

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
Daniel Kirner :
Drink the District, LLC, :Fact Finding
300 Water Street, SE : Hearing
:
Temporary License :(Status)
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June 19, 2013

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Nick Alberti presiding.

PRESENT:

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

MICHAEL SILVERSTEIN, Member

ALSO PRESENT:

Abiyie Ghenene, ABRA Investigator

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

(10:01 a.m.)

MEMBER ALBERTI: Okay, the next case I'm going to call is the Fact Finding Hearing. This is a fact finding hearing for a temporary license.

The Applicant is Daniel Kirner on behalf of Drink the District, LLC. Parties forward please.

MR. MARTENS: Morning.

MEMBER ALBERTI: Good morning. Could you please introduce yourselves for the record please?

MR. MARTENS: Stueart Martins and Daniel Kirner. Both with Drink the District.

MEMBER ALBERTI: Good morning, gentlemen. This is a fact finding for an event to be held January 29th and January 30th at 300 Water Street Southeast.

MR. MARTENS: Yes, sir.

MR. KIRNER: It's June 29th and 31st.

1 MEMBER ALBERTI: I'm sorry, June
2 29th and 30th, excuse me. So this is a fact
3 finding hearing. Mr. Martin, you've been here
4 before so you know this is a non-adversarial
5 hearing, we're just --

6 MR. MARTENS: Correct.

7 MEMBER ALBERTI: -- want to find
8 out about your plans for this event.
9 Especially how you will control the service
10 and consumption of alcohol.

11 MR. MARTENS: Certainly.

12 MEMBER ALBERTI: And with us
13 today, we have an investigator from ABRA.
14 Would you introduce yourself please?

15 MR. GHENENE: ABRA Investigator
16 Ghenene.

17 MEMBER ALBERTI: Great. Mr.
18 Ghenene, welcome.

19 MR. GHENENE: Thank you.

20 MEMBER ALBERTI: All right, so are
21 you going to speak, Mr. Martin, for this?

22 MR. MARTENS: I can.

1 MEMBER ALBERTI: Okay, so --

2 MR. MARTENS: Yes, first I guess
3 we can address questions if those exist?

4 MEMBER ALBERTI: Why don't you
5 just give us a brief description of what the
6 event is.

7 MR. MARTENS: Certainly. As you
8 know, we've been putting on Drink the District
9 since last summer. It's quickly becoming kind
10 of the area's, we try to do a showcase of
11 local beers, local products.

12 This is our first endeavor doing a
13 patriotic themed event for Drink the District,
14 which we're doing the weekend for July 4th at
15 the Yards Park location, which was mentioned
16 in the alcohol control plan.

17 And we have several breweries,
18 several wineries and some local entertainment.
19 A lot of artisans and about 15 food trucks.

20 MEMBER ALBERTI: Okay, I'll start
21 with some questions. As I understand it there
22 are, the events broken into sessions of about

1 three hours each? Three to four hours each,
2 is that correct?

3 MR. MARTENS: Correct. We have
4 two sessions on Saturday and one session on
5 Sunday.

6 MEMBER ALBERTI: Okay. How is
7 the, this is Yards Park so, is this area
8 fenced in?

9 MR. MARTENS: It is fenced in,
10 correct.

11 MEMBER ALBERTI: Okay. And how
12 will the alcoholic beverages be served? I
13 mean, is there a designated station, is it,
14 tell me what that setup is for the service of
15 alcohol?

16 MR. MARTENS: Certainly. As you
17 enter we go through our alcohol control plan
18 protocol which would be to ID and hand stamp
19 individuals who are 21 plus. And it's only
20 opened to 21 plus. There are no underage
21 individuals allowed into the venue. And --

22 MEMBER ALBERTI: Let's stop right

1 there, I'm going to, so no one under 21 is
2 allowed into the venue?

3 MR. MARTENS: Correct.

4 MEMBER ALBERTI: All right, so if
5 a parent decides to bring a young child, will
6 they be allowed in?

7 MR. MARTENS: No.

8 MEMBER ALBERTI: Not even an
9 infant or newborn?

10 MR. MARTENS: I would say that
11 might be one instance where we'd make an
12 exception, but clearly if you're there with
13 your 13 year old son, that's not going to fly.

14 MEMBER ALBERTI: Okay. All right,
15 continue then please.

16 MR. MARTENS: So yes, an infant
17 would be one situation. It has happened
18 before and yes, in this situation we'd
19 probably, generally speaking that's not really
20 --

21 MEMBER ALBERTI: So I'm getting
22 anyone over 4 feet tall is not going to be a -

1 -

2 MR. MARTENS: No, absolutely not.
3 But you'd walk in and we have several tasting
4 tents were you can get some samples and
5 products.

6 You can sample several of the
7 local artisans and then we have some other
8 options as well. So it's all in these 10x40
9 tasting tents.

10 MEMBER ALBERTI: Okay. So do you
11 purchase individual's tasting's or is there a
12 ticket that --

13 MR. MARTENS: You don't.

14 MEMBER ALBERTI: -- you get?

15 MR. MARTENS: So when you come in
16 and you get your hand stamped you can taste as
17 many as you'd like.

18 MEMBER ALBERTI: Okay, great. So
19 people are checked at the gate and their hand
20 is stamped?

21 MR. MARTENS: Correct.

22 MEMBER ALBERTI: Okay. Are people

1 allowed to enter and leave, exist and leave?

2 MR. MARTENS: There is no reentry.

3 MEMBER ALBERTI: There is no
4 reentry.

5 MR. MARTENS: So we're working
6 with Massive Entertainment. And I'm sure the
7 Court's familiar with, we've got multiple
8 roaming managers who are also just observing
9 what is going on.

10 At any given point in time, if a
11 server and/or one of the roaming security,
12 security personnel feels that there's somebody
13 who may not be 21, we clearly will make sure
14 that we do a double ID check again and can
15 address that situation as they arise.

16 MEMBER ALBERTI: So the people
17 doing ID checks, who are they and how do are
18 they trained?

19 MR. MARTENS: Massive
20 Entertainment.

21 MEMBER ALBERTI: Okