 100  
4 percent for a charity. But I think that that's  
5 something that shouldn't be minimized. It is a  
6 good way to bring in the community.

7 MR. SILVERSTEIN: Thank you, Ms. Currie.

8 MS. CURRIE: Mm hmm.

9 MR. SILVERSTEIN: Anything else?

10 (No response heard)

11 MR. SILVERSTEIN: No further questions,  
12 Mr. Chairman. Thank you very much. Thank you,  
13 panel.

14 CHAIRMAN ANDERSON: Thank you. Ms.  
15 Miller or Mr. Alberti --

16 (Discussion off the record)

17 MS. MILLER: Sure. Okay, thank you all  
18 for coming. I want to say to Ms. Benner that you  
19 know, I feel your pain, too, and I'm sorry that  
20 the decision turned out the way it did for you.  
21 But moving forward, I also want to say that I  
22 respect Lindy Promotions' history, and you know,

1 good record in general, and I want to encourage  
2 you to you know, comment on these regulations  
3 separate, almost -- not totally separate, but if  
4 you can, objectively, or maybe, in light of your  
5 experience.

6           If you have any ideas as to whether some  
7 of them are not clear -- some of the regs aren't  
8 clear and could be made clearer, whether -- I  
9 guess Mr. Silverstein already asked about whether  
10 any were really burdensome. But you know, these  
11 are emergency regs, and proposed, and so, we are  
12 really looking for ideas to make them work as  
13 best they can for the residents and for the  
14 promoters, and that they you know, would be very  
15 positive and productive in fostering good  
16 communication and good results.

17           So, I don't know if you have anything you  
18 want to add now or -- I'm sure the record is  
19 going to be kept open.

20           MS. BENNER: Yeah, I would just --

21           MS. MILLER: Especially for processes.

22 You know? Strengthening this process.

1 MS. BENNER: Of course.

2 MS. MILLER: Go ahead.

3 MS. BENNER: First of all, thank you for  
4 your support for Lindy Promotions. A lot of the  
5 things that are put into these new rulemakings  
6 are things that we've done in the past. As I  
7 mentioned, we've always worked with City Security  
8 and we've always worked with Massive  
9 Entertainment. So, we supply our own security  
10 guards for our registration spots instead of just  
11 relying on the different venues.

12 And we did, actually, last Halloween, we  
13 had a cleaning company come clean the one  
14 registration, Ping Pong Dim Sum, that we used in  
15 DuPont Circle. So, these are nothing that's  
16 completely out of the new for our business.

17 I think -- and I agree to -- I'm sorry, I  
18 forget your name --

19 MS. CURRIE: Jennifer?

20 MS. BENNER: -- what Jennifer said, was  
21 that there needs to be some type of order. When  
22 I applied for our last pub crawl application, I

1 came to you guys first and applied for the pub  
2 crawl, thinking that that was the right step, was  
3 to notify you first, when it turns out I probably  
4 should have went to DPW first and gotten their  
5 approval, so that when I came to you.

6           And so, I think having that order of just  
7 -- make sure you go to DPW, and then, you go and  
8 you apply for ABRA, and then, you spoke with the  
9 police counsel, the fire chief and everybody else  
10 that needs to be notified about it. I think that  
11 would be the most helpful, just coming from this  
12 standpoint, because this is new to a lot of  
13 companies. And like I said, we've been here for  
14 20 plus years, and this is still new to us  
15 because it is a different formation that we have  
16 to follow.

17           But other than that, I think everything  
18 that you guys are implying will help and will be  
19 beneficial to each pub crawl moving forward, as  
20 it will help the community.

21           MS. MILLER: Okay, thank you.

22           MS. CURRIE: Mm hmm.

1 MS. MILLER: And Mr. Kramer, I think I  
2 heard you say that you thought the regs were fine  
3 before.

4 MR. KRAMER: When they're followed, yeah.

5 MS. MILLER: Well, what about -- I mean,  
6 are there some things in the new regulations  
7 though, that might address problems that weren't  
8 addressed before, like trash?

9 MR. KRAMER: Well, I mean, there is the  
10 litter control plan. So, that would address the  
11 litter problems that emerged. I don't --

12 (Pause)

13 MR. KRAMER: I don't see -- I just read  
14 them again, actually, right now, and I don't see  
15 anything in there of any concern.

16 MS. MILLER: Okay, so let me ask you  
17 this another way. If you thought that the regs  
18 were fine before, do you see problems with these  
19 new regs?

20 MR. KRAMER: Just speaking for us?

21 MS. MILLER: Yeah.

22 MR. KRAMER: Nothing wrong before,

1 nothing wrong going forward.

2 MS. MILLER: Okay. All right. Do you  
3 have any issue with the 14 day period?

4 (Pause)

5 MR. KRAMER: Not really.

6 MS. MILLER: Okay. Does anybody else  
7 want to comment? I think Ms. Currie brought that  
8 up. Right?

9 MALE SPEAKER: Yeah.

10 MS. MILLER: Yeah.

11 MR. GABEL: I think she's totally right.

12 MS. MILLER: Okay.

13 MR. GABEL: Because this whole thing is  
14 about proper planning.

15 MS. MILLER: Mm hmm.

16 MR. GABEL: Right?

17 MS. MILLER: Mm hmm.

18 MR. GABEL: To prevent poor performance?  
19 That's what this is all about? So, if we're  
20 going to have proper planning and we take the  
21 aggregate of what Chrissy (phonetic) has said,  
22 with hey, here's the proper checklist, and give

1 us the ability to talk to the proper people in  
2 the proper order, and following along with what  
3 you said with the timeframe, to really do an  
4 event properly, you're talking three months.

5           You know, we have conversations three to  
6 six months before we're doing an event. I don't  
7 think you want a company that's coming in here  
8 that's talking two weeks. You know? In order to  
9 do it right, I mean, it should really be 45, 60  
10 days is what we're talking about, should be the  
11 minimums of anything to start.

12           There should be a ton -- the more advance  
13 notice, the better. If you turned around and  
14 said three months, I think that would be even  
15 more beneficial. You know? The only exception  
16 could be, you know, again, because I think again,  
17 some other people raised the charity issue, and  
18 we've done, I can't even -- I don't even know how  
19 many charity crawls we've done, whether they've  
20 been all for charity and all not.

21           Sometimes, you'll have a situation where  
22 you will have you know, not long-term planning

1 where you're going to raise money for a fireman  
2 or you know, first responder in some particular  
3 scenario. But knock on wood, hopefully, those  
4 are far between. But the more time, the better,  
5 for sure. Fourteen days is just not realistic.

6 MS. MILLER: Okay, but that brings to my  
7 attention the whole issue about the starting of  
8 the filings are at least 45 days ahead of the  
9 event; if that's not a problem. You don't see  
10 that as a problem for anybody.

11 (No response heard)

12 MS. MILLER: Okay, good.

13 MS. CURRIE: Just to clarify my concern -  
14 -

15 MS. MILLER: Yeah?

16 MS. CURRIE: -- was that if it's 14 day  
17 notification from the board, that it's approved?

18 MS. MILLER: Mm hmm.

19 MS. CURRIE: You know, theoretically,  
20 then, you shouldn't start promoting and selling  
21 that you're having the event --

22 MS. MILLER: Right.

1 MS. CURRIE: -- until you know for sure  
2 you're having it. Two weeks isn't much time, you  
3 know, from the revenue standpoint. But it's  
4 also, then, not much time for vendors to be able  
5 to adequately -- you know --

6 MS. MILLER: Right. I hear you.

7 MS. CURRIE: -- advertise.

8 MS. MILLER: So, let me ask you about  
9 this. What do you think if it were three weeks,  
10 you know, notice, or whatever it is -- four  
11 weeks, but then, you move the deadline to you  
12 know, 60 days ahead of time, you start the  
13 application or something like that?

14 MR. GABEL: That would be great.

15 MS. MILLER: Would that be better?

16 MS. CURRIE: I had thought that perhaps -  
17 - and I don't know if this is feasible, given  
18 your workload --

19 MS. MILLER: Mm hmm.

20 MS. CURRIE: -- but if there were  
21 actually more of a reverse thinking that from the  
22 time that your application is stamped complete,

1 that you have a notice within x days, because  
2 that way -- for example, I operate a magazine  
3 that publishes on a monthly schedule. So then,  
4 that means I can look and see, okay, well, I know  
5 if they have two weeks within the time I turn it  
6 in to tell me if I'm approved, I can take that  
7 final deadline and work backwards.

8           So, you would actually start getting  
9 your applications, I believe, even earlier,  
10 because I'm trying to meet deadlines that you may  
11 not be aware of. For example, the magazine goes  
12 to press and I need to run an ad, or you know,  
13 whatever ways that people are choosing to -- you  
14 know, whatever the vendor commitments might be.

15           I think that personally would be very  
16 helpful to say if it's complete on this date,  
17 within a certain amount of time, you will have  
18 the answer. And then, we can know to work  
19 backwards from there.

20           CHAIRMAN ANDERSON: Can I say something?  
21 I don't mean to interrupt you, Ms. Miller.

22           MS. MILLER: No, no, no.

1           CHAIRMAN ANDERSON: But the regulations  
2 clearly state that you have -- you can apply for  
3 a pub crawl application at least 45 days prior to  
4 the event. Now, you are the promoters. You look  
5 at your schedule. You know that you have an  
6 event in December. You know that you want to  
7 have a Halloween -- I'm sorry, not a Halloween --  
8 forget that one (Laughter).

9           You know you want to have a Saint  
10 Patrick's Day event prior to -- you know what you  
11 do. There is really no reason for you not to  
12 apply for it today. So, if you know you're  
13 having an event in December, you send your  
14 application in.

15           And so, therefore, the board will look at  
16 it. You have more than sufficient time for us to  
17 send it back to say this is wrong. So, the two  
18 weeks is not an issue. But the two -- it will be  
19 an issue if you're going to have an event in  
20 March, and you're counting 45 days.

21           If you had an event for every year you  
22 have an event, you can pre-apply for it. I mean,

1 I think there is one promoter here, who one of  
2 the reasons -- one of the reasons why I think  
3 he's been successful, he's put in his  
4 applications very early. So therefore, it wasn't  
5 an issue that you know, you know an event is  
6 coming up and we don't like your litter plan.

7 So therefore, he had six, seven months to  
8 try to figure it out, because he had the time.  
9 So, you have the obligation. Since you have  
10 always done pub crawls, you look on your  
11 calendar. You know when you are going to have  
12 it. You apply for it.

13 And so therefore, the board will work  
14 with you with this period of time to ensure it.  
15 But if you decide that you're going to have an  
16 event in March, and it's February, and the board  
17 has not seen your application, I'm not going to  
18 be sympathetic. I'll just say that. Okay? I'm  
19 sorry. Go ahead, Ms. Miller.

20 MS. MILLER: Okay. While you were  
21 speaking though, I understand what Ms. Currie is  
22 --

1 MS. CURRIE: Just to clarify, I fully  
2 agree with you.

3 MS. MILLER: All right, but?

4 MS. CURRIE: But the regulation says  
5 you'll notify us at least two weeks prior.

6 CHAIRMAN ANDERSON: Right.

7 MS. CURRIE: So, and --

8 CHAIRMAN ANDERSON: All right. But as I  
9 said before, it is only -- it is an issue. As  
10 long as I'm a board chair, when we have -- you  
11 have a hearing today. We are going to discuss it  
12 back there. And a decision will be published on  
13 the -- whenever the ABRA decision comes out, if  
14 it's that day, you will know that day what the  
15 decision is.

16 So, that's not going to be an issue, as  
17 long as I'm board chair. Okay? But that is  
18 something that I'll make -- I'll say that  
19 publicly. You will not have that issue.

20 MALE SPEAKER: Great.

21 FEMALE SPEAKER: Great.

22 CHAIRMAN ANDERSON: All right. Go ahead,

1 Ms. Miller.

2 FEMALE SPEAKER: Thank you.

3 MS. MILLER: Okay. Now, I just  
4 understand Ms. Currie's point, though, because I  
5 think that sometimes you can't look at a reg just  
6 based on how the current chair operates. I think  
7 that it does -- I hear what she's saying. If she  
8 submits an application eight months in advance,  
9 she might not know until two weeks before the  
10 event, and that wouldn't be a good idea.

11 MS. CURRIE: Legally.

12 MS. MILLER: But based on this  
13 regulation. So, it's just something for the  
14 board to think about. I think that's a good  
15 point.

16 (Pause)

17 MS. MILLER: Are there any other comments  
18 on that point, with respect to how much time you  
19 would like to have before -- to know before your  
20 event?

21 (No response heard)

22 MS. MILLER: Other than as much as

1 possible?

2 (No response heard)

3 MS. MILLER: Okay. I have a question for  
4 Mr. Gabel. I guess you were talking about like  
5 meetings in other cities and how helpful that has  
6 been, and I just want to ask you if you've had a  
7 positive experience with meetings with respect to  
8 pub crawls in D.C., such as even with our own  
9 ABRA investigators?

10 MR. GABEL: My experience with ABRA,  
11 prior to Halloween, was great and pretty smooth.  
12 I mean, we've never had a problem at any of our  
13 events. We've usually, typically submitted all of  
14 our bar crawls -- you know, we own Barcrawls, so  
15 I would call it bar crawls. Bar crawls. Usually  
16 at the beginning of the year for the entire year.

17 And they've all been approved, and  
18 there's been literally zero issue. I think that  
19 the reason I was commenting previously on the  
20 timeframe was because you know, we're a little  
21 bit unclear of what's happening tomorrow. If it  
22 was what was happening yesterday, I would say

1 yeah, of course. The way the reg is written is  
2 fine.

3 But I guess we're just a little bit  
4 scared, to be quite frank, of you know, what's  
5 happening, because everything has been denied  
6 recently. So, I think it's just fear that you're  
7 hearing from us, to be quite honest.

8 (Simultaneous discussion)

9 MR. GABEL: I'm a little frustrated, and  
10 as much as I respect Mr. Kramer for not talking  
11 about who oversells and who did what. But you  
12 know, we did operate on Halloween. We've  
13 operated on Halloween for many, many years.  
14 Lindy's has been operating on Halloween for  
15 literally, over a decade.

16 And the one company that has never  
17 operated on Halloween that operated this past  
18 Halloween, is not here, which is Project D.C.  
19 And the other company which has operated on  
20 Halloween, but always operates illegally --  
21 everybody knows Pubcrawls.com. You know, they  
22 just -- I've got no comment on them.

1           Every market I go to, I have to correct  
2 people. We're not Pubcrawls.com. We're  
3 Barcrawls.com (Laughter). Because these guys  
4 will just -- I mean, forget about permits or  
5 anything. They just don't care. But Project  
6 D.C., which, when you see the problems that you  
7 had in Virginia, they're the ones that are  
8 promoting the bar crawls in Virginia.

9           This you know, past Halloween, they came  
10 on to Halloween, and that's when we had all of  
11 these problems on Halloween. We never had  
12 problems on Halloween before. They're not even  
13 here to speak, which is actually extremely  
14 frustrating.

15           So, I think it goes back to, again, what  
16 Mr. Kramer was saying before of -- you know, I  
17 think his comment of you know, if you follow the  
18 rules before, that they were working. You know I  
19 think that's what all of our desires are, and  
20 there is just fear for the future of what's going  
21 on. And I just don't want to see you know, a  
22 company like that coming in.

1           And you know, they'll sit and talk to you  
2 and you know, say what you want to hear, but the  
3 proof is in the pudding. But it was just really  
4 frustrating for us, because we had their  
5 customers coming on our lines. And then, the  
6 venue turns around and yells at us, did you  
7 oversell? And it's just a problem.

8           So, I think it's what's coming tomorrow,  
9 is where we're highly concerned. But the  
10 companies that are here also care and want to fix  
11 it, and make sure that we have a smooth  
12 experience, as we have had in the past.

13           MALE SPEAKER: Thank you.

14           MS. MILLER: I just want to follow up on  
15 your comments. I can understand how you're  
16 concerned about the recent denials, but you say  
17 you're concerned about what's coming tomorrow.  
18 And what's coming tomorrow, I think is the  
19 subject of this hearing.

20           So, is there anything in particular  
21 you're concerned about that you haven't brought  
22 to our attention?

1           MR. GABEL: No. I mean, I don't want to  
2 be a broken record --

3           MS. MILLER: Okay.

4           MR. GABEL: -- with the day of thing,  
5 because it's not the end of the world. But I  
6 just think that -- again, my opening comments  
7 were that I actually this process, and you know,  
8 the more that my own company has been able to  
9 grow and been able to prosper is in markets where  
10 there is you know, great communication, and there  
11 is a clear cut procedure and accessibility to be  
12 able to talk to you easily.

