

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

:

Antonio Calaro :

Asia Heritage Foundation :Fact Finding

5th & 6th St. Pennsylvania : Hearing

Avenue, NW :(Status)

Temporary License :

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May 15, 2013

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

PRESENT

RUTHANNE MILLER, Chairperson

DONALD BROOKS, Member

MICHAEL SILVERSTEIN, Member

ALSO PRESENT:

Felicia Martin, ABRA

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(10:07 a.m.)

CHAIRPERSON MILLER: Okay, then next case on our calender is a Fact Finding Hearing. Yes, come on forward.

The Applicant is Antonio M. Calaro on behalf of the Asia Heritage Foundation. Neighborhood is 5th & 6th Pennsylvania Avenue Northwest. Did you sign in?

(No audible response.)

CHAIRPERSON MILLER: Okay, good, all right. Would you introduce yourselves for the record please?

MR. CALARO: Antonio Calaro, the Applicant.

MS. YAP: Weiping Yap on behalf of the festival, the director of the festival.

CHAIRPERSON MILLER: I'm sorry, what's your name?

MS. YAP: My name is Weiping Yap and I am the director of the festival.

CHAIRPERSON MILLER: Okay. Can

1 you spell your last name?

2 MS. YAP: Sure, Y-A-P.

3 CHAIRPERSON MILLER: Okay. And
4 you're Mr. Calaro, correct?

5 MR. CALARO: Yes.

6 CHAIRPERSON MILLER: Okay.

7 INSPECTOR MARTIN: Felicia Martin
8 on behalf of ABRA, Investigator.

9 CHAIRPERSON MILLER: Okay. So at
10 this fact finding hearing meeting we don't
11 take any testimony or gather any evidence, we
12 just do gather information from you and make
13 sure that the festival is going to be run in
14 a safe manner with respect to the alcohol
15 regulations, things like that.

16 Can you give us, just to start
17 off, a general overview of this event?

18 MS. YAP: Sure.

19 CHAIRPERSON MILLER: Okay.

20 MS. YAP: This is the eighth year
21 we're doing the National Asian Heritage
22 Festival, the Fiesta Asia Street Fair. And

1 thank you for having us back.

2 The mission of the street fair is
3 to promote and celebrate Asian Heritage in the
4 month of May. We do cultural and traditional
5 events for the street festival.

6 We are a family-oriented festival
7 that runs from 10:00 a.m. to 7:00 p.m. and
8 it's a free festival all day. Our hours of
9 operation is from 10:00 to 7:00 so is the beer
10 garden.

11 We do sell alcoholic beverage,
12 just one kind of beer in our beer garden that
13 is fenced off completely, 30 by 100.

14 And we do have entertainment.
15 Entertainment also runs from 10:00 to 7:00 and
16 it's children from the cultural performances.

17 We do have food as well. Food
18 vendors are currently running from 10:00 to
19 7:00.

20 Again, everything is free except
21 for you need to buy the alcohol or the food
22 which is in separate places.

1 We have been in touch with DCRA,
2 MPD, EMS and Fire because we have been doing
3 this for eight years.

4 So it is an Asian festival, our
5 beer garden is purely ceremonial. We are
6 Asians we don't drink that much. So usually
7 from 10:00 to say 4:00 or 5 o'clock it is very
8 minimal flow of patrons into the beer garden.

9 We only accept 21 year old and
10 above to come in. We do make exceptions for
11 people with strollers and babies. But nobody
12 who can actually walk in with their own two
13 feet that is under 21.

14 Each patron will be checked at the
15 entrance of the beer garden, which has a
16 designated entrance and exit. They're
17 separated by higher fences, and that's for the
18 beer garden.

19 And they will have, once they have
20 been checked and ID'd, they will be issued a
21 wrist band. And from that they have to
22 purchase a ticket from a designated counter

1 before they can actually use the ticket to
2 exchange for beer in the bar counter, which is
3 further in the beer garden.

4 And we have constant volunteer all
5 day to work at the beer garden doing ID
6 checks, security and serving as well. We do
7 have MPD detail that is specifically for the
8 beer garden all day from 10:00 to 7:00.

9 We have three certified beer
10 managers that will be responsible for doing
11 training at the beginning of each shift. We
12 understand that we have to rotate out the ID
13 checkers every hour or so and we will also,
14 they're responsible for the training at every
15 shift when we change people.

16 And we have a no drinking,
17 absolutely no drinking policy for our festival
18 volunteers and staff that are on duty. And I
19 think that's about all to answer the questions
20 and I will answer any questions that you may
21 have.

22 CHAIRPERSON MILLER: How is the

1 MPD going to be specifically for the beer
2 garden?

3 MS. YAP: I'm sorry?

4 CHAIRPERSON MILLER: How is it
5 going to work with the MPD in the beer garden?

6 MS. YAP: MPD has just decided for
7 the first time in history to assign two detail
8 to our beer garden. And we wanted to work it
9 out with ABRA, but right now we have two MPD
10 that a is going to be dedicated to the beer
11 garden all day.

12 CHAIRPERSON MILLER: And the beer
13 garden is outside, is it open and outside?

14 MS. YAP: The festival is free,
15 our festival is between Pennsylvania Avenue,
16 3rd Street and 6th Street. So the entire
17 festival ground is open since it's street.

18 But the beer garden is fenced up
19 within that particular area. And it's only 30
20 by 100.

21 CHAIRPERSON MILLER: Okay. So do
22 you know how it happened that MPD for the

1 first time decided to assign two to your beer
2 garden?

3 MS. YAP: No.

4 CHAIRPERSON MILLER: No.

5 MS. YAP: I have a new officer.

6 CHAIRPERSON MILLER: Okay.

7 MS. YAP: And usually ABRA work
8 with us throughout the year so we didn't
9 understand why MPD was doing this and we
10 didn't have a chance to have cross
11 communication between two agencies.

12 CHAIRPERSON MILLER: Mr.
13 Silverstein?

14 MEMBER SILVERSTEIN: Are you sure
15 that MPD will be inside the perimeter?

16 MS. YAP: Of the beer garden?

17 MEMBER SILVERSTEIN: Beer garden.

18 MS. YAP: Of the beer garden?

19 MEMBER SILVERSTEIN: Yes.

20 MS. YAP: That's what they say
21 because these two officers were not part of
22 our regular detail. It was because of the

1 beer garden.

2 And I don't know why there is a
3 change of policy. They did not inform us,
4 they just made sure we paid.

5 MEMBER SILVERSTEIN: Ms. Martin,
6 are you aware of this, are you comfortable
7 with that?

8 INSPECTOR MARTIN: No --

9 MEMBER SILVERSTEIN: It seems to
10 be very, this is obviously a change of policy,
11 this is new.

12 INSPECTOR MARTIN: That was
13 something I was trying to clarify myself. So
14 is the Applicant stating that there are eight
15 total police officers for the entire event
16 with two of those officers being assigned to
17 the beer garden or are there ten police
18 officers?

19 MS. YAP: No, there are police
20 officers to the entire festival but they have
21 two additional police officers that are
22 dedicated to the --

1 MEMBER SILVERSTEIN: Beer garden.

2 MS. YAP: -- beer garden. Which
3 is a little overkill, personally we think.
4 Because we don't really get the flow from
5 10:00 to whatever time until the last two
6 hours.

7 But the only way they will only
8 waive it for us, they want to talk to ABRA and
9 ABRA has not, we haven't been able to
10 communicate between the two.

11 CHAIRPERSON MILLER: Okay.

12 INSPECTOR MARTIN: I'm still
13 unclear, so are the total number, you're
14 saying ten officers --

15 MS. YAP: No, two officers are
16 dedicated just --

17 MEMBER SILVERSTEIN: Just the beer
18 garden.

19 MS. YAP: -- within the beer
20 garden.

21 INSPECTOR MARTIN: Okay.

22 MS. YAP: So the rest of the

1 officers constantly, for the previous seven
2 years we had officers that were working the
3 entire festival, that is also looking out for
4 the beer garden. But not literally sitting in
5 the beer garden.

6 INSPECTOR MARTIN: Because your
7 application states eight officers, eight MPD
8 officers. So you're telling the Board that
9 there are going to be six who are roaming the
10 event for the three to four blocks and two
11 officers out of the eight will be assigned to
12 the beer garden?

13 MS. YAP: Yes.

14 MR. CALARO: Yes, I think so.
15 Because the police officers are stationed in
16 the entrances of the streets.

17 MS. YAP: They also move around.

18 MR. CALARO: Yes, they also move
19 around.

20 MEMBER SILVERSTEIN: No, we just
21 wanted to make sure whether it was six and two
22 or eight and two.

1 MS. YAP: Okay. We are going to
2 have eight and two.

3 CHAIRPERSON MILLER: Okay.

4 MEMBER SILVERSTEIN: Okay.

5 MEMBER SILVERSTEIN: Eight and
6 two.

7 MS. YAP: Sorry, I just --

8 MEMBER SILVERSTEIN: Okay.

9 CHAIRPERSON MILLER: Okay, so how
10 about other security, you mentioned that you
11 have your own security?

12 MS. YAP: Yes, we have volunteers
13 that we've been using for the previous years
14 and usually our volunteers come from all
15 sorts, we make sure that we work with usually
16 either the Military branches or some of the
17 off duty officers that come and help us during
18 the festival.

19 And then just volunteers all year
20 round. And we haven't had any problems for
21 the past seven years, again.

22 I can probably roll around the

1 beer garden from 10:00 to 4 o'clock and nobody
2 is going to step on me.

3 CHAIRPERSON MILLER: So you do you
4 have a certain number of volunteers that are
5 dedicated to security?

6 MS. YAP: Yes.

7 CHAIRPERSON MILLER: How many is
8 it?

9 MS. YAP: It is four of them.

10 CHAIRPERSON MILLER: Four. And
11 some would be in the beer garden maybe or some
12 would be elsewhere, depending on the need?

13 MS. YAP: No, they're going to be
14 right at the beer garden.

15 CHAIRPERSON MILLER: They're at
16 the beer garden?

17 MS. YAP: Yes, at the beer garden.

18 CHAIRPERSON MILLER: Four at the
19 beer garden all day, okay. And who does the
20 training for the license checking?

21 MS. YAP: We have three certified
22 beer manager including Mr. Calaro and we have

1 two other individuals. And they work around
2 the clock. And they'll do the training,
3 depending on shift.

4 CHAIRPERSON MILLER: Okay, all
5 right. Okay, and this is your eighth year and
6 you haven't had any problems?

7 MR. CALARO: Yes.

8 MS. YAP: No.

9 CHAIRPERSON MILLER: Okay, are
10 there other Board questions? Okay. Ms.
11 Martin, do you have some questions or --

12 INSPECTOR MARTIN: Yes, I just
13 have a couple more, Madam Chair. How many
14 kegs will be provided for the event?

15 MS. YAP: We don't do kegs at all.

16 INSPECTOR MARTIN: You don't do
17 beer kegs?

18 MS. YAP: We don't do beer kegs at
19 all.

20 MEMBER SILVERSTEIN: Okay.

21 MS. YAP: We're that little, so we
22 only do prepackaged cans.

1 INSPECTOR MARTIN: Oh.

2 MS. YAP: That is it. We only do
3 cans, we only do one kind of beer.

4 INSPECTOR MARTIN: Okay. And in
5 the past, have you had any left over alcoholic
6 beverages?

7 MS. YAP: We do, but if we don't
8 get to sell it. We load it into the car and
9 we bring it back with us.

10 INSPECTOR MARTIN: Okay, so could
11 you flesh that out for us?

12 MS. YAP: Yes.

13 INSPECTOR MARTIN: If there are
14 left over alcoholic beverages, being the beer,
15 what is your policy on disposing of that beer?

16 MS. YAP: We use it for our
17 volunteer events, private events, private
18 parties, because we've already bought the
19 beer. We do not resale the beer anywhere
20 publically or privately.

21 MR. CALARO: We bring them home.

22 MS. YAP: Yes, and drink it.

1 Throughout the course.

2 INSPECTOR MARTIN: Okay, so left
3 over beer is either used for future --

4 MS. YAP: Yes, for future events.

5 INSPECTOR MARTIN: -- future
6 events, and/or you consume it?

7 MS. YAP: For future events, yes.
8 So it's for private use.

9 INSPECTOR MARTIN: For private
10 use, okay.

11 CHAIRPERSON MILLER: I just want
12 to say, are you awaiting, thought, for MPD and
13 ABRA to communicate a little more about this
14 event?

15 MS. YAP: I'm hoping we get a
16 waiver because this year has been a very tough
17 for us, and every agency and every unit has
18 been raising costs on us. And so if there's
19 anything we can do to waive that because ABRA
20 also has inspector on site and so I wasn't
21 sure if we could work out something.

22 But we are already in the process

1 of payment and whatever you could do for us is
2 much appreciated.

3 CHAIRPERSON MILLER: So you're
4 hoping for a wavier with respect to the MPD?

5 MS. YAP: And MPD will only do it
6 if ABRA say something about it.

7 CHAIRPERSON MILLER: Okay.

8 MS. YAP: But if it doesn't, you
9 know, we will --

10 CHAIRPERSON MILLER: You would
11 want to waive what? Because we're evaluating
12 your security plan as presented with the eight
13 and two.

14 MS. YAP: I wasn't sure if that
15 was a new policy between ABRA and MPD that
16 there will be MPD onsite, inside the beer
17 garden constantly. Because, I mean if it is
18 a new policy we will be happy to comply.

19 CHAIRPERSON MILLER: Okay.

20 MS. YAP: There is initial costs
21 since we're actually community festival so
22 every dollar makes a difference.

1 CHAIRPERSON MILLER: Okay, but I
2 just want to be clear what the Board would be
3 considering for approval. Because right now
4 we have the eight and two. So if you would be
5 saying --

6 MS. YAP: It would be down to
7 eight.

8 CHAIRPERSON MILLER: Down to eight
9 without two being assigned to the beer garden?

10 MS. YAP: Correct. But I doubt
11 that, but if ABRA says no then it's a no. And
12 even if you say yes, it's still up to MPD to
13 decide whether they're going to release the
14 two officers or not.

15 CHAIRPERSON MILLER: Okay. But
16 you're having more officers this year than
17 last year? Did you have eight last year and
18 now you have ten?

19 MS. YAP: Yes.

20 CHAIRPERSON MILLER: Okay.

21 MS. YAP: And the two additional
22 was assigned to the beer garden.

1 CHAIRPERSON MILLER: Okay. and
2 you never had the officers assigned to beer
3 garden before, you just had your own security,
4 which are volunteers that you get from
5 military backgrounds and --

6 MS. YAP: And people that have
7 work our festival for a long time. And some
8 of our beer managers who don't get certified,
9 we rotate them because we have to certify the
10 managers.

11 And the managers that are not
12 certified, example like me or somebody else,
13 they worked this for a long time so they're
14 just not certify concurrently, but they have
15 the experience of working the beer garden.

16 CHAIRPERSON MILLER: Okay.

17 MS. YAP: We have those
18 individuals helping us a lot of time.

19 CHAIRPERSON MILLER: Okay. And
20 you feel you do need the other eight roaming,
21 correct?

22 MS. YAP: Oh, that's not even an

1 option.

2 CHAIRPERSON MILLER: Okay.

3 MS. YAP: But if you could do
4 magic that would be much appreciated.

5 CHAIRPERSON MILLER: That's really
6 probably MPD's expertise, but. Ms. Martin, do
7 you have a comment?

8 INSPECTOR MARTIN: Yes, I just
9 have another question. How many investigators
10 has your event paid for? How many ABRA
11 Investigators, one or two?

12 MS. YAP: In pervious years?

13 INSPECTOR MARTIN: No, for this
14 event. How many investigators --

15 MS. YAP: We have not because
16 they're waiting, DCRA is waiting for ABRA to
17 talk to you to tell them.

18 INSPECTOR MARTIN: Okay.

19 CHAIRPERSON MILLER: Is that an
20 issue for the Board, Ms. Martin?

21 INSPECTOR MARTIN: Generally the
22 way it goes is once the Applicant files all

1 their applications and requests with all the
2 agencies, they then also pay for the number of
3 ABRA Investigators who will be monitoring the
4 event. So I don't know how many, generally by
5 now we'll know if it's one or two.

6 CHAIRPERSON MILLER: Okay, so is
7 that related to, I thought that was related to
8 talking to MPD to see what's necessary whether
9 both ABRA and MPD or how many of each or
10 whatever.

11 INSPECTOR MARTIN: Right.

12 CHAIRPERSON MILLER: Okay, all
13 right. So are Board Members comfortable with
14 approving this application leaving it up to
15 MPD and ABRA to work out that final detail?
16 I am.

17 MEMBER SILVERSTEIN: I am,
18 absolutely.

19 MEMBER BROOKS: Yes.

20 CHAIRPERSON MILLER: Okay.

21 MEMBER SILVERSTEIN: With the
22 proviso that this be work out.

1 CHAIRPERSON MILLER: Okay.

2 MEMBER SILVERSTEIN: We wish you
3 well.

4 MS. YAP: Okay, thank you.

5 CHAIRPERSON MILLER: All right.

6 MS. YAP: Can I pass this on to
7 you at all?

8 CHAIRPERSON MILLER: Sure. So I'm
9 going to move then that we approve this
10 application. Do I have a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Mr. Brooks
13 has seconded the motion. All those in favor
14 say aye?

15 (Chorus of ayes)

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? Passes, 3, 0,
18 0. Okay.

19 (Whereupon, the hearing in the
20 above-mentioned matter was adjourned at 10:23
21 a.m.)