13           You know, I mean, in Baltimore, I could  
14 email Councilman Kraft, and just be like, hey,  
15 how's my (Inaudible 01:44:00). And boom, duh duh  
16 duh duh. It's easy. You know? So, everyone  
17 here has welcomed what you're saying, and we're  
18 all to invest. I mean, Lindy's and us, we've  
19 already done these things. You know? There's a  
20 new thing where the venue has to sign a contract.

21           We've been asking venues to sign  
22 contracts for years. You know? So, everything

1 is great. We just want to go back to work.

2 MS. MILLER: Mm hmm. Okay. Thank you.

3 CHAIRMAN ANDERSON: Mr. Alberti?

4 MR. ALBERTI: First of all, I just want  
5 to thank everybody for coming in, for your  
6 remarks. They are, some of them, very  
7 enlightening, and I thank you.

8 I want to continue with this whole  
9 timeline for approval. I want to tell you,  
10 though, that I'm a little bit perplexed by this  
11 notion that everybody makes plans way ahead of  
12 time. What I have experienced here is that I've  
13 had people -- we've had promoters come in, and  
14 some of you are going to recognize this -- you  
15 come in three weeks, two weeks ahead of time, and  
16 we say, well, what's your list of establishment?  
17 Well, we've got this list, and well, some of them  
18 are going to drop out. You know (Laughter)?

19 And we've been very generous. We've said  
20 okay, you give us -- just give us seven days'  
21 notice as to the final list of establishments.  
22 Well, I think that's got to go away, because you

1 all want deadlines. You all want to plan. And I  
2 think we're all going to have to work together to  
3 set really concrete deadlines that's going to  
4 demand some more planning, and it's going to hurt  
5 a little bit. But I think in the end, it's going  
6 to serve us all.

7 So, I'm just give -- you know, and I've  
8 also heard, you know, you come in the day of your  
9 hearing, and it's like, well, who have you  
10 notified. Well, you know, I've been trying to  
11 contact MPD, but I haven't gotten a hold of them.  
12 That's not going to fly anymore. All right?

13 So, I hear you. We need to set specific  
14 deadlines for when you have to have requirements  
15 met -- notifications, litter plans, decisions on  
16 who is going to participate. They've got to be  
17 set in stone. Otherwise, this isn't going to  
18 work.

19 Now, I'm going to ask Ms. Currie, and  
20 I'll ask the rest of you, how much time do you  
21 really need? Realistically, how much time do you  
22 need prior to an event to feel comfortable to get

1 approval before an event?

2 MS. CURRIE: Well, to be honest, I think  
3 that depends in part on the agency's -- that, in  
4 a way, is more driven by the agencies. For  
5 example, Ms. Davis from DPW already said 48 hours  
6 isn't enough for them. They would like 10 days.  
7 So, I would answer that we can meet the  
8 deadlines, if we know what they are, and I think  
9 that those deadlines should be driven by the  
10 amount of time it takes for the internal  
11 approvals of the process.

12 So for example, if MPD said, well, we've  
13 got to have at least 30 days -- I'm just picking  
14 a number -- then, that would have to help drive  
15 the timeline that we need to meet.

16 MR. ALBERTI: But I'm talking about the -  
17 - so, you've touched on a really good point. So,  
18 working backwards from the time you get approval,  
19 there is -- we have to put in a lead time to get  
20 all of these other things in place. Right?

21 MS. CURRIE: Right.

22 MR. ALBERTI: We have to get the plan

1 submitted to DPW. We've got to get it submitted  
2 to the board. DPW is going to take the lead in  
3 approving it, but the board is going to look at  
4 it. We have to have MPD notified. You've got to  
5 notify maybe other people, who -- depending on  
6 you know, our decisions here. And, you have to  
7 tell us who is going to participate.

8           So, I mean, I think the board is more  
9 than willing to work on a schedule, and you know,  
10 take your input on how long it's going to take to  
11 get those various steps done. But I need to  
12 know, what has to be the deadline for those? I  
13 mean, when do you need approval?

14           MS. CURRIE: I would say for me,  
15 personally, I would want approval at least 45 to  
16 60 days out.

17           MR. ALBERTI: Okay.

18           MS. CURRIE: That's my business, though.  
19 I may operate my business and how -- you know,  
20 that's a little bit of a function of how people  
21 are advertising and promoting the event that  
22 they're doing. So for me, I happen to own a

1 magazine with a monthly print schedule. My  
2 mindset is a little bit different. You know,  
3 when I send the pages, that's that. I can't  
4 (Laughter) -- you know --

5 (Simultaneous discussion)

6 MR. ALBERTI: So, I'm going to tell you  
7 that -- and this is only my opinion, but I think  
8 that you should count on at least 30 days from  
9 when we would have to give you approval, is when  
10 you'd have to -- prior to that is probably the  
11 least amount of time that you'd have to submit an  
12 application, and submit maybe other things, like  
13 your litter plan, to get things in place so that  
14 they can be approved.

15 So, thinking about that, and thinking  
16 about how far you want to plan, because you know,  
17 this three months -- some of the promoters are  
18 not planning three months ahead of time, is my  
19 impression from what I've seen in the  
20 preparedness when they come here. So, knowing  
21 that you've got like at least 30 days prior to  
22 when you're going to get approval, I want to hear

1 others from -- how long do you -- how much do you  
2 need, do you want, before your event, to get  
3 approval?

4 MR. GABEL: I mean, I would agree with  
5 her in 45 days.

6 MR. ALBERTI: 45 at least.

7 MR. GABEL: The reality is, everyone up  
8 here, I'm sure would agree that you pretty much  
9 want to go on sale a minimum of 30 days prior to  
10 the event.

11 MS. CURRIE: Mm hmm.

12 MR. GABEL: So, if you want to go on  
13 sale 30 days prior, you need two weeks, when you  
14 talk about hiring vendors. Let's say I want to  
15 do a spend in her magazine or something like  
16 that. You know? I need two weeks to be able to  
17 know, okay, this event is happening. You know?  
18 So, 45 days is fine.

19 And I guess what I think the most  
20 important thing is, is promoters that are coming  
21 up that are not prepared, please reject them.  
22 There's the guidelines.

1 MR. ALBERTI: Well, some of our regular -  
2 -

3 (Simultaneous discussion)

4 MR. GABEL: I'm just saying, give them --

5 MR. ALBERTI: Mr. Gabel, some of the more  
6 regular promoters come in and can't give me a  
7 complete and -- can't give me a final list of  
8 establishments, and can't tell me who they  
9 notified. So, it's not the people from the  
10 outside. And so, I don't want to criticize  
11 anybody in particular, but I do want to make sure  
12 that you all understand, this is --

13 Everybody -- maybe some of the actions of  
14 the board as well as some of the actions of the  
15 promoters have contributed to where we are today.  
16 And we're trying to rectify that. So, let's talk  
17 about --

18 (Simultaneous discussion)

19 MR. GABEL: I need just 45 days.

20 MR. ALBERTI: So, 45 days?

21 MR. GABEL: Yes.

22 MR. ALBERTI: All right.

1           MR. GABEL: And we could live with the  
2 consequence, because we do like to plan  
3 appropriately.

4           MR. ALBERTI: Ms. Benner?

5           MS. BENNER: 45 days.

6           MR. ALBERTI: Mr. Kramer?

7           MR. KRAMER: Yeah, 45 days is fine. The  
8 one thing I would ask, is that whatever new  
9 regulations, especially relating to timing and  
10 dates and notifications, whenever they're --  
11 whatever is implemented, I would just ask that  
12 the board take special care to make sure that  
13 whenever the implementation period is versus the  
14 -- that it doesn't preclude events from happening  
15 because the rules say -- so that the new rules  
16 don't interfere with dates; so that there's not a  
17 grace period, but just to make sure that there's  
18 no --

19           MR. ALBERTI: So, yeah. So, sort of  
20 grandfather --

21           MR. KRAMER: Yeah, so that we don't  
22 freeze out --

1 (Simultaneous discussion)

2 MR. ALBERTI: They're in the pipeline  
3 right now. I got you.

4 MR. KRAMER: -- a three week block or a  
5 two week block.

6 MS. CURRIE: Right.

7 MR. ALBERTI: I got you. I got you, and  
8 I'm sensitive to that. But we're talking about  
9 you know, what happens six months from now  
10 (Laughter). We'll have to flip the switch, maybe  
11 at some point --

12 (Simultaneous discussion)

13 MS. CURRIE: I would agree. I think 45  
14 days, you know as to a deadline, which obviously  
15 then --

16 MR. KRAMER: Does everyone agree that you  
17 can --

18 MS. CURRIE: For notification.

19 MR. KRAMER: -- that you can tell us --  
20 you may have establishments drop off. Can you  
21 tell us, though, you will not add establishments  
22 after that 45 days?

1 MR. GABEL: No.

2 MR. KRAMER: What if establishments --

3 (Simultaneous discussion)

4 MR. ALBERTI: That's why I'm asking.

5 MR. KRAMER: I was going to say, what if

6 establishment is -- has one primary violation,

7 and then in that intervening time, gets another

8 one? So, they were okay to participate --

9 MR. ALBERTI: They drop out. They drop  
10 out.

11 MR. KRAMER: Okay. But that --

12 MR. GELIN: Like what if the party --

13 (Simultaneous discussion)

14 MR. KRAMER: I think the concept -- I'm

15 sorry.

16 MR. GELIN: That's okay.

17 MR. KRAMER: I'm sorry. Go ahead.

18 MR. GELIN: What if you sold x amount of  
19 tickets, and the capacity for your event --

20 MR. ALBERTI: I got you.

21 MR. GELIN: -- shall be I mean,

22 responsibly held to -- with that venue gone now?

1 MR. ALBERTI: Okay. No, I'm listening to  
2 you.

3 (Simultaneous discussion)

4 MR. GABEL: The other issue is that we  
5 want to promote communication. Right? Anything  
6 that can foster com is going to be of a benefit.  
7 I can promise. So, if a venue drops out, there  
8 should be a process where we can amend the  
9 application to say this venue has dropped out.  
10 This venue can come in, in my opinion.

11 MR. KRAMER: Okay. So, are there any  
12 other aspects of your planning that you think  
13 needs to be in flux after that 45 day --

14 MR. GABEL: But you're saying 75 days,  
15 technically, because you said 30 plus on the 45.

16 MR. ALBERTI: Yeah. That's true.

17 MR. GABEL: Which is fine with us.

18 MR. ALBERTI: Well, we're talking  
19 deadlines.

20 MR. GABEL: Yeah.

21 MR. ALBERTI: For all final decisions  
22 would be the -- when you'd want approval -- 45.

1 Okay.

2 MR. GABEL: You give us approval 45 days

3 --

4 MR. ALBERTI: So, let me work with that  
5 45. Is there any other things that you'd want in  
6 flux past that 40 day window --

7 MS. CURRIE: It would seem that perhaps -  
8 -

9 MR. ALBERTI: -- that 45 day window?

10 MS. CURRIE: It would seem that perhaps,  
11 after the 45 day window, a deadline on final  
12 participants. And again, simply for knowing --  
13 okay, maybe somebody dropped off. Maybe capacity  
14 you know, needed to be addressed. Or, you know,  
15 this is a city where new restaurants are opening  
16 constantly. There may be an opportunity that a  
17 restaurant has opened up, and is thinking gosh,  
18 hey, I'm brand new. This would be a great way  
19 for people to know that I'm here.

20 MR. ALBERTI: I hear you.

21 MS. CURRIE: So, this is just a list --  
22 yeah (Laughter).

1           MR. ALBERTI: I'm actually sympathetic to  
2 your point.

3           MS. CURRIE: Yeah.

4           MR. ALBERTI: But I want to know, is  
5 there any other aspect to your planning that you  
6 think needs to be amended -- you know, that you  
7 would have to be allowed to amend after we give  
8 you approval?

9           MR. GELIN: I'd like to go with what she  
10 just said. If there is an open-ended -- an  
11 ability to add venues after the fact, if we're  
12 talking about responsible planning, more venues  
13 is, in some cases, not all cases -- in some  
14 cases, it's better for crowd control. And it's  
15 always nice to have the ability to add a second  
16 or a third venue.

17           MR. ALBERTI: Okay. Okay. All right.

18           MR. GABEL: The other issue is, some of  
19 these venues are mom and pop type of operations,  
20 and just getting them to actually (Laughter) you  
21 know, sign the piece of paper or do whatever our  
22 process is --

1 MR. ALBERTI: So, what if -- all right.

2 (Simultaneous discussion)

3 MR. ALBERTI: So that we're not here all  
4 day, what I'm hearing from you is that it's  
5 really the participants that you want flexibility  
6 in, after that 45 days.

7 MALE SPEAKER: Yes, sir.

8 MR. ALBERTI: All right? So, it's really  
9 not anything else?

10 (No response heard)

11 MR. ALBERTI: All right. Mr. Gabel, you  
12 talked about establishments being responsible.  
13 And we have to hold them responsible. So, we  
14 currently have a wall, which is actually, in my  
15 opinion, pretty liberal, which says oh, if you  
16 have more than two primaries, then you can't  
17 participate.

18 Well, that's not a lot. I mean, that is  
19 a lot for most venues, and -- so how do we hold  
20 establishments responsible? Do we give the board  
21 discretion (Laughter) on your list and say, you  
22 know, the last pub crawl, that establishment had

1 some issues with their last pub crawl. We're not  
2 going to allow them to participate in your pub  
3 crawl.

4 I don't think you want us doing that, but  
5 tell me, how do we hold them responsible?  
6 Because I've got to tell you, it's not my  
7 impression that the promoters have held them  
8 responsible. All right? I hear all the time  
9 that we have these contracts with them, and that  
10 they'll only participate with us. But if they  
11 don't, they can participate with somebody else on  
12 the same day. There's nothing we can do about  
13 it.

14 I'm not sure the promoters are holding  
15 establishments responsible. You keep going back  
16 to the same people. The same people, we see  
17 having significant problems during pub crawls and  
18 outside of pub crawls, and you're participating  
19 with them. So, how do we make establishments  
20 responsible?

21 MR. GABEL: Well, that is definitely a  
22 loaded question (Laughter).

1 MR. ALBERTI: Yeah (Laughter).

2 MR. GABEL: I have to be really careful  
3 how I answer it, because you know, the  
4 establishment and the main point of the comment  
5 was that the establishments are the third party  
6 in this conversation.

7 MR. ALBERTI: Mm hmm.

8 MR. GABEL: And that they need to be our  
9 partners. Now, the conversation of them signing  
10 with, let's say for example, myself and Mr.  
11 Kramer, and I thought I was exclusive. He  
12 thought he was exclusive. I actually don't think  
13 that that -- that's sort of our problem in how we  
14 need to deal with the establishments.

15 But more specifically, as far as the  
16 permitting process in something like that, it's  
17 that I think that the contract or agreement --  
18 it's more of an agreement, because we're never  
19 really going to sue a venue on it in  
20 practicality, but that the agreement with the  
21 venue to participate on the pub crawl is  
22 critical.

1           When the local law enforcement and AGCs  
2 were sitting up here, I think that the -- in the  
3 agreement, you should have language and we should  
4 have language which we are more than willing to  
5 add. We do have an agreement, but I can tell you  
6 right now, we don't have an agreement that  
7 stipulates how many security guards are you going  
8 to have. What is your trash policy?

9           And this is what we're doing. In other  
10 words, I think we should bring the conversation  
11 points that we're having amongst each other into  
12 the third party, which is the venue, and have it  
13 go into the agreement that we have with them.  
14 Okay? So, that they're understanding what the  
15 conversation we're having right now is, and that  
16 they're better educated, and that they become  
17 more a part of the process.

18           Now, if we do that, that's going to do  
19 nothing but help. Now, a venue that doesn't do  
20 that and doesn't have an agreement just shouldn't  
21 be on a crawl. And if you know that -- you know,  
22 for example, like let's say Pubcrawls is

1 constantly doing a crawl at this particular bar;  
2 there's no agreement, they're not in the permit,  
3 they're not in this other stuff, then you should  
4 go and take the appropriate action that you know,  
5 your agency -- whatever leeway you have against  
6 that venue.

7 But I think that education and  
8 communication is really important, and I think  
9 pulling the venues in as partners is really the  
10 main point that I was sort of referring to.

11 MR. ALBERTI: Okay.

12 MR. GABEL: And wanting to have that.

13 MR. ALBERTI: Thank you for that. Anyone  
14 else want to add to that?

15 (Pause)

16 MR. ALBERTI: Go ahead. Mr. Kramer?

17 MR. KRAMER: You can hear a pin drop in  
18 here (Laughter). We work continuously with  
19 pretty much the same -- with slight variations,  
20 the same restaurants and bars in the same  
21 neighborhoods, year after year after year,  
22 because we know them and they know us, and it's a

1 good partnership.

2           The outliers are few and far between.  
3 And when we have had a problem with the -- you  
4 know, a venue, we just don't work with them  
5 again, and no hard feelings. Thanks very much.  
6 We're going to go that way. You go that way.

7           MR. ALBERTI: Okay, thank you. I mean,  
8 it's a two-way street, but thank you for your  
9 comments.

10           MS. CURRIE: Mr. Alberti?

11           MR. ALBERTI: Yes. Ms. Currie?

12           MS. CURRIE: I think to the specific  
13 point about two bars -- about bars participating  
14 in two crawls at the same time, though, and then  
15 you're discussing being able to enforce that, my  
16 understanding of the new regulations is that a  
17 bar is only allowed -- there is only allowed to  
18 be one personal neighborhood, and the bars are  
19 only allowed to be in one.

20           And so, if you're reviewing and approving  
21 the applications, you would see, even as a first  
22 line gatekeeper, wait a minute. We have two

1 applications for the same list of participants on  
2 the same day. We're only approving one of these.  
3 So, I would think that would help.

4 MR. ALBERTI: And that doesn't seem to be  
5 a problem with --

6 MR. GABEL: I think that can -- I can  
7 think of scenarios where that's a problem.

8 MR. ALBERTI: Pardon?

9 MR. GABEL: I said I could think of  
10 scenarios where there is a problem. I think  
11 where it's not a problem is when you're talking  
12 about a venue that's a registration point,  
13 because there's a massive difference between a  
14 venue that's a registration point and a venue  
15 that's on a crawl.

16 So, there is -- you know, sometimes  
17 you'll do a crawl, and the venue will complain.  
18 I only got 27 people. You know? So, if they  
19 were on more than one crawl, okay. You know?  
20 But if you're a registration point, you can only  
21 be a registration point for one crawl. That I  
22 think is really important.

1           But if it's not a registration point, as  
2 much as -- by the way, as much as -- you know,  
3 selfishly speaking, I would like every venue to  
4 be exclusive with me, you know, sometimes I deal  
5 with the reality of what's happening for the  
6 owner.

7           MR. ALBERTI: I will tell you that I  
8 supported that provision as a way of attempting  
9 to create some sort of -- I want to say unbiased  
10 limit on pub crawls, because personally, as one  
11 board member, I think that we have to think about  
12 how to limit the size. We just can't let 10,000  
13 people go out there.

14           I mean, I think everyone would agree that  
15 you know, there's some days and some areas we  
16 just can't have a pub crawl with 10,000 people.  
17 But the question becomes, how do you limit it?  
18 How do you let the promoters know what those  
19 limits are going to be ahead of time? How do you  
20 know that you are consistent from pub crawl to  
21 pub crawl, that they're fair, you know,  
22 consistently applied, that you don't disadvantage

1 one promoter over another?

2 So, that was our attempt at that. All  
3 right? Maybe as imperfect as it is, that's our  
4 attempt to -- as a way to limit pub crawls. I'm  
5 open to other ideas.

6 MR. GABEL: I think the registration key  
7 -- is the key point to that, because if you took  
8 it for every single crawl -- I mean, excuse me,  
9 every single venue on the crawl and you know part  
10 of it, not wanting to create a disadvantage for  
11 one company over the other, is that you know,  
12 theoretically is, the venues are just our jack in  
13 the different companies. Well, who is going to  
14 pay me the most money? And whoever pays me the  
15 most money, I'm going to sign with.

16 MR. ALBERTI: And you know, that's free  
17 enterprise (Laughter). I'm sorry. But unless I  
18 have -- let me talk for myself. Unless you give  
19 me another tool that meets muster of you know,  
20 saying that I am not -- that you don't put the  
21 board in the position of having to choose winners  
22 and losers, or arbitrarily limiting the size of a

1 pub crawl, I don't know. I don't have another  
2 tool. So, you don't have to answer today, but  
3 think about it.

4 MR. GABEL: Mm hmm.

5 MR. ALBERTI: And make suggestions. But  
6 that's why that's in there, is it's our tool to  
7 try to create some consistent and fair limits on  
8 the size of our pub crawls.

9 I have no further questions. Thank you.

10 CHAIRMAN ANDERSON: I'm not going to take  
11 any more questions right now, because we have at  
12 least one or two other panels, and it's getting  
13 late.

14 What I'm going to ask the promoters to  
15 do, because this involved you, so it does behoove  
16 you to stay around, because there are more  
17 questions that the board will ask. So, what I  
18 will do, I will thank you for your testimony and  
19 dismiss you in the audience, so I can call the  
20 next panel up. And after this, then, I will  
21 entertain additional questions of the board.

22 MALE SPEAKER: Thank you.

1           CHAIRMAN ANDERSON:  But I see that our  
2 first panel, they wanted to stay, and they stayed  
3 for the most part of this panel, but then we lost  
4 them.  And I want for us to have as much  
5 participation and for folks not to be looking at  
6 the clock and decide that okay, I need to leave.  
7 Okay?

8           So, the next panel is member is of the  
9 industry.  We have Mark Lee, executive director  
10 of D.C. Nightlife Hospitality Association.  We  
11 have Mr. Andrew Kline, the Terrace Law Firm, Eric  
12 and Dick Heidenberger, owners of Mad Hatter.

13           Is there anyone else in the audience who  
14 would like to testify?

15           FEMALE SPEAKER:  Yes, but I'm not  
16 (Inaudible) the establishment.

17                           [END OF FILE #133]

18                           [BEGIN FILE #134]

19           CHAIRMAN ANDERSON:  Are you the only  
20 other person that wants to testify?

21                           (No response heard)

22           CHAIRMAN ANDERSON:  Does anyone else?

1 You can come up. I know you're not a member of  
2 the establishment, but rather than have a panel  
3 by yourself, I'll have you join and add some  
4 color to the dark suits up here (Laughter).  
5 Okay?

6 FEMALE SPEAKER: Right on the other side.  
7 Thank you.

8 CHAIRMAN ANDERSON: All right. So,  
9 please -- we'll start over here. And please  
10 identify yourself for the record, please.

11 MR. LEE: Thank you, Chairman Anderson,  
12 members of the board. My name is Mark Lee, and I  
13 serve as the executive director of the D.C.  
14 Nightlife Hospitality Association, a non-profit  
15 trade association representing bars, restaurants,  
16 night clubs and entertainment venues of all types  
17 and sizes located across the city.

18 On behalf of our 11 member board and our  
19 member businesses, many of whom participate  
20 occasionally or regularly with pub crawls or bar  
21 crawls, we appreciate the opportunity to speak  
22 today. I've provided a lengthier statement than

1 time or patience probably allows, so I want to  
2 just focus on a couple of things.

3 First, generally, we commend and  
4 appreciate the board's efforts to regulate, for  
5 the benefit of both businesses and neighborhood  
6 communities for the operation of bar crawls. We  
7 think that's a good thing, and we also appreciate  
8 the fact that it appears that the board has  
9 attempted to have a light hand in doing this --  
10 to not make it too obtrusive, too heavy-handed,  
11 too complex, and so we do appreciate that, and we  
12 want to commend you for that.

13 We have five specific concerns or  
14 recommendations that might be helpful to the  
15 board, and we ask for your consideration. First  
16 of all, one of our concerns is that the  
17 definition provided in the regulations of what is  
18 a bar crawl is -- could perhaps be improved. One  
19 of the things that we worry about, even though  
20 it's not the intent or the focus of this  
21 legislation is that there are different kinds of  
22 entities that are not bar crawls, but have

1 characteristics of bar crawls.

2           You might even say that Restaurant Week  
3 might, under certain definitions be characterized  
4 as a bar crawl. There are wine tastings that are  
5 cooperative events between multiple venues that  
6 aren't really bar crawls by any means.

7           On 14th Street, not far from here, there  
8 is a retail wine shop that also has a restaurant,  
9 and they might do a promotion highlighting region  
10 varietals and offering a discount on that at both  
11 locations. Would that constitute a bar crawl?  
12 So, just some simple, straightforward refinement  
13 of the definition of what a bar crawl is might be  
14 benefit, just so as not to cause any confusion or  
15 any vulnerability for anyone.

16           Second, one of the things that we looked  
17 at is what is the nexus of information? We have  
18 these new regulations. We have the regulatory  
19 process. We have the sponsors or promoters, and  
20 then, we have the licensed establishments that  
21 participate. And there's going to be a lot of  
22 new information coming out.

1           So, how does that get decimated? Under  
2 the board's leadership, ABRA does an exemplary  
3 job among city agencies in this city for  
4 communicating with the industry, with providing  
5 information, and it has a very real customer  
6 service ethos about it, which we very much  
7 appreciate and respect. We've even collaborated  
8 with ABRA's staff on improving some of the  
9 opportunities to communicate directly with the  
10 agency.

11           But we see the simplest, and perhaps most  
12 productive way to do that is what when a sponsor  
13 or a promoter comes to you and provides that  
14 list, that they certify that they have provided  
15 the establishments with all of the specific  
16 information that's listed in the regulations.  
17 And rather than the record keeping, perhaps, of  
18 having them sign a statement or a contract, that  
19 they certify that they have provided them with  
20 certain things,

21           ABRA itself might want to produce a fact  
22 sheet that summarizes that, rather than handing

1    them the excerpted regulations under subchapter  
2    712, I think it is.  But just some way that they  
3    engage in that conversation.  They certify they  
4    had that conversation, such as not participating  
5    in more than one bar crawl; that they have to  
6    have food available, and the entire list of  
7    things.  We think that that would be very  
8    productive, and that's the communication agent  
9    readily available and most productive, and  
10   enhances the communication between the sponsor  
11   and the venue.

12            Third, we strongly recommend that  
13   consideration be given to expanding the  
14   reimbursable security detail program to be  
15   available for these events.  One of the  
16   challenges, and I think somebody addressed this  
17   earlier in regard to the littler cleanup, is that  
18   this provides an effective and appropriate and  
19   trained resource for sponsors or organizers to be  
20   compliant with the law, and meet the goals and  
21   objectives that the board is hoping to encourage  
22   in the operation of bar crawls.  So, we see that

1 as critical to doing so.

2 In all instances, however, we think that  
3 providing the names of individuals that are  
4 assigned to security positions so far in advance  
5 is probably unrealistic. Maybe evidence that you  
6 are retaining an RDO, or that you've contracted  
7 with a security company might be beneficial. But  
8 the law seems to imply that you have to give the  
9 individual names. That's probably not going to  
10 be provided to you until very immediately prior  
11 to the event, so that might be a simple  
12 modification.

13 The fourth thing, and one of the things  
14 that might help put this in perspective is when  
15 you say nightlife, a lot of people assume that we  
16 represent all of the big venues. And of course,  
17 we do. Echostage, 9:30 Club are both on our  
18 board. Prominent downtown and larger venues are  
19 a part of our membership.

20 But we also represent the developing  
21 zeitgeist of venues located throughout the city;  
22 multi-activity facilities that are -- small bars

1 or restaurants that are smaller in size, serve  
2 food, have a bar -- a robust bar, maybe have a  
3 deejay entertainment or just a lounge area. And  
4 these are smaller spaces.

5           One of the things that is most of concern  
6 to our members, and I think the conversation  
7 that's gone here today has been very valuable for  
8 me and for the board in looking at the bigger  
9 events, the downtown events. But what about the  
10 theatre group, the gay and lesbian sporting  
11 association, the community group that does a one-  
12 off round robin event? They might not even call  
13 it a bar crawl; that we haven't -- that some of  
14 our more intimate and smaller sized venues have  
15 experience with?

16           These are opportunities both affinity  
17 building, and but also fundraising events for  
18 team uniforms, whatever, or celebratory events or  
19 annual events, and they are important to all of  
20 those groups. Because of our experience in  
21 interacting with these smaller entities, not a  
22 thousand, not 2,000, not 10,000 people on

1 downtown streets, more festival style almost, or  
2 approaching that sort of model is there smaller,  
3 more intimate events.

4           Consequently, we would strongly recommend  
5 that you give consideration to increasing the  
6 threshold for the number of participants that are  
7 allowed without licensing and the other  
8 requirements that come with it. We would suggest  
9 that an appropriate number would be 500 instead  
10 of 200.

11           And to illustrate that, think about it  
12 this way -- and we would also say that it would  
13 require three or more participating venues and  
14 more than 500 participants. But if you think of  
15 it this way, if you had 400 participants and you  
16 had five venues participating, that's only -- you  
17 know, over a multi-hour event, that's only 80  
18 people per venue. That's sort of common and  
19 ordinary for a business of almost any size, you  
20 know, certainly based -- limited by their  
21 capacity.

22           But it's reasonable, once you play it out

1 and how it operates that we could go to a higher  
2 threshold. What that does is it allows this  
3 community building, organic event that is  
4 sometimes beginning to happen in emerging and  
5 developing neighborhoods, outside of the scope of  
6 what you're primarily concerned about with large  
7 downtown events that they can't afford a \$500  
8 annual registration fee. They can't afford to  
9 pay an RDO or hire a security firm. They can't  
10 afford, you know, these costs, and they can't  
11 afford an attorney to come before you to seek  
12 permission to have it.

13 So, those costs will add up and could be  
14 substantial. And it would diminish or deter the  
15 opportunity for these kinds of more organic,  
16 hometown, small group sort of events that occur  
17 sometimes on a casual basis, and have occurred in  
18 the past, that aren't problematic. And so, we  
19 would encourage you to have some -- establish  
20 some broader leeway to accommodate these groups  
21 within the regulatory scheme.

22 The fifth item is -- and we've discussed

1 that in a little bit of detail in my testimony  
2 and the board can have the pleasure of reviewing  
3 that at its own convenience. We are concerned,  
4 however, that it does, in terms of the  
5 applications that have come before the board,  
6 that a significant number of them have been  
7 denied, since the emergency rulemaking was  
8 instituted.

9 And we're also concerned about the  
10 process that those applications are reviewed by  
11 the board. They tend to be, as we understand it,  
12 more of a fact-finding hearing than a due process  
13 hearing, and we believe that the applicants  
14 should be entitled to the full and transparent  
15 due process hearing in consideration of that.

16 So, I thank you for your time, and of  
17 course, I'd be happy to answer any questions.

18 CHAIRMAN ANDERSON: Thank you, Mr. Lee.  
19 Yes, ma'am. Please introduce yourself for the  
20 record.

21 MS. FARLEE: Coralie Farlee. I'm chair  
22 of the ABC Committee, ANC-6D.

1           I thank you for some of the things I see  
2 in the proposal that I testified about last year.  
3 You have included an opportunity for the ANCs to  
4 include -- to prohibit participation in pub  
5 crawls. Thank you for that in our agreements --  
6 thank you for that.

7           You've increased the amount of the fee,  
8 which I thought was embarrassingly small for a  
9 year's fee for a hundred or something dollars.  
10 Now it's 500. That's great.

11           I have comments on several areas; first,  
12 the timeline that you were just talking about.  
13 The reason it's relevant here is that I think the  
14 ANC should have a chance to see -- to hear about  
15 the applications and have some notification.  
16 That doesn't happen now, at all. In fact, even  
17 with your disposition entry in the board  
18 decisions, we don't even know where the pub crawl  
19 is located. It doesn't even have an address.  
20 Preferably, it would have an ANC or something.

21           It just has names, the event, the date  
22 and I guess, a premise maybe -- a license number,

1 but no actual geographic identification. So, an  
2 ANC would be better, but what I'm really  
3 requesting is, as your first panel suggested, is  
4 an ANC notification of some kind.

5 I was trying to work out the timeline  
6 that you were just talking about. If you had it  
7 up to a 45 days in advance for the promoter to  
8 submit the application, I'm suggesting something  
9 of a modified notice of public hearing that you  
10 already do for regular licenses; not the full  
11 three scheduled hearing dates, but something like  
12 notice of application and a date, which I'm  
13 suggesting be 45 days, similar to what the  
14 petition date timeline is for ANCs to comment or  
15 for neighborhood groups, as well, to comment  
16 back.