22

A	<p>aye 22:14 eyes 22:15 a.m 2:2 4:7 22:21</p> <hr/> <p style="text-align: center;">B</p> <p>babies 5:11 back 4:1 15:9 backgrounds 19:5 band 5:21 bar 6:2 beer 4:9,12,12 5:5 5:8,15,18 6:2,3,5 6:8,9 7:1,5,8,10 7:12,18 8:1,16,17 8:18 9:1,17 10:1,2 10:17,19 11:4,5 11:12 13:1,11,14 13:16,17,19,22 14:17,18 15:3,14 15:15,19,19 16:3 17:16 18:9,22 19:2,8,15 beginning 6:11 behalf 2:7,16 3:8 beverage 1:2,12,12 4:11 beverages 15:6,14 blocks 11:10 Board 1:2,12 11:8 14:10 18:2 20:20 21:13 bought 15:18 branches 12:16 bring 15:9,21 Brooks 1:17 21:19 22:11,12 Building 1:13 buy 4:21</p> <hr/> <p style="text-align: center;">C</p> <p>Calaro 1:6 2:6,14 2:14 3:4,5 11:14 11:18 13:22 14:7 15:21 calender 2:4 cans 14:22 15:3 car 15:8 case 2:4</p>	<p>celebrate 4:3 ceremonial 5:5 certain 13:4 certified 6:9 13:21 19:8,12 certify 19:9,14 Chair 14:13 Chairman 1:13 Chairperson 1:15 2:3,11,18,22 3:3,6 3:9,19 6:22 7:4,12 7:21 8:4,6,12 10:11 12:3,9 13:3 13:7,10,15,18 14:4,9 16:11 17:3 17:7,10,19 18:1,8 18:15,20 19:1,16 19:19 20:2,5,19 21:6,12,20 22:1,5 22:8,12,16 chance 8:10 change 6:15 9:3,10 checked 5:14,20 checkers 6:13 checking 13:20 checks 6:6 children 4:16 Chorus 22:15 clarify 9:13 clear 18:2 clock 14:2 COLUMBIA 1:1 come 2:5 5:10 12:14,17 comfortable 9:6 21:13 comment 20:7 communicate 10:10 16:13 communication 8:11 community 17:21 completely 4:13 comply 17:18 concurrently 19:14 considering 18:3 constant 6:4</p>	<p>constantly 11:1 17:17 consume 16:6 Control 1:2,12,12 correct 3:4 18:10 19:21 costs 16:18 17:20 counter 5:22 6:2 couple 14:13 course 16:1 cross 8:10 cultural 4:4,16 currently 4:18</p> <hr/> <p style="text-align: center;">D</p> <p>day 4:8 6:5,8 7:11 13:19 DCRA 5:1 20:16 decide 18:13 decided 7:6 8:1 dedicated 7:10 9:22 10:16 13:5 depending 13:12 14:3 designated 5:16,22 detail 6:7 7:7 8:22 21:15 difference 17:22 director 2:17,21 disposing 15:15 DISTRICT 1:1 doing 3:21 5:2 6:5 6:10 8:9 dollar 17:22 DONALD 1:17 doubt 18:10 drink 5:6 15:22 drinking 6:16,17 duty 6:18 12:17 D.C 1:13</p> <hr/> <p style="text-align: center;">E</p> <p>eight 5:3 9:14 11:7 11:7,11,22 12:2,5 17:12 18:4,7,8,17 19:20 eighth 3:20 14:5 either 12:16 16:3</p>	<p>EMS 5:2 entertainment 4:14 4:15 entire 7:16 9:15,20 11:3 entrance 5:15,16 entrances 11:16 evaluating 17:11 event 3:17 9:15 11:10 14:14 16:14 20:10,14 21:4 events 4:5 15:17,17 16:4,6,7 evidence 3:11 example 19:12 exceptions 5:10 exchange 6:2 exit 5:16 experience 19:15 expertise 20:6</p> <hr/> <p style="text-align: center;">F</p> <p>fact 1:7 2:4 3:10 fair 3:22 4:2 family-oriented 4:6 favor 22:13 feel 19:20 feet 5:13 Felicia 1:22 3:7 fenced 4:13 7:18 fences 5:17 festival 2:17,17,21 3:13,22 4:5,6,8 5:4 6:17 7:14,15 7:17 9:20 11:3 12:18 17:21 19:7 Fiesta 3:22 files 20:22 final 21:15 finding 1:7 2:4 3:10 Fire 5:2 first 7:7 8:1 flesh 15:11 flow 5:8 10:4 food 4:17,17,21 forward 2:5 Foundation 1:7 2:7</p>
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