17 But if you agree to the 45 days, that  
18 means 90 days in advance for the applicant -- the  
19 promoter to get the application in. That's  
20 another wrinkle, perhaps. But I think some  
21 timeline, some specific notification on your Web  
22 site, on the hearings that we have access to,

1 because not all of us who work on these things  
2 have ANCs keep us informed. I'm not an ANC  
3 commissioner.

4 So, some time of advance notice, so that  
5 we know in a public way that these things are in  
6 process, and we have a timeframe that we can get  
7 back to you with any comment. I'm not asking for  
8 a total protest hearing kind of a set up. I know  
9 ABRA needs some time to administer this, too.

10 On the RDO, I support supporting that,  
11 enlarging that. I had previously, a year ago,  
12 suggested one RDO for every 25 patrons. I don't  
13 see anything. Maybe I've missed it, but I don't  
14 see anything in the advance information where you  
15 have a requirement. And I also appreciate  
16 clarity for who is responsible for hiring the  
17 RDO.

18 I believe this man testified that the  
19 establishment would, but I believe we talked last  
20 year about the promoter being responsible for  
21 RDOs. So, I think who is responsible for it, the  
22 proportion of RDO to patrons needs to be

1 clarifying. I'm recommending a promoter or  
2 organizer be responsible, and one RDO for every  
3 250 patrons.

4           The other thing I want to mention is,  
5 again, which I talked about last year, if the pub  
6 crawl includes establishment that includes both  
7 CRs, restaurants and tavern kinds of licenses,  
8 reminding you that the license to carry a pistol  
9 amendment act of 2014 allows pistols to be  
10 carried in restaurants and a number of other  
11 place; hotels, et cetera, but not in taverns and  
12 some others.

13           So, the most likely thing in a pub crawl  
14 would be they would be going from CRs to CTs, on  
15 and on. And my recommendation is that the  
16 promoter -- if there is a mix of CRs and Ts --  
17 that the promoter make it clear to participants  
18 that they are not allowed to carry weapons into  
19 CT venues. Thank you.

20           CHAIRMAN ANDERSON: Thank you. All  
21 right. Mr. Kline?

22           MR. KLINE: Good afternoon, Chairman

1 Donovan, members of the board. I'm Andrew Kline.  
2 I'm here on behalf of Restaurant Association of  
3 Metropolitan Washington. I'm its general  
4 counsel.

5 RMW has over 900 members of all types of  
6 hospitality venues; primarily sit-down dining  
7 establishments, but also, fast casual  
8 establishments, bars, nightclubs and all purpose  
9 facilities.

10 We appreciate your giving us the  
11 opportunity to appear before you today, and  
12 applaud your efforts to regulate pub crawls. We  
13 are a strong supporter of the Golden Triangle  
14 Bid, and we're close to -- with that Bid and  
15 other Bids, and I know in my conversations with  
16 Leanna Agaritas (phonetic 00:18:37) after October  
17 31st, that that was quite troublesome, the  
18 Halloween event.

19 However, having said that, we believe  
20 that there's a long history of pub crawls, and  
21 the vast majority of them have occurred without  
22 incident. So, as we move forward, we hope, and

1 we think this is a good start, that you will keep  
2 four principles in mind in these regulations, and  
3 really, all regulations that you do.

4           One is that they be reasonable; that they  
5 be fair; that they be clear, and that they afford  
6 due process. In terms of reasonableness, what  
7 we're talking about is that no pub crawl operator  
8 no licensee be unduly burdened by something  
9 they're required to do under the regs.  
10 Obviously, we have to balance regulation with the  
11 burden on the businesses.

12           Second is that they be fair, and in terms  
13 of fairness, what we're talking about is that  
14 operators that seek to participate in pub crawls  
15 be treated fairly and have the equal opportunity  
16 given precise standards in the regulations, to  
17 participate in pub crawls. Likewise, the pub  
18 crawl operators should also be treated fairly and  
19 have a clear set of guidelines.

20           And that brings me to clarity; that is,  
21 we want to make sure everyone knows what's  
22 expected of them and how to comply. And lastly,

1 due process. And I associate myself -- it seems  
2 like maybe we've compared notes beforehand, but I  
3 associate myself with the remarks of Mr. Lee, who  
4 covered many of the issues.

5           And I think we agree with almost  
6 everything he said except one point, which I'll  
7 get to in a minute. But in terms of due process,  
8 we believe that before any operator is denied the  
9 ability to participate in a pub crawl, or any pub  
10 crawl operator is denied a pub crawl permit, they  
11 are entitled to a contested case due process  
12 hearing, which means putting witnesses on the  
13 stand and making findings as to why it is that  
14 they're not allowed to participate, be it a pub  
15 crawl operator an establishment.

16           In terms of the definition, I'm now going  
17 to get into the weeds, because I think we've had  
18 a lot of general talk concept, but I want to  
19 drill down the specifics of the regulations and  
20 focus on them. I agree with Mr. Lee that the  
21 definition needs to be refined. I'll offer one  
22 up. We'll submit it to you in writing, and we're

1 going to submit written comments after the  
2 hearing. Section 12.3 -- we would propose this  
3 definition. I'll read it, and then I'll talk  
4 through it a little bit.

5 For purposes of this section, a pub crawl  
6 event shall be defined as an event occurring on a  
7 single day involving more than three licensed  
8 establishments all located within a half of a  
9 mile radius featuring the sale or service of  
10 alcoholic beverages during a specified period of  
11 time, and for which a fee must be paid or a  
12 ticket purchased by patrons for participation,  
13 separate from any amount paid for food or drink.  
14 Now, that's a mouthful and it's a lot, but let me  
15 boil it down.

16 The current proposed definition uses  
17 something called within walking distance. I  
18 don't know what that means. I can walk pretty  
19 far. Other people can't. A half a mile -- we're  
20 not wedded to that, but we just think that the  
21 definition should be clear what's walking  
22 distance; what are we talking about.

1           Three or more, or more than three is what  
2 we put. It seems that if two establishments get  
3 and want a decent joint promotion, we want to  
4 make sure that it's not a bar crawl. We don't  
5 think it is. We don't think that's your intent,  
6 but again, we want everybody to be clear what it  
7 is and what it isn't.

8           In terms of a single day, I thought about  
9 this one hard, and I would ask the board to think  
10 about it. I don't know of any bar crawls that  
11 stretch out over several days, but -- and Mr. Lee  
12 alluded to it. The Restaurant Association has a  
13 Restaurant Week. Sometimes, we promote  
14 cocktails.

15           We meet all the definitions of your  
16 proposed pub crawl regulation, with the exception  
17 of the walking distance, although one might argue  
18 you can walk to all of the establishments in the  
19 District of Columbia, given enough time  
20 (Laughter). So we're concerned about that. We  
21 want to make sure that we're clear. So, a single  
22 day would seem to cover that.

1           RMW also runs a cocktail week. So, that  
2 would seem to be even closer and we're concerned  
3 about that. In 712.5, we talk about what's  
4 required for the application, but there's three  
5 words that are quite troubling. It says "at a  
6 minimum." Tell us what you want. Tell the  
7 operators what you want. Allow them to rely on  
8 that. Don't say, at a minimum, because that  
9 opens the door for, we don't know what else might  
10 be required. And I think it's only fair that  
11 those pub crawl operators know what it is that is  
12 expected of them.

13           In 712.9, it says that -- and this may  
14 have been covered. DPW must approve the trash  
15 plan within 48 hours. The pub crawl applicants  
16 have no control over DPW and what they're going  
17 to do, so, I think that needs to be refined in  
18 terms of what it is that we're getting at there.

19           In 712.11, at least the draft I have  
20 seems to have a circular reference, in that it  
21 says -- it talks about an establishment's  
22 eligibility to participate in accordance with

1 Section 712.11. I think we're talking about  
2 712.13, but I'm not sure. But I just wanted to  
3 bring it to your attention that we fixed that.

4 712.17 talks about food service; food  
5 being available. The regulations already require  
6 that. It seems to be redundant. I don't know  
7 why we need it here.

8 CHAIRMAN ANDERSON: I'm sorry.

9 MS. MILLER: What was that?

10 CHAIRMAN ANDERSON: Which one was that?

11 MR. KLINE: It's from 712.17. It says  
12 establishments that are required by law to serve  
13 food shall have food available for purchase  
14 during the hours of the pub crawl event. I think  
15 that's already in the law, so I don't know why we  
16 need an additional provision. If we do, it's  
17 fine, but if we don't, I would ask that you  
18 revisit that and take it out.

19 CHAIRMAN ANDERSON: You see, we are  
20 listening and taking out, Mr. Kline.

21 MR. KLINE: Good.

22 (Laughter)

1           MR. KLINE: I'm trying to go fast, but  
2 (Inaudible portion 00:25:30). In 712.18, it says  
3 the issuance of a pub crawl license shall be  
4 solely in the board's discretion. This causes me  
5 some concern, given my experience before the  
6 board.

7           Many years ago, with respect to a one day  
8 license, I actually had a board member say to me  
9 that one day licenses were at the board's  
10 discretion. Therefore, there is no due process  
11 when it comes to one day licenses. So, I just  
12 want to be clear. From our standpoint, there  
13 should be a specific set of criteria, and the  
14 board's discretion must necessarily or should  
15 necessarily be constrained by that criteria.

16           I hope we're all on the same page, that  
17 that's what we need when we say the board's  
18 discretion, but I just wanted to mention it,  
19 because I had one board member -- I think he was  
20 a lawyer -- who said that there was no due  
21 process when it came to one day licenses.

22           With respect to 712.20, it has some

1 provisions that again, in terms of preciseness  
2 and clarity, it says fails to control the  
3 environment of a pub crawl. I'm not exactly sure  
4 what that means as a standard, nor -- and also,  
5 particularly troubling is sustained community  
6 complaints.

7           If we use the standard of sustained  
8 community complaints, we're giving the power to  
9 the complainers, regardless of whether their  
10 complaints have merit or not. So, we're very  
11 concerned when there is a standard, if one has  
12 sustained community complaints, that that would  
13 be a reason for denying a pub crawl license.

14           712.21 is pretty broad and vague, and we  
15 would request and recommend that there be some  
16 standards in terms of what the board considers  
17 with respect to conduct and management of  
18 previous pub crawl events.

19           712.22. This relates to licensed  
20 establishments, and this is very important to our  
21 association, because licensed establishments are  
22 of course, our members. And this says a licensed

1 establishment shall not participate in an  
2 unlicensed pub crawl event. We would like it  
3 knowingly standard, and I'll give you an example  
4 of the case I had before the board many years  
5 ago.

6           There was a shopping cart race, of all  
7 things, in Adams Morgans (phonetic). And my  
8 client was asked if, at the end of this shopping  
9 cart race, he would provide a place for the  
10 participants to gather, and if that was done,  
11 would he provide some drink specials? He said  
12 yeah, it sounds like a good idea.

13           So, they had the shopping cart race.  
14 Unbeknownst to him, there were a number of other  
15 establishments that were also approached about  
16 participating in this shopping cart race and  
17 offering similar specials. And when it was all  
18 over, he found himself charged with participating  
19 in a pub crawl, which was in violation of the  
20 settlement agreement.

21           Now, he has no idea that he was  
22 "participating in a pub crawl." And ultimately,

1 the AG's office dismissed the charges. But it  
2 certainly raises the question in terms of making  
3 sure that we're clear, that these licensees are  
4 really in violation when we bring them before you  
5 for violating some provision.

6 CHAIRMAN ANDERSON: Let me ask you a  
7 question, Mr. Kline. The regulation that says  
8 that the licensee has to have a copy of the pub  
9 crawl application -- license in their  
10 establishment, wouldn't that address that issue?

11 (No response heard)

12 CHAIRMAN ANDERSON: That's part of our  
13 regulation, is that they have to have a copy of  
14 the promoter's license in the establishment.

15 MR. KLINE: Right. That's if they know  
16 it's a promoter. But if you go back to my  
17 shopping cart race example, they didn't have any  
18 reason to believe it was a pub crawl, so they  
19 didn't have any reason to say, well, give us a  
20 copy of the permit. They thought they were just  
21 participating in one group's activity, and they  
22 did not know that there were other establishments

1 that were involved.

2 And in that case, we had people from the  
3 ANC that came forward and said, yeah, that's  
4 right. They didn't know. This isn't fair.

5 CHAIRMAN ANDERSON: Well, I know. But  
6 I'm just saying in this particular case, since  
7 our regulation states that if you're going to  
8 participate in a pub crawl, then the licensee has  
9 to have a copy of the license, because I know  
10 that the pub --

11 (Simultaneous discussion)

12 MR. KLINE: Maybe I'm not being clear,  
13 but the issue is -- the issue that I'm raising is  
14 the operator, the bricks and mortar licensed  
15 establishment may not know that what's being  
16 offered to them, the board would define as a pub  
17 crawl, and that's what's happened in the cases  
18 that I had.

19 CHAIRMAN ANDERSON: All right.

20 MR. KLINE: So, that's why we would like  
21 the knowingly standard. And if they knowingly do  
22 it, then yeah, it should be a violation.

1 CHAIRMAN ANDERSON: Okay.

2 MR. KLINE: But if they innocently get  
3 involved in some activity that is later  
4 determined to be a pub crawl, through no  
5 reasonable expectation of theirs, then we would  
6 like them not to be facing a fine or a  
7 suspension.

8 CHAIRMAN ANDERSON: All right, fine.

9 MR. KLINE: In 712.23, again, sustained  
10 community complaints. And I saw a look of  
11 puzzlement from one of the board members, and  
12 maybe it's just a question of drafting.  
13 Sustained has two definitions. One is repeated  
14 complaints, but it also could be, and I realized  
15 when I saw the puzzled look, that it also could  
16 mean a complaint that was substantiated. And I  
17 really didn't think of that the first time I read  
18 it, so perhaps we just need to clarify it.

19 MS. MILLER: Okay.

20 MR. KLINE: And then also, a police  
21 action is less than clear. I don't know what a  
22 police action is. I know what it could be, but

1 there's lots of things that it could be, which  
2 may or may not be problematic, and I just think  
3 we need to define what it is.

4           With respect to the dates, the board has  
5 suggested that the pub crawl applications not be  
6 approved for five dates. We're not aware that  
7 all of these dates have been problems. We don't  
8 necessarily express an opinion, because we don't  
9 know. We would just ask that the board look  
10 critically and make sure that it doesn't need to  
11 restrict all of these dates, because we're not  
12 sure that there is.

13           A couple other points based on what I've  
14 heard, and the one point that we disagree with  
15 Mr. Lee on is reimbursable detail. RMW's  
16 position is reimbursable detail is extremely  
17 unfair to hospitality businesses across the  
18 board. Banks are not required to pay a special  
19 tax or special assessment because people might  
20 rob those banks, and extra police might be  
21 needed.

22           It is only hospitality venues that are

1 singled out for this extra tax. Our position is,  
2 we already have an extra tax. It's called the  
3 sales tax, and it's 10 percent of every dollar  
4 that these establishments collect. And we  
5 believe that out of that 10 percent, and  
6 particularly, and we've heard testimony from  
7 several operators today, that these pub crawls  
8 draw people of the District. They create sales  
9 tax dollars that are not there. There should be  
10 ample money there to pay for public safety. And  
11 we would like to get away from this notion that  
12 somehow, the hospitality industry gets singled  
13 out for this special tax.

14           What did I miss? On 712.26, we agree  
15 with Mr. Lee in terms of whether 200 is the right  
16 number. We got that 500 is inappropriate. I  
17 mean, I think that the point was well made that  
18 when you have a number of establishments  
19 involved, 500 may not necessarily be a large  
20 number.

21           Thank you. That's all I have. And I  
22 presume the record will remain open --

1 CHAIRMAN ANDERSON: Yes.

2 MR. KLINE: -- for a little while, and we  
3 will submit written comments.

4 CHAIRMAN ANDERSON: Perfect. Thank you.

5 MR. KLINE: Thank you.

6 MR. SILVERSTEIN: Mr. Chairman, I just --  
7 as a point of personal privilege here, I'd like  
8 to ask Commander Gresham if he's going to be  
9 around for a few more minutes, because there's  
10 some questions that I have regarding these, and I  
11 want to make sure that we get your expertise.  
12 Thank you. Go right ahead.

13 CHAIRMAN ANDERSON: Okay, Mr.  
14 Heidenberger.

15 MR. D. HEIDENBERGER: Heidenberger.

16 CHAIRMAN ANDERSON: Which one are you,  
17 sir?

18 MR. D. HEIDENBERGER: I am Dick  
19 Heidenberger.

20 CHAIRMAN ANDERSON: All right. Okay,  
21 thank you.

22 MR. D. HEIDENBERGER: Mr. Chairman, thank

1 you. Board members, thank you for giving me the  
2 opportunity to speak to you today. My name is  
3 Dick Heidenberger, and I am going to give you a  
4 different perspective from an owner/operator.

5 I am the owner of six establishments in  
6 the District of Columbia. They are The Bottom  
7 Line, Café Soleil, The Mad Hatter, The Front Page  
8 at DuPont Circle, Shaw's Tavern and Cedar in Penn  
9 Quarter. I have been doing business in D.C.  
10 since 1979, and I currently have approximately  
11 300 employees, 60 percent of whom are D.C.  
12 residents, 5 of which have worked for me for over  
13 30 years.

14 Last year alone, we collected and paid  
15 approximately \$1.1 million in sales tax, and we  
16 paid the credit card fees out of pocket to  
17 process that collection, and we paid over  
18 \$300,000 in property tax, and I'm proud to say,  
19 that we are current on all of our financial  
20 obligations to both D.C. and the federal  
21 government.

22 All of our establishments are considered

1 restaurants serving brunch, lunch and dinner  
2 seven days per week. Food sales consist between  
3 25 percent and 50 percent of my total sales,  
4 depending on the different locations and we  
5 support the respective neighborhood ANCs and the  
6 business improvement districts, as well as all of  
7 the ANCs.

8 We are an independent, family owned  
9 company which started with the opening of The  
10 Bottom Line in 1979, followed by The Mad Hatter  
11 in 1981 and The Front Page in 1986. Four of our  
12 businesses have experienced a significant drop in  
13 gross sales in the past six years, all averaging  
14 a 20 to 25 percent drop in revenues.

15 I attribute this drop in sales to the  
16 significant increase of competition with hundreds  
17 of new restaurants opening in the last several  
18 years. There has been a definite shift to the  
19 eastern side of D.C. with the real estate boom  
20 and the residential growth in that area. Pub  
21 crawls have offered a significant relief to our  
22 businesses over the years in the form of

1 additional sales, and without them, it would be  
2 difficult for us to survive in several of our  
3 locations.

4 Our biggest struggle has been within the  
5 CBD or the Golden Triangle area. Food trucks  
6 have literally cut our lunch sales in half in all  
7 locations, and with the new competition, all  
8 restaurants have to work harder to survive, just  
9 to make ends meet. None of our establishments  
10 are considered nightclubs, but we do provide  
11 entertainment in some locations after 9:00 p.m.

12 The late night business has been  
13 instrumental in our business' success to date,  
14 and has contributed to our growth since 1979. We  
15 continually strive to provide a safe environment  
16 during all hours of operations and including the  
17 late night. The cost of operating a business in  
18 the D.C. area has increased more than 1,000  
19 percent since 1980. Renter rates, as we all  
20 know, are at a premium.

21 The cost of health insurance has placed a  
22 huge burden on us. We pay 100 percent of our

1 managers' health insurance costs, and I pay 50  
2 percent for the rest of my employees. My company  
3 pays \$240,000 a year in health insurance alone,  
4 and that does not account for any of our payroll  
5 taxes. I'm almost done. I'm going to be brief,  
6 I promise.

7 CHAIRMAN ANDERSON: No, you're fine.

8 MR. D. HEIDENBERGER: We, through our  
9 businesses, have been supporters and participants  
10 of the bar crawl since 1980, even before Dave  
11 Lindy organized. These bar crawls, then and  
12 today, provide our business with a significant  
13 boost in sales, and they provide entertainment  
14 and an enjoyable experience for the participants.

15 In The Mad Hatter and The Front Page in  
16 particular, we have taken steps to ensure the  
17 public safety and well being during these bar  
18 crawls by increasing our security at all  
19 entrances and exits. In fact, as I'm sure that  
20 you are aware, there is a significant increase in  
21 the number of ABRA inspectors today versus 10  
22 years ago.

1           On two occasions, the ABRA inspector who  
2 visited The Mad Hatter during a recent bar crawl  
3 commented to the manager on duty that he wished  
4 that the other locations participating in the bar  
5 crawls operated their establishments in the safe  
6 manner as we do. We welcome the ABRA inspectors.  
7 We know that they're coming, and it's usually  
8 weekly.

9           As a matter of fact, I sit here today, I  
10 was visited by an ABRA inspector in Shaw's Tavern  
11 and in The Front Page. They keep us on alert and  
12 they force us to discipline ourselves on how we  
13 operate, not just during the bar crawls, but all  
14 of the time.

15           My company would like to be proactive and  
16 work with ABRA, the various Bids and all of the  
17 ANCs to ensure that everything is being done to  
18 operate these bar crawls in a professional and  
19 efficient manner, whereby the participants can  
20 safely enjoy themselves and have a good time at  
21 the same time, and ensure that our neighbors are  
22 not inconvenienced in any way.

1 I realize that organizing a bar crawl  
2 involves a lot of work and effort, and that there  
3 is room for improvement on how they can be run  
4 and how they have been run in the past. I wish  
5 to make it very clear to the board today that  
6 these bar crawls have been instrumental and have  
7 been an integral part of our business success,  
8 and we are more than willing to work with the  
9 appropriate agencies and the bar crawl promoters  
10 to ensure that they are carried out in a safe  
11 manner.

12 My sons have become equity partners in  
13 the business, and he has some further comments in  
14 regards to the bar crawl regulations moving  
15 forward. Thank you.

16 CHAIRMAN ANDERSON: Thank you.

17 MR. E. HEIDENBERGER: Good afternoon,  
18 board members. My name is Eric Heidenberger, and  
19 I'm a managing partner for the D.C. Restaurant  
20 Group, and I am directly associated with The Mad  
21 Hatter, Front Page and Shaw's Tavern.

22 We believe that for the most part, bar

1 crawl events have operated in good standing over  
2 the last several years. They have brought our  
3 establishment additional business during off peak  
4 hours. We have seen patrons that were visiting  
5 our restaurants for the first time, some  
6 commuting from outside the District to  
7 participate in the event with local friends.

8           The crowds are typically very friendly  
9 and non-confrontational and have thoroughly  
10 enjoyed these themed events. We understand that  
11 the sheer volume of people in the DuPont Circle  
12 area on Saturday, October 31st was excessive, to  
13 say the least. We feel that it being Halloween  
14 on a Saturday with daylight savings time, with  
15 two permitted bar crawls participating in the  
16 same area cannot be overlooked as factors for the  
17 increased volume from what we have typically seen  
18 from bar crawls in the past.

19           I was working personally at The Mad  
20 Hatter all day and night on the 31st. We  
21 experienced increased volume, in general,  
22 unrelated to the bar crawls, and in fact, our

1   busiest time was after the conclusion of the bar  
2   crawl.

3               We would agree with the emergency  
4   proposition that two bar crawls should not be  
5   approved in the same vicinity on the same date.  
6   We feel that the establishment should be  
7   responsible and prepared to handle increased  
8   volume during bar crawls. We personally schedule  
9   extra staff and security personnel during these  
10  events to aid in crowd control and to provide a  
11  safe environment for our guests.

12              The establishment should take extra  
13  efforts to ensure that the public areas in front  
14  of their establishments are clean after bar crawl  
15  events. At The Mad Hatter, we have set up trash  
16  removal for early in the morning seven days a  
17  week, in order to keep our sidewalks free of  
18  excessive litter and trash.

19              We respect our neighbors and the effort  
20  the Bid makes on a daily basis to keep our  
21  neighborhood clean and presentable. Overall, we  
22  feel that there has been a lack of communication

1 in the past between all parties involved. It is  
2 vital that bar crawl organizers communicate with  
3 one another when selecting dates to promote their  
4 events, which we had seen sometimes in the past.

5 We ask that the board give establishments  
6 notice of whether or not an event is approved  
7 farther in advance than 14 days. We would  
8 suggest 30 days prior, so that we can adequately  
9 prepare and plan for the events. We typical see  
10 in-house event and reservation inquiries months  
11 in advance. If we prevent reservations due to  
12 the expectations of hosting a bar crawl, and the  
13 pub crawl event is not approved, then this  
14 results in additional loss in revenue for our  
15 business.

16 As far as item 712.22, licensed  
17 establishments shall not participate in an  
18 unlicensed pub crawl event, it shall be the  
19 licensed establishment's responsibility to verify  
20 whether the pub crawl even it licensed by the  
21 board. We would suggest that the board notify  
22 establishments when a bar crawl has been approved

1 or denied. Not all establishments are well  
2 versed in the bar crawl application process and  
3 which bar crawls were approved and which were  
4 not.

5 Furthermore, establishing that only one  
6 bar crawl will be approved in a neighborhood on a  
7 given day will also clear up confusion as to  
8 which event establishments will agree to  
9 participate in. In regards to item 712.11 and  
10 712.22, pertaining to the board's discretion on  
11 determining which establishments can participate  
12 and which cannot -- sorry, I think that was 21 --  
13 we are concerned with the generalless (phonetic)  
14 of these deciding factors.

15 If the board decides to deny an  
16 establishment participating in an event, we will  
17 appreciate the board providing a preliminary  
18 ruling via written notice to the establishment  
19 with a subsequent hearing scheduled in front of  
20 the board to discuss the matter before a final  
21 ruling has been made.

22 We thank the board for their service in

1 the District of Columbia and appreciate you  
2 taking the time to hear our input on this matter.  
3 I would like to extend a special thanks to Martha  
4 Jenkins for answering our emails and helping  
5 facilitate this discussion today.

6 We have already experienced a significant  
7 loss in sales this year due to the cancellation  
8 of the February 6th Project D.C. Cupid's Crawl  
9 and the lack of Nivix Events President's Day  
10 Crawl. Our tipped wage employees have seen a  
11 drop in their income and have expressed concerns  
12 on this matter, as well.

13 We look forward to working with the  
14 board, our ANC representatives, the Bid, D.C.'s  
15 law enforcement officials, ABRA investigators,  
16 the pub crawl organizers and our fellow  
17 establishments in the hopes that all parties  
18 concerned are heard and considered in the  
19 adoption of the pub crawl rules moving forward.  
20 Thank you.

21 CHAIRMAN ANDERSON: All right, just some  
22 clarification. What section did you mention?

1 The last one? I wasn't --

2 MR. E. HEIDENBERGER: The two points --  
3 it was on the board's discretion on approving --  
4 I don't know if it's 712.11 and 712.22.

5 CHAIRMAN ANDERSON: No, just tell me what  
6 it's about, so I'll find it.

7 MR. E. HEIDENBERGER: What's that?

8 CHAIRMAN ANDERSON: Tell me what the  
9 concern was. You don't necessarily have to tell  
10 me which -- what was the concern with that  
11 provision?

12 (Simultaneous discussion)

13 MR. KLINE: 712.21.

14 CHAIRMAN ANDERSON: 712.21?

15 MR. E. HEIDENBERGER: That one just seems  
16 a little bit open-ended --

17 CHAIRMAN ANDERSON: Okay.

18 MS. MILLER: No, I think it's 18.

19 MR. E. HEIDENBERGER: -- in terms of what  
20 the policies would be --

21 (Simultaneous discussion)

22 CHAIRMAN ANDERSON: Okay.

1 MR. E. HEIDENBERGER: -- or the criteria  
2 to approve or not approve.

3 CHAIRMAN ANDERSON: Okay, all right.

4 MS. MILLER: 18 also.

5 CHAIRMAN ANDERSON: Okay, thank you.  
6 Thank you very much for your testimony.

7 MR. E. HEIDENBERGER: Thank you.

8 CHAIRMAN ANDERSON: In a sense, it's good  
9 to have an establishment to testify, to tell us  
10 the impact that having or not having a pub crawl  
11 has on its business. And I appreciate everyone's  
12 testimony, but I more so -- I very much  
13 appreciate at least getting a firsthand notice,  
14 because most of the times, we're dealing with the  
15 promoter and we're not dealing with the  
16 establishment, and so therefore, we're dealing  
17 with the promoter.

18 So thank you very much for your comment.  
19 It was very enlightening.

20 (Simultaneous discussion)

21 MR. D. HEIDENBERGER: Thanks for having  
22 us.

1           CHAIRMAN ANDERSON: Okay, thank you. Do  
2 we have any questions from any board members?

3 Yes, Mr. Short.

4           I'm sorry. Let me ask Mr. Silverstein  
5 first, because I -- just in case the police  
6 commander wants to leave after his question  
7 (Laughter).

8           MR. SILVERSTEIN: I want to first thank  
9 Commander Gresham for staying, because there are  
10 issues here that he can be very helpful on. And  
11 I'm wondering, do you want to come up so that  
12 you're on mic, so that they can -- I'll ask the  
13 question as you do.

14           CHAIRMAN ANDERSON: Yeah, hold on a  
15 minute. If the promoters want to come closer --  
16 so what I want to do now, if -- so that the board  
17 members can ask, if they have any follow up  
18 questions for the promoters, they're free to ask  
19 those questions, also, too. All right?

20           MR. SILVERSTEIN: Mr. Lee suggested the  
21 possibility, and it's something that we've also  
22 considered in events such as this, reimbursable

1 detail. Your thoughts on allowing or having  
2 reimbursable detail, and your thoughts as to how  
3 easy or difficult it would be to schedule  
4 something, an RDO during perhaps, an afternoon  
5 situation or an early evening situation. What  
6 are your thoughts on that?

7           COMMANDER GRESHAM: I think it would be  
8 simply -- a very simple process. It would just  
9 simply require a notification in a prompt manner,  
10 and we could schedule RDOs. I also think that  
11 it's a good idea to have a security plan in place  
12 before the event is allowed to proceed.

13           MR. SILVERSTEIN: As far as the dates  
14 that we have redlined out, is that something that  
15 is helpful, extremely helpful to the police, only  
16 moderately helpful, it doesn't really matter?  
17 I'm talking about such things as Halloween.  
18 Let's talk about Halloween, first.

19           COMMANDER GRESHAM: Halloween is a major  
20 issue. Most of the police department is put on  
21 notice because of the activities across the city.  
22 And it actually creates a major strain, not only

1 in the second police district, but in all seven  
2 police districts.

3 MR. SILVERSTEIN: For just Halloween  
4 itself. So, you're saying --

5 COMMANDER GRESHAM: Yes, sir.

6 MR. SILVERSTEIN: -- in that particular  
7 case, a pub crawl would create an undue burden on  
8 the manpower and the ability of the force to  
9 respond?

10 COMMANDER GRESHAM: Yes, sir. Without a  
11 doubt.

12 MR. SILVERSTEIN: New Year's Eve?

13 COMMANDER GRESHAM: Same thing. It would  
14 create an undue stress on our resources, because  
15 there are other activities. We have major issues  
16 with criminal activity, and it would really put a  
17 great strain on our resources, as well.

18 MR. SILVERSTEIN: And to a lesser extent  
19 or same, Saint Patrick's Day?

20 COMMANDER GRESHAM: No. We don't really  
21 have any concerns or issues with those other  
22 dates.

1 MR. SILVERSTEIN: Cinco de Mayo.

2 COMMANDER GRESHAM: No, sir. No.

3 MR. SILVERSTEIN: July 4th?

4 COMMANDER GRESHAM: July 4th, there are  
5 some issues. Most of the department is deployed  
6 to address potential terrorist targets and other  
7 activities. And that would actually, again, put  
8 a great stress on our resources.

9 MR. SILVERSTEIN: Any other days where it  
10 --

11 COMMANDER GRESHAM: No, sir. None that  
12 would bring a concern to the department.

13 MR. SILVERSTEIN: Is there anything else,  
14 commander, that you've heard in the testimony so  
15 far that anyone has given that concerns you, or  
16 that you would want to be able to add your  
17 expertise or help us out?

18 COMMANDER GRESHAM: Well, I would highly  
19 recommend a prompt notice. I believe the fire  
20 captain mentioned the special operations division  
21 having a review of the applications and  
22 activities, and I think that's a very good idea.

1           It's really difficult to be effective  
2 when you're caught by the element of surprise,  
3 and we've had that happen on a few occasions.

4           MR. SILVERSTEIN: And if you could, very  
5 briefly, just for the edification of the audience  
6 here, tell us -- and you did at the last hearing,  
7 what you guys were faced with on the 31st of  
8 October in terms of how much it came as a  
9 surprise to you.

10          COMMANDER GRESHAM: Yes. On Halloween  
11 night, the entire police department was put on  
12 notice. We again, had our deployment focused in  
13 areas, concentrating not only on the criminal  
14 activity, but also on potential terrorist  
15 activities or threats.

16          A few hours before midnight -- well,  
17 actually, it was around midnight, we were  
18 informed that there was a bar crawl scheduled to  
19 take place and 16,000 tickets had been sold, and  
20 that's not counting the thousands of patrons of  
21 the nightlife who descended upon the nightlife  
22 area for the Halloween activities. But

1 altogether, I would say that it was probably  
2 closer to 20,000 people that descended into the  
3 area.

4 MR. SILVERSTEIN: Who did you have to  
5 deploy?

6 COMMANDER GRESHAM: We had very limited  
7 resources. We probably had 100 police officers  
8 assigned to the area. And when you factor in the  
9 calls for police service in the other areas that  
10 require police patrols, it was a very, very  
11 challenging task.

12 MR. SILVERSTEIN: May I ask about the  
13 idea of increasing the patrons without requiring  
14 a license from 200 to 500? What's your concern,  
15 or is that okay?

16 COMMANDER GRESHAM: I think the biggest  
17 concern is that you would have issues of over  
18 seating at the capacities. What I suggested was  
19 that the ticket sales for specific locations --  
20 and again, this will deal with the specificity --  
21 the ticket sales should not exceed one particular  
22 location, and I think that way, we'll have more

1 control, and that way, we can monitor the  
2 activities.

3 MR. SILVERSTEIN: I want to thank you  
4 very much, commander.

5 COMMANDER GRESHAM: Thank you for having  
6 me.

7 MR. SILVERSTEIN: Thank you. If I can  
8 ask a couple of other questions, it would be --

9 CHAIRMAN ANDERSON: No, well that's --  
10 (Simultaneous discussion)

11 CHAIRMAN ANDERSON: What I try to do is  
12 to have you ask all your questions, and so maybe  
13 you don't need to go to a second round.

14 MR. SILVERSTEIN: Okay. No, I was very  
15 impressed with this panel, and in fact, with all  
16 of the panels. I think we've really gotten a lot  
17 of very, very good information from all of you.  
18 And I want to thank the Heidenbergers. I've been  
19 a patron of The Front Page ever since I moved in  
20 1981 to a block away from you.

21 And I want to ask, what did we do wrong,  
22 and what should we do better on Halloween? And

1 I'm speaking more of The Mad Hatter, because of  
2 all of the damage that was done in the areas in  
3 front of your place, and the problems with Avenue  
4 Jack having to close, and other restaurants being  
5 concerned that people were just coming in off the  
6 street, sitting at their table with you know,  
7 Poco, with open containers of alcohol, and not  
8 even buying stuff from them? I mean, this was  
9 how, at some places this got out of hand.

10 MR. D. HEIDENBERGER: Eric can speak  
11 better to that than I can, but I will tell you  
12 this. As you're aware, that location where the  
13 Mad Hatter is, on Connecticut Avenue between  
14 DuPont Circle and N Street, I believe it is,  
15 there are several nightclubs in that area --

16 MR. SILVERSTEIN: You bet.

17 MR. D. HEIDENBERGER: -- and it's very  
18 congested. And The Mad Hatter happened just to  
19 be in dead center of that. But I think you can  
20 elaborate on that better than I can.

21 MR. E. HEIDENBERGER: Yeah. As far as  
22 the 31st, I think as everyone has kind of alluded

1 to, it kind of came to a tipping point that day.  
2 And just that there was just too much of a crowd  
3 concentrated in one area. That's why we agreed  
4 that only one bar crawl should promote in a  
5 neighborhood on a given day.

6 It created a competitiveness between the  
7 bar crawl companies to get establishments to get  
8 promotion to the clientele that's in the city. I  
9 just think it creates an unhealthy environment in  
10 that neighborhood. So, I think also, the  
11 communication between the board, establishments  
12 and bar crawl organizers moving forward to give  
13 due notice to the ANC, to our law enforcement  
14 officials, so that we can adequately staff, both  
15 as establishments and also as law enforcement  
16 emergency response teams, to know that you know,  
17 from the hours of 3 to 10 p.m., we're going to  
18 have a nightlife type of crowd out on the  
19 streets.

20 And from what it sounds like, the  
21 commander did not have notice that they were  
22 going to have a bar crawl on Halloween Saturday.

1 It seems that we were trying to catch up the  
2 whole day, versus you know, being proactive. And  
3 for us in the restaurant business, it's always  
4 trying to address things before they happen,  
5 because once something happens, it's usually too  
6 late.

7 We have a good relationship with our  
8 neighbors on the block. I have talked to the  
9 owners of DBS on several occasions, and GBD,  
10 which both sandwich us on either side of The Mad  
11 Hatter. We have apologized in the past for  
12 patrons that might have walked in drunkenly.

13 They did not necessarily come from The  
14 Mad Hatter, as it's a big circuit of that area,  
15 people walking around and just being overall --  
16 making a bad decision because they had been  
17 drinking during the day. But I think a police  
18 presence during bar crawls would have some help.

19 I have found during nighttimes when we do  
20 have a police car that works up and down the  
21 street from the nightclubs that are down around  
22 midtown to Griffin, there seems to be less issues

1 happening on that block than there are when  
2 there's not a police presence.

3 MR. SILVERSTEIN: So Eric, you think that  
4 a -- are you saying that an RDO would be helpful,  
5 or are you just --

6 MR. E. HEIDENBERGER: Can you define RDO  
7 and what --

8 MR. SILVERSTEIN: -- speaking of general  
9 police presence?

10 MR. E. HEIDENBERGER: -- that exactly  
11 constitutes to me, because I actually asked my  
12 father why that was being mentioned several  
13 times.

14 MR. SILVERSTEIN: It's a reimbursable  
15 detail that you pay the overtime part of it, or a  
16 portion of the overtime part.

17 MR. E. HEIDENBERGER: I would think the  
18 history of The Mad Hatter, and for over the years  
19 and the numbers that my father, Dick, had  
20 mentioned, that The Mad Hatter has contributed a  
21 significant amount in terms of sales tax to the  
22 city.

1           We're willing to participate and help in  
2 any way we can, but I feel like our contribution  
3 in terms of the sales and the income tax that we  
4 have contributed over the past 30 years would  
5 help towards that. If there's some sort of  
6 language that needs to be drafted more that would  
7 please the law enforcement more, we're happy to  
8 discuss that further.

9           MR. D. HEIDENBERGER: If I can add to  
10 that, I'd like to say that the police presence is  
11 key to the safety for our customers as they come  
12 in, and it's just good to see the police cars out  
13 on the street. And if there has to be an expense  
14 paid for extra security, I think if the  
15 establishments -- I know that we would be willing  
16 to participate in that, but I think that the bar  
17 crawls should also be willing to participate in  
18 that.

19           MALE SPEAKER: Yes.

20           MALE SPEAKER: Yeah.

21           MR. D. HEIDENBERGER: And I think if we  
22 communicate with each other, we find that

1 reasonable ground in between, I think we can  
2 solve that.

3 MR. SILVERSTEIN: Mr. Kline (Laughter),  
4 understandably, you know, has a different sort of  
5 opinion on some of this. But I think we all  
6 understand that there is a finite amount of  
7 police protection at any given time. And if  
8 additional police resources are required, you  
9 have a choice of either bringing in additional  
10 people or taking them away from another area of  
11 patrol.

12 And if you're going to have to bring them  
13 in, the question is, who will help to pay for  
14 them in that very specific limited time?

15 MR. D. HEIDENBERGER: I understand that.  
16 And I certainly don't want to be penalized and  
17 carry the freight for somebody else's lack of  
18 work in providing safety, because I can guarantee  
19 you that in The Mad Hatter and all of our  
20 establishments, we pay extra for security. We  
21 are well staffed, and the ABRA inspectors have  
22 mentioned it.

1           So, I'm going to be very reluctant to pay  
2 for other establishments that need security, and  
3 they don't have it themselves.

4           MR. KLINE: I think Mr. Heidenberger  
5 forgot --

6           MR. SILVERSTEIN: I hear exactly what  
7 you're saying.

8           CHAIRMAN ANDERSON: Go ahead.

9           MR. KLINE: I think Mr. Heidenberger  
10 forgot that if it's charged to the bar crawl  
11 promoters, that he's going to end up paying for  
12 it.

13           (Simultaneous discussion)

14           CHAIRMAN ANDERSON: Well, I think the bar  
15 crawl promoters will want to respond to that, so  
16 I'll have you, sir -- just introduce yourself  
17 before you speak, and then -- no, you first.

18           MR. GABEL: I think if you're dealing  
19 with a large scale crawl --

20           MR. SHORT: Can you identify yourself  
21 again?

22           MR. GABEL: John Gabel. If you're

1 dealing with a large scale crawl of let's say,  
2 1,500 or 1,800 persons plus, then I mean,  
3 personally, I would have no problem paying an RDO  
4 and don't need the venues to chip in.

5           If it's a smaller crawl, even 800, but  
6 where you have, you know, eight, nine venues, I  
7 think that you should still have a security plan.  
8 Any crawl, whether it's 200 people or you know,  
9 2,000 people, should have a security plan.  
10 That's sort of the first layer.

11           But then the second layer is also  
12 bringing in the police -- I think it's you know,  
13 more appropriate when you're dealing with a  
14 larger scale crawl. And if you have a larger  
15 scale crawl, then I think the bar crawl  
16 organizers should be accountable, and if he or  
17 she so chooses to ask the venue to participate,  
18 then that's an interaction between them, and the  
19 venue has nothing to do with this.

20           But the crawl -- the organization --  
21 we're the ones putting it on, so ultimately, it's  
22 our responsibility.

1 (Simultaneous discussion)

2 CHAIRMAN ANDERSON: Let the --

3 MALE SPEAKER: Mr. Kramer?

4 CHAIRMAN ANDERSON: Yeah, yeah. Go  
5 ahead.

6 MR. KRAMER: Daniel Kramer, again. I was  
7 at a safety briefing with the FBI, Homeland  
8 Security and the metropolitan police that was  
9 hosted by the Restaurant Association, and  
10 reimbursable details were discussed there in a  
11 different context.

12 And the question from an owner/operator  
13 was put to Commander Kishter (phonetic), I  
14 believe is his last name?

15 MR. SILVERSTEIN: Tishter.

16 MR. KRAMER: Tishter? And a member of  
17 ABRA was present, an investigator from ABRA whose  
18 name I don't know, and some guys in the FBI who  
19 remained silent on the issue, which is when you  
20 have a reimbursable detail and a customer  
21 attempts to give you a fake ID, that the security  
22 at the venue recognizes is fake, what is then the

1 venue supposed to do with that fake ID?

2 We did not get an answer at that time,  
3 and Mr. Kline, correct me if I'm wrong, I don't  
4 know that the Restaurant Association has received  
5 any idea of what we are supposed to do.

6 MR. SHORT: Well (Laughter) --

7 MR. KLINE: We have not (Laughter), for  
8 the record.

9 MR. KRAMER: And so, I'm nervous about an  
10 extra expense laid on us, when as the  
11 Heidenbergers already mentioned, our tax  
12 obligations and payments to the District are  
13 already substantial. And at what point, you know  
14 -- if they can't decide what to do with the fake  
15 ID, what is their role going to be in District  
16 (Inaudible 01:01:14)?

17 MR. SILVERSTEIN: Well, I'll answer that,  
18 and then I'll pass it along to my colleagues.  
19 First of all, as the UFO people say, you're not  
20 alone. (Laughter) We don't know either,  
21 necessarily, what the situation is with false  
22 IDs, and who will prosecute the law and what will

1 be thrown out. And it is a vexatious problem for  
2 all of us, and no more so for the licensed  
3 establishments who are burdened with this  
4 onslaught of good quality fake IDs from all over  
5 the world, and they're in a damned if you do,  
6 damned if you don't situation. I think everybody  
7 here understands that.

8           As far as the RDO is concerned, Mr.  
9 Kramer, they're not to be in the establishment.  
10 That's not their job. Their job is to be outside  
11 and protecting public safety. And if anything  
12 does occur inside, then they may go in. If  
13 anything occurs in the way of a crime, they may  
14 be pulled away from the RDO assignment to go and  
15 help the person who has been a victim of a crime  
16 or something like that.

17           But their job is essentially -- because  
18 a bouncer can't go outside and restore order  
19 outside of a place -- their job is to maintain  
20 order on a sidewalk, in the street, in the area  
21 outside of these establishments. It is one of  
22 maintaining public order and public safety, and

1 when we have events such as this question again,  
2 do we pull these people away from my neighborhood  
3 to go over to cover a pub crawl, or do we bring  
4 in additional people?

5 And the key to this is the program that's  
6 heavily subsidized by the city, so you're not  
7 paying but 30 percent of the salary of that  
8 person at that time. So, it is not an  
9 extraordinarily expensive issue.

10 MALE SPEAKER: One quick question.

11 MR. SILVERSTEIN: Yes, sir.

12 MALE SPEAKER: I don't know if maybe the  
13 commander knows. For a game at Nationals Park,  
14 for example, how many reimbursable detail  
15 officers are at that function?

16 COMMANDER GRESHAM: That's a question I  
17 would not be able to answer. It's actually  
18 handled by a special operations division. If  
19 you'd like to inquire more about it, I can  
20 provide you with the contact information.

21 MR. SILVERSTEIN: The RDOs is a specific  
22 ABRA related program.

1 (Simultaneous discussion)

2 MR. SILVERSTEIN: And did you say  
3 Nationals Park? Nats Park?

4 CHAIRMAN ANDERSON: Well, we don't --

5 MR. SILVERSTEIN: That's not involved  
6 with this program at all.

7 CHAIRMAN ANDERSON: We do not regulate  
8 them. They don't get a license from us. They  
9 are independent of ABRA.

10 MR. GABEL: This is why it should be on  
11 the size of the crawl.

12 CHAIRMAN ANDERSON: Okay.

13 MR. GABEL: If it's a smaller crawl, an  
14 RDO can be cost prohibitive.

15 MR. SILVERSTEIN: Sure. We'll we're not  
16 going to require them, but --

17 (Simultaneous discussion)

18 MR. GABEL: Not necessarily from a --

19 MR. SILVERSTEIN: -- but we're talking  
20 about the possibility of including them.

21 MR. GABEL: For a larger crawl --

22 MR. SILVERSTEIN: Sure.

1           MR. GABEL: -- the organizer has the  
2 money to pay for it. Period.

3           MR. SILVERSTEIN: Okay. I think we've --  
4 I want to give my colleagues so more time.

5           CHAIRMAN ANDERSON: Yes, Mr. Short?

6           MR. SHORT: Back to bar crawls. I would  
7 like to say to The Mad Hatter, I'm very impressed  
8 with the father and son. Your testimony was  
9 compelling. You sound like you're a very great  
10 business person here in our District of Columbia,  
11 and it sounds like your community doesn't  
12 complain a lot about you, because I've been on  
13 the board now just a couple of years, and we know  
14 some of the bad actors in your area.

15           I would just simply say this. Young man,  
16 if you want to see a picture of pride, you should  
17 have seen your dad's face when you were  
18 testifying (Laughter).

19           MR. D. HEIDENBERGER: We're proud of him.

20           MR. SHORT: And that's a good thing. I  
21 would just simply say this. There have been a  
22 couple of things mentioned. One in particular:

1 Your recommendation is there should not be but  
2 one bar crawl at a time in a neighborhood. Is  
3 that correct?

4 MR. E. HEIDENBERGER: There should only  
5 be one.

6 MR. SHORT: Yeah. Is that your  
7 testimony?

8 MR. E. HEIDENBERGER: What was written in  
9 the emergency proposal, I would agree with that.

10 MR. SHORT: Okay. I, as a board member -  
11 - I'm only one vote, have been saying that for a  
12 long time or since I've been on the board. But  
13 at any rate, we're going to try to make sure that  
14 happens, so we don't have any more incidents.  
15 And again, I thank you again for running a great  
16 business.

17 To our officer, excuse me, commander --  
18 please forgive me, commander.

19 COMMANDER GRESHAM: That's okay.

20 MR. SHORT: Again, thank you for your  
21 service.

22 COMMANDER GRESHAM: Yes, sir.

1           MR. SHORT: You mentioned the number  
2 1,000. Why? Participants for a bar crawl, 1,000  
3 people.

4           COMMANDER GRESHAM: I think it's a little  
5 easier to, I guess, monitor, because on certain  
6 weekend nights, you could have anywhere from  
7 2,500 to maybe over 4,000 patrons in the  
8 nightlife area in the second district. I think  
9 just the thousand -- the number a thousand  
10 additional people patronizing that area -- I  
11 don't think it creates a great strain on our  
12 resources, because of the -- I guess the ingress  
13 and egress of the patrons leaving and coming in.

14          MR. SHORT: Okay. And I respect that. I  
15 would just simply say that when we start talking  
16 about public assembly and people drinking, we  
17 have a certain number that each one of these  
18 businesses is allowed to have inside at any one  
19 given time. And when you start talking about  
20 16,000 people, there is no control at all.

21          The captain that was here earlier, I had  
22 a chance to work with him before I left the

1 department myself. But I will just say this. If  
2 we can't get the fire trucks, we can't get the  
3 ambulances in, the police department can't  
4 control the crowd, and we start talking about  
5 selling 5,000, 6,000, 16,000 tickets. And then  
6 we had one pub crawl that was supposed to have  
7 been illegal. However, none of them (sic) legal  
8 pub crawl people even thought to call in and turn  
9 them in.

10           And so, in my mind, I'm thinking -- I  
11 hate to think the worst of anything, but were  
12 they complicit? You know somebody is selling  
13 tickets the same time you're selling legal  
14 tickets, but you don't say anything until it's  
15 over. Then, you blame it all on the illegal guy.  
16 But while it's going on -- and by the way, you  
17 oversell about 3,000 yourself.

18           Then, you come in here and tell us, well,  
19 I won't do it again. And so far, they haven't  
20 been able to. But I will just say this. We need  
21 to start thinking, and this is to everybody on  
22 the panel -- what's best for downtown Washington,

1 D.C. or DuPont Circle or any community when  
2 there's a bar crawl?

3 We talk about the little problems. We  
4 talk about the people -- public urination. We  
5 talk about the crimes, people being assaulted  
6 because they're inebriated. We need to start  
7 thinking about all of these things. I know if  
8 I'm a promoter, I'm thinking how much money can I  
9 make.

10 Well, what kind of shape did you find the  
11 community in when you went there, and what kind  
12 of shape are you going to leave the community in  
13 when you leave, or does it make a difference?  
14 And also, we actually had some testimony, and I'm  
15 glad to hear that The Mad Hatter is paying their  
16 fair share of taxes. That's great.

17 Because we asked some people from the bar  
18 crawl to come in, and they testified, I pay my  
19 license and I don't pay no taxes. I just come  
20 into Washington, D.C., I get my money and I'm  
21 going back. So, I think that's unfair to The Mad  
22 Hatter. It's unfair to the citizens, the ANCs,

1 everybody else here. Everybody needs to pay  
2 their fair share. Everybody needs to abide by  
3 the laws. Everybody needs to try to make this  
4 pub crawl, nightlife and everything else work  
5 together.

6 I'm with you, commander. I really think  
7 a thousand is enough. There's got to be a limit.  
8 If we say 5,000 for one and 3,000 for another, U  
9 Street, DuPont Circle, where those people are  
10 going to migrate -- we know they are. They're  
11 not going to stay in one place. And before you  
12 know it, with the regular crowds, we have the  
13 same situation again.

14 So, thank you for your service. Thank  
15 you, The Mad Hatter. Thank you, panel, for all  
16 of you taking the time today. Thank you, Mr.  
17 Chair.

18 CHAIRMAN ANDERSON: Thank you, Mr. Short.  
19 Mr. Alberti?

20 MR. ALBERTI: I have nothing, but I just  
21 want to thank everyone.

22 MR. GABEL: Can I comment on what you

1 just said, sir?

2 CHAIRMAN ANDERSON: Yes, go ahead, sir.

3 MR. GABEL: In addition to the organizers  
4 paying the --

5 CHAIRMAN ANDERSON: I'm sorry. Introduce  
6 yourself again for the record.

7 MR. GABEL: John Gabel. In addition to  
8 the organizers paying the fee, because we were  
9 talking about the taxes, as you've heard, the  
10 venues without us doing this organization don't  
11 have the people there quite often, during these  
12 times. So, we are paying all the marketing, all  
13 of the advertising and driving all of these  
14 people to these venues, which is resulting in  
15 this tax.

16 So, we are contributing to it. Maybe not  
17 necessarily from a direct tax perspective, but if  
18 there's 20 people in the bar and the bar rings  
19 \$200 versus there being 250 people in the bar,  
20 and the bar ringing \$10,000, that's attributed to  
21 us.

22 MR. SILVERSTEIN: Okay.

1 MR. GABEL: That's my first comment. My  
2 second comment --

3 MR. SHORT: Well, Mr. Gabel, real quick,  
4 do you think that you should pay taxes to D.C. on  
5 the money you make here? Do you think you  
6 should?

7 MR. GABEL: Yeah. Every city is  
8 different, so --

9 (Simultaneous discussion)

10 MR. SHORT: Okay, well, do you pay --

11 MR. GABEL: I pay all my taxes where  
12 (Inaudible) --

13 (Simultaneous discussion)

14 MR. SHORT: Okay, I'm speaking to Mr.  
15 Gabel. And Mr. Gabel, so in New York, you pay  
16 taxes when you have a bar crawl. Correct?

17 MR. GABEL: Correct.

18 MR. SHORT: But in D.C., when you have  
19 one, you pay nothing but the --

20 MR. GABEL: Correct.

21 MR. SHORT: -- nothing but the --

22 MR. GABEL: If the law changes, I'll pay

1 the tax.

2 MR. SHORT: Okay. All right. Thank you  
3 for that.

4 (Simultaneous discussion)

5 MR. SHORT: Thank you.

6 MR. GABEL: No problem, sir.

7 My second point, which is the bigger  
8 one, is I absolutely disagree with one bar crawl  
9 company per day, or per holiday or whatever,  
10 because there's like 30 to 40 bars that are  
11 relevant in let's just say, the midtown, DuPont  
12 Circle area. And they're testifying about how  
13 dependent the business is upon these bar crawls,  
14 which is great to hear.

15 So, if I'm theoretically the only one,  
16 right, Saturday before Halloween, I decide not to  
17 do their venues because there's these 10 other  
18 venues, or 15 other venues, that's going to hurt  
19 their business. Right? So, we should allow more  
20 than one organizer --

21 MR. SILVERSTEIN: What do you mean, we?

22 (Laughter)

1 MR. GABEL: Excuse me?

2 MR. SILVERSTEIN: I said, what do you  
3 mean, we?

4 MR. GABEL: Oh. Well, (Laughter) hard of  
5 hearing. Too many years in nightlife. What I  
6 mean is, I thought we were having a general  
7 conversation with all of us in this room. So, I  
8 was including myself in it.

9 So, if there is more than one organizer,  
10 then you could have the ability for a lot of the  
11 venues to participate, as opposed to only the  
12 venues that that organizer wants to work with to  
13 participate. Once the permit is granted and we  
14 have all of the other conversation that we have  
15 been having, then you're going to have a proper  
16 bar crawl.

17 And as far as the thousand person is  
18 concerned, I think that's where the RDO would  
19 come in, because I do agree that the police are  
20 spread thing. And if you're going to have a  
21 larger scale crawl, then you should pay for it,  
22 which is why I was adamant, saying that the

1 organizer has the money to pay for it. Let him  
2 pay for it.

3 CHAIRMAN ANDERSON: Thank you. All  
4 right, thank you.

5 MR. ALBERTI: Can I just make a comment?

6 CHAIRMAN ANDERSON: Yes, Mr. Alberti.

7 MR. ALBERTI: Mr. Gabel, look -- and I  
8 said this to you earlier. I know you don't agree  
9 with having one promoter per establishment. I  
10 get that. But unless -- if you think that we  
11 don't need a limit, then tell us.

12 (Simultaneous discussion)

13 MR. ALBERTI: Make written comments  
14 later. I don't want you thinking off the cuff  
15 here. But if you think we don't need a limit,  
16 then tell us, and tell us why. But if you agree,  
17 which I think most of this room agrees that you  
18 need to have some limit on the size of pub  
19 crawls, I mean, every rational person in this  
20 room agrees that you need some limit, you've got  
21 to come up with an alternative to how we limit  
22 them.

1 I just can't -- you know, just telling us  
2 now, that idea doesn't fly isn't helpful to this  
3 board. So, I'm asking you --

4 (Simultaneous discussion)

5 MR. ALBERTI: I'm asking you -- look, I  
6 don't want a response now. I want you -- you  
7 know, if you want to have your say here, you need  
8 to think about this and give us some written  
9 comments.

10 MR. GABEL: Sure.

11 MR. ALBERTI: You can consult with your  
12 other promoters. All right? But give us some  
13 written comments on how you think we should  
14 implement limits and what those limits should be.  
15 Because otherwise, you know, it's up to us. So,  
16 I'm giving you a chance. I'm giving you a  
17 chance.

18 CHAIRMAN ANDERSON: Hold on, Mr. Kline.  
19 Mr. Kramer, and then you, Mr. Kline.

20 MR. KRAMER: I think we need to make a  
21 distinction, and maybe we're getting a little bit  
22 confused between one event per venue and one

1 event per neighborhood.

2 MS. MILLER: Mm hmm.

3 MR. KRAMER: One event per venue makes a  
4 lot of sense, from my perspective. One event per  
5 neighborhood does not, because when we say DuPont  
6 Circle, that's from Connecticut and Florida down  
7 to 17th and L, or depending on where (Inaudible  
8 01:13:44) starts.

9 MR. ALBERTI: Right. But what's in the  
10 regulation now is one event per establishment./

11 MR. KRAMER: Which is great.

12 MR. ALBERTI: So, that's what I'm asking  
13 for comments on.

14 MR. KRAMER: And the other thing is, just  
15 to make a distinction and not to belabor the  
16 point between basic -- firms and restaurants and  
17 bars that are based in the District of Columbia  
18 and pay District of Columbia income taxes, and I  
19 think Mr. Short --

20 MR. SHORT: Thank you. And I agree with  
21 that 100 percent (Laughter).

22 CHAIRMAN ANDERSON: Yes, Mr. Kline?

1 MR. KLINE: I'll waive. It's okay.

2 CHAIRMAN ANDERSON: Okay. Ms. Miller?

3 MS. MILLER: Thank you. Commander  
4 Gresham, I just want to follow up with you on two  
5 things. One is on the numbers question. I think  
6 before, when I just wanted your input, because  
7 we're always grappling with you know, what size  
8 to limit it to, I think you had said that we  
9 should look to the capacity of the establishments  
10 that were a part of the pub crawl.

11 And then, I thought in some conversation  
12 with Mr. Short, you may have said 1,000. Can you  
13 address that? Do you feel -- do they sort of  
14 come out to the same number, or do you think one  
15 or the other or what?

16 COMMANDER GRESHAM: I think in December,  
17 I originally testified that 250, in my opinion,  
18 was reasonable. But I thought maybe afterwards,  
19 that it was a little bit unreasonable. But I  
20 would think that a thousand would probably be  
21 more factual.

22 MS. MILLER: Okay. And I would gather

1 that obviously, depending on how many  
2 establishments they are, how big the  
3 establishments are, that would affect the number  
4 that you would get from the capacity.

5 So, if you had hypothetically, I don't  
6 know, 15 establishments and their capacity came  
7 to over a thousand, would you still recommend  
8 limiting a pub crawl to a thousand?

9 COMMANDER GRESHAM: Yes, ma'am. I would.

10 MS. MILLER: Okay. And that is based --  
11 is that based on your MPD's capacity to deal with  
12 overflow or whatever goes on in a pub crawl?

13 COMMANDER GRESHAM: I think we would make  
14 a comparison between the average number of  
15 patrons that would visit the area on the  
16 weekends. And I think with the additional 1,000,  
17 I don't think that would create a greater strain.  
18 It would be something that we feel that we could  
19 manage.

20 MS. MILLER: Okay. So, even if all of  
21 the establishments add security, that doesn't  
22 alleviate that issue?

1           COMMANDER GRESHAM: I think if the pub  
2 crawls had RDOs, perhaps we could increase the  
3 numbers to a degree. But without the existence  
4 of the RDOs, I would still recommend no more than  
5 1,000.

6           MS. MILLER: Okay. And that leads me to  
7 my second question about the RDOs. The way I  
8 understand that they've worked, it's one RDO per  
9 establishment.

10           (Discussion off the record)

11           MS. MILLER: Would that be the same in  
12 pub crawl? That's what I'm wondering, how you  
13 envision using RDOs in a pub crawl?

14           COMMANDER GRESHAM: Actually, most  
15 establishments employ two RDOs.

16           MS. MILLER: I didn't mean -- I mean -- I  
17 didn't mean individual officers. I just meant  
18 they sign up for an RDO and it's for one  
19 establishment. Right?

20           COMMANDER GRESHAM: Yes. I'm sorry.  
21 Yes.

22           MS. MILLER: No, that's okay. So, then

1 there are usually two officers?

2           COMMANDER GRESHAM: Yes, ma'am.

3           MS. MILLER: Okay. So, how would you  
4 envision that with a pub crawl; that every  
5 establishment in the pub crawl have RDO  
6 consisting of two officers?

7           COMMANDER GRESHAM: That would be my  
8 recommendation. Yes, ma'am.

9           MR. LEE: If I may, for the record, since  
10 I sort of opened this can of worms, I never meant  
11 to suggest or imply or support such an  
12 extraordinary security requirement. Basically,  
13 my concept was the board has proffered a  
14 suggestion that there be a security plan and some  
15 sort of necessity of control.

16           And so, the bar crawl, the pub crawl  
17 sponsor or promoter has to secure those  
18 resources. Those resources are limited, unknown,  
19 largely, to people, and perhaps, not adequately  
20 trained necessarily for that particular  
21 environment. So, as a solution that makes it  
22 affordable and to fill those requirements, I

1 suggested that the RDO program could be expanded  
2 to service the pub crawl sponsors or promoters.

3 I never intended to suggest that every  
4 establishment have them and have to ultimately  
5 bear that cost. I think it would be excessive.  
6 Thank you.

7 MS. MILLER: Commander Gresham, let me  
8 ask you, since this is a new idea, I mean, if you  
9 had three establishments in a row on a block,  
10 could you have one RDO consisting of two officers  
11 service the three of them?

12 COMMANDER GRESHAM: If they're in close  
13 proximity, as you described, I would think that  
14 would be very manageable.

15 MS. MILLER: Okay.

16 (Pause)

17 MS. MILLER: And is there anything in  
18 particular that has happened with pub crawls that  
19 you think call out for RDO of that nature?

20 COMMANDER GRESHAM: I'm sorry, ma'am. I  
21 didn't hear you.

22 MS. MILLER: Is there anything in

1 particular that's been happening with pub crawls,  
2 other than Halloween, that would suggest that  
3 that kind of increased security would be a good  
4 idea?

5           COMMANDER GRESHAM: Yes. We've had a  
6 number of instances where some of the patrons  
7 were severely intoxicated and required immediate  
8 medical attention. We've also had some of the  
9 patrons who were victims of robberies, and also,  
10 sexual assaults. Unfortunately, we've had cases  
11 where some of the victims remembered visiting  
12 some of the establishments, but could not tell us  
13 what happened shortly thereafter because of the  
14 intoxication.

15           MS. MILLER: Okay. And I think Captain  
16 Egan is gone now, but I wasn't aware of how the  
17 fire department wanted to be involved in pub  
18 crawls. Are you aware of some type of  
19 coordination that MPD would have with fire that  
20 would address emergencies or first aid issues or  
21 things like that?

22           COMMANDER GRESHAM: Yes. We work very

1 closely with the fire department. We address  
2 issues of overcrowding. The fire marshals are  
3 constantly called out to make an assessment. We  
4 also request their assistance when dealing with  
5 alcohol poisoning or intoxication, which occur  
6 quite frequently.

7 Our biggest concern is not only that of  
8 the community, but also of the patrons  
9 themselves. Because a lot of the bar crawls are  
10 unannounced, we have been placed in very  
11 compromising positions where we're not able to  
12 address the situations like we would like to.

13 MS. MILLER: Thank you. Okay. Mr. Lee,  
14 I was just wondering if you could explain a  
15 little better -- I mean, not a little better  
16 (Laughter), but better for me, but your idea of  
17 having establishments certify information?

18 MR. LEE: Well, no. I just meant that  
19 there are certain obligations that participating  
20 establishments, licensed establishments -- there  
21 are certain regulatory requirements. But there  
22 is not necessarily a direct line of communication

1 between ABRA, say, and the participating  
2 establishments.

3           And in order to enhance that  
4 communication both between the sponsor or  
5 promoter and the participating establishment, and  
6 to not place that burden unnecessarily on ABRA,  
7 that the promoter or sponsor, when they file the  
8 identification of the participating  
9 establishment, certify that they have done X, Y  
10 and Z, which might be provide them a copy of the  
11 regulations or a summary statement that ABRA  
12 might draw up, and inform them that they will  
13 provide a copy of their license. You know?

14           MS. MILLER: Mm hmm.

15           MR. LEE: And all the other -- and in my  
16 testimony, I identify those drawn strictly from  
17 the proposed rulemaking. So, just a functional  
18 communication link that would be effective and  
19 helpful, actually, to establishments, because  
20 there are some new requirements, a new focus on  
21 this.

22           And so, rather than have the

1 establishments sort of get -- be in the dark and  
2 unknowingly or unwittingly, perhaps, be in  
3 violation of the terms of participating, it just  
4 seems like an available and appropriate and  
5 beneficial opportunity to have that conversation  
6 occur between -- you know, in the engagement of  
7 their participation with the sponsor or promoter,  
8 and to just certify that they've done so with the  
9 board.

10 MS. MILLER: So, you're saying the  
11 establishment should be certifying that they had  
12 the conversation with the promoter, as opposed to  
13 the promoter?

14 MR. LEE: No. The promoter or sponsor  
15 would --

16 MS. MILLER: The promoter would.

17 (Simultaneous discussion)

18 MR. LEE: -- certify that they conveyed  
19 that information --

20 MS. MILLER: Okay.

21 MR. LEE: -- as specific as it would be  
22 appropriate to make it -- boxes they would check.

1 But yes, I talked to them about this and this and  
2 this, rather than have each individual  
3 establishment say, sign a contract and fill up  
4 file boxes up here -- you know, that it could be  
5 a communication that occurs that would be  
6 certified that it had happened by the sponsor.

7 MS. MILLER: Are you saying that that  
8 should be instead of agreements between the  
9 promoter and the establishment, as to what the  
10 establishment will do?

11 MR. LEE: I will --

12 MS. MILLER: For instance, the  
13 establishment will have, you know, 12 security.  
14 Establishment will you know, put up this sign, et  
15 cetera?

16 MR. LEE: No. I mean, I would not  
17 suggest that there should be further burden to  
18 engage in this process, other than stated in the  
19 law. But I would never presume to engage between  
20 the sponsor and the agreement they have with the  
21 establishment. That's a business between two  
22 parties.

1           I'm just trying to help the licensed  
2 establishment understand that there's a new  
3 regimen. Right? There are certain expectations.  
4 And to communicate what those are. And it seems  
5 the most convenient way to do that is to have the  
6 point of contact be the person who is working  
7 with them to establish their participation in the  
8 event, and then, they could then -- you know,  
9 that would be something they would do, and they  
10 would report that to the board as certifying that  
11 they did those things when they submit the list  
12 of participants. It just seems like a matter of  
13 convenience and efficacy to do that, that  
14 benefits everyone.

15           MS. MILLER: Okay, thank you.

16           MR. LEE: That's all. Thank you.

17           (Discussion off the record)

18           MR. GELIN: Sam Gelin with Craft  
19 Hospitality. Mr. Kramer and my events have  
20 always been professionally run in the District  
21 and in 11 other cities. We've never had a single  
22 issue that's required police intervention or

1 assistance.

2           For us, I mean, I would think it would be  
3 a really negligent business practice to sell more  
4 than 5,000 tickets to an event, period. Capacity  
5 of any event is not going to handle it. But to  
6 base it and say a thousand people is just a  
7 number based on not really hard metrics or taking  
8 into account the nature of the business and how  
9 it's run for the event specifically, ignores  
10 really, what's happening on that day.

11           People are showing up for our events.  
12 There's a registration period. People show up  
13 between a whole host of hours to pick up their  
14 passes and start their day at different times.  
15 For our events, they go in different orders. So,  
16 people are moving through venues at different  
17 times.

18           To say there's a hard limit on capacity  
19 neglects the fact of taking into consideration  
20 people going and coming from venues. It neglects  
21 the consideration of people queuing up and  
22 waiting in line. So, you know, from my

1 experience, I've produced over 60 events. Not  
2 all of them are alcohol events. Some of them are  
3 coffee events, some of them are music events.

4 A thousand people is a very -- it's an  
5 extremely manageable number. It's almost a  
6 number where it doesn't make sense for the bars  
7 to make any additional (Inaudible 01:27:20)  
8 because it's an ordinary day. When if you've got  
9 10 venues, you've got a hundred people at each  
10 venue, and then you've got to discount the number  
11 of people that are coming and going between those  
12 venues.

13 You've got to discount the number of  
14 people that have started their day earlier and  
15 ended their day earlier. So, the overlap of  
16 those has to be taken into account as capacity  
17 for where you would limit the high watermark --  
18 what would require a reimbursable detail.

19 Five thousand or 10,000 people,  
20 absolutely. At that point, the promoter's  
21 engaging in what I would consider extremely  
22 negligent behavior. There is no way to do that

1 responsibly. Thank you.

2 CHAIRMAN ANDERSON: Thank you.

3 MS. MILLER: Thank you.

4 MR. KLINE: If I may follow up on that?

5 CHAIRMAN ANDERSON: Yes, Mr. Kline.

6 MR. KLINE: I mean, I said at the outset  
7 of my testimony that I mean, we certainly welcome  
8 and appreciate the board's efforts in terms of  
9 addressing what happened on October 31st. But  
10 let's keep in mind that that was the exception.  
11 That's not the rule.

12 I know there have been other instances  
13 where there have been a few issues, but for the  
14 most part, it really hasn't been much of a  
15 problem, if you think about it. So, I would  
16 recommend that we not overreact and not cut it  
17 down so far that these become unprofitable or  
18 undoable. They do bring people to the district.  
19 They do generate sales tax dollars. They do help  
20 out some of these businesses.

21 So, we would caution against  
22 overreacting. And in terms of the reimbursable

1 detail, and I'm going to raise an example, which  
2 I think is appropriate. A few years back, when  
3 the Restaurant Association urged the council to  
4 extend hours for the first Obama inauguration,  
5 the police department said, yeah, what we need to  
6 know is who's doing it. And that's what you've  
7 heard today, is we need to know. There needs to  
8 be good communication.

9           There will be bar crawls or a bar crawl  
10 in this neighborhood. MPD needs to know, because  
11 they need to allocate the resources.

12           MS. MILLER: Mm hmm.

13           MR. KLINE: And that's fair.

14           MS. MILLER: Mm hmm.

15           MR. KLINE: But MPD didn't say to us,  
16 well, gee, if we're going to do these extended  
17 hours, we need to have RDO and we need all of  
18 these establishments to pay for the extra police  
19 force that these -- even though these  
20 establishments will be generating revenue.

21           So, we would caution against that  
22 approach. We think that there are revenues that

1 are generated, and that the notice to MPD is an  
2 important part which has apparently been lacking,  
3 and that's something the board can take care of.  
4 It doesn't even need to be in a regulation. It  
5 can be ABRA's policy, that they'll notify MPD of  
6 any bar crawls that are coming up.

7 CHAIRMAN ANDERSON: All right, hold on.  
8 I'm not sure if Ms. Miller is done.

9 MS. MILLER: I'm not done.

10 MR. KLINE: I'm sorry.

11 (Simultaneous discussion)

12 MS. MILLER: Well, I actually want to ask  
13 you some questions.

14 CHAIRMAN ANDERSON: I think Mr.  
15 Silverstein wanted to ask a question. That's why  
16 I was saying I wasn't sure if Ms. Miller was done  
17 asking questions.

18 MS. MILLER: Okay. So, I'm not.

19 CHAIRMAN ANDERSON: So, go ahead.

20 MS. MILLER: But I would like to ask Mr.  
21 Kline a couple of questions.

22 I think I missed what you said about

1 712.21 and the regs. It's the one that talks  
2 about the board may consider the applicant's  
3 conduct and management of previous pub crawl  
4 events.

5 MR. KLINE: It's just vague. I mean,  
6 there is no standard.

7 MS. MILLER: That's what I meant.

8 MR. KLINE: It's just unfettered  
9 discretion. And you know how I personally feel  
10 about unfettered discretion. (Laughter)

11 MS. MILLER: Uh-huh. Right.

12 (Simultaneous discussion)

13 MALE SPEAKER: I don't want to know now.

14 MR. KLINE: But a couple (Inaudible  
15 portion 01:30:41) speak with unfettered  
16 discretion better than I do, anyway. But I just  
17 caution against it.

18 MS. MILLER: Okay. Well, I share your  
19 concerns about due process, and I wanted to ask  
20 if you could elaborate. What kind of due process  
21 do you think that licensees for pub crawls are  
22 due? Do you think it's the same as for protests

1 or somewhat different? How do you do that?

2 MR. KLINE: I think they're entitled to a  
3 contested case hearing. I mean, I think you're  
4 making a decision on a license application or a  
5 license permit, and that affects their rights,  
6 and they're entitled to a contested case hearing.  
7 Does it have to look exactly like a protest  
8 hearing? No.

9 But they should have the ability to  
10 present evidence, call witnesses, cross examine  
11 witnesses. That's a due process hearing. And in  
12 terms of turning down someone's right or  
13 someone's application for a permit without that,  
14 I don't think that that's what the law  
15 contemplates.

16 MS. MILLER: Would you agree with another  
17 witness' suggestion that that come into play when  
18 the board is determining to deny a pub crawl  
19 license?

20 MR. KLINE: Yes. The way the scheme is  
21 set up, yes.

22 MS. MILLER: Okay. And then, my other

1 question is, I was just curious about the one day  
2 licenses. Do you think that the same applies of  
3 every license, not just one of those?

4 MR. KLINE: I don't know that I'm  
5 prepared to say that that applies to every single  
6 type of license. But I certainly think due  
7 process applies, no matter what kind of license  
8 it is.

9 MS. MILLER: But it may come in different  
10 forms?

11 MR. KLINE: Sure. I mean, I think the  
12 case law is such that it's a sliding scale,  
13 depending upon what right are at stakes and what  
14 privileges are being affected.

15 MS. MILLER: Okay, thank you. All right,  
16 I'm done.

17 CHAIRMAN ANDERSON: Mr. Silverstein?

18 MR. SILVERSTEIN: I just wanted one minor  
19 matter of clarification here. Ms. Miller asked  
20 about the involvement of the fire department in  
21 this with the police, and Captain Egan spoke of a  
22 pre-allocation of resources. Eighty percent of

1 all fire and emergency medical services calls are  
2 medical services and medical emergencies, and  
3 they need to be able to pre-deploy ambulances and  
4 other things in areas where these are more likely  
5 to occur.

6           If there's going to be a pub crawl, it  
7 might be very helpful to have the proper  
8 personnel and to have the proper people at Engine  
9 Company Number One if there's a pub crawl in that  
10 neighborhood. The other thing that is even more  
11 critical than that is they need to know if a  
12 major thoroughfare is going to have extremely  
13 heavy traffic or blocked, because if they have a  
14 fire call or an emergency call, there are  
15 multiple ways of getting from Point A to Point B.

16           And if you're using the quicker way, even  
17 if it might be going around something, might save  
18 somebody's life or someone's building. So,  
19 that's why they need to know this information as  
20 well as the police, ahead of time.

21           CHAIRMAN ANDERSON: Thank you, Mr.  
22 Silverstein. Do we have any other questions by -

1 - questions from areas that have not been covered  
2 by any other board members?

3 (No response heard)

4 CHAIRMAN ANDERSON: Do we have any  
5 closing statements that anyone in the audience  
6 would like to speak about?

7 MS. FARLEE: Well, I'd just like to P.S.  
8 on --

9 CHAIRMAN ANDERSON: Introduce yourself.

10 MS. FARLEE: Excuse me?

11 CHAIRMAN ANDERSON: Introduce yourself  
12 for the record.

13 MS. FARLEE: Coralie Farlee, Chair ABC  
14 Committee.

15 CHAIRMAN ANDERSON: It's not for me.  
16 It's for the record --

17 (Simultaneous discussion)

18 MS. FARLEE: ANC-6D.

19 CHAIRMAN ANDERSON: Yes, ma'am.

20 MS. FARLEE: I would support Andrew  
21 Kline's comment on -- he's talking about due  
22 process. I'm talking about notification.

1 (Laughter) On other one day licenses, on  
2 tastings and other kinds of things. As you're  
3 saying, the MPD needs to be notified. I would  
4 appreciate if ANCs or some other -- maybe not an  
5 email to the ANC, but someplace on your Web site,  
6 notice of something or other.

7 If not a hearing, it's notice of proposed  
8 license or event, so that we have time to  
9 comment. And I'm saying the time, I'm  
10 recommending be comparable to what we're given  
11 between the notice on the plagarding process,  
12 between the notice of public hearing and the  
13 petition date, which is 45 days. Right? That's  
14 my proposal. Thank you.

15 CHAIRMAN ANDERSON: Thank you.

16 All right. You still have -- the record  
17 will remain open until 4:00 p.m. on Friday, March  
18 4th, 2016, that if you need to provide any  
19 written comment.

20 I would like to thank each and every one  
21 of you for your comments today, for your  
22 participation today. It was very enlightening,

1 very informative, and again, we will take  
2 everyone's comment under consideration, and we  
3 will make a decision that we think is in  
4 everyone's best interest.

5 So again, thank you very much for your  
6 participation. This hearing didn't run as long  
7 as I thought it would. It was very productive  
8 (Laughter), and thank you. So, we'll take the  
9 matter under advisement. Thank you.

10 MS. MILLER: Thank you.

11 MALE SPEAKER: Thank you.

12 CHAIRMAN ANDERSON: I need to close the  
13 record, so we can also leave and so I can also  
14 send the court reporter home. So, since you are  
15 here, you can hear one of the speeches that I  
16 normally make at the end of the day (Laughter),  
17 and no one is here except for us and the court  
18 reporter. So, please stay with me for a minute  
19 (Laughter). It's a rare opportunity to have --

20 MALE SPEAKER: Please indulge the board,  
21 Mr. Chair. (Laughter)

22 CHAIRMAN ANDERSON: -- to have an

1 audience. Okay? (Laughter) And this won't be  
2 long.

3 As Chairperson of the Alcoholic Beverage  
4 Control Board for the District of Columbia, in  
5 accordance with D.C. Official Code Section 2574-  
6 B, closed meetings, and Section 2574, notice of  
7 meetings, of the Open Meetings Act, I move that  
8 ABC Board hold a closed meeting on March 7th,  
9 2016 for the purpose of discussing and hearing  
10 reports concerning ongoing or planned  
11 investigations of alleged criminal or civil  
12 misconduct or violations of law or regulations,  
13 and seeking legal advice from our counsel on the  
14 board's investigative, legal and licensing agenda  
15 for March 7th, 2016 as will be published in the  
16 D.C. Register on March 4th, 2016.

17 Is there a second?

18 MR. SHORT: Second.

19 CHAIRMAN ANDERSON: Mr. Short has  
20 seconded the motion. I will now take a roll call  
21 vote in the motion before us now that has been  
22 seconded.

1 Ms. Miller?

2 MS. MILLER: I agree.

3 CHAIRMAN ANDERSON: Mr. Alberti?

4 MR. ALBERTI: I agree.

5 CHAIRMAN ANDERSON: Mr. Short?

6 MR. SHORT: I agree.

7 CHAIRMAN ANDERSON: Mr. Silverstein?

8 MR. SILVERSTEIN: I agree.

9 CHAIRMAN ANDERSON: Mr. Anderson. I  
10 agree.

11 As it appears that the motion has passed,  
12 I hereby give notice that the ABC board will hold  
13 this aforementioned closed meeting pursuant to  
14 the Open Meetings Act.

15 Notice will also be posted on the ABC  
16 board hearing room bulletin board's place on the  
17 electronic calendar, on ABRA's Web site and  
18 published in the D.C. Register in as timely a  
19 manner as possible. And we are now adjourned for  
20 the day.

21 And thank you very much. (Applause) I  
22 normally don't have an audience when I make this.

1 Okay?

2 MALE SPEAKER: That was a costly  
3 admission (Laughter).

4 MALE SPEAKER: You got applause.

5 CHAIRMAN ANDERSON: All right, thank you.  
6 (Laughter)

7 [Whereupon, at 5:16 p.m., the above-  
8 entitled matter concluded.]

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15 [Whereupon, at 1:41 p.m. the

16 above-entitled matter concluded.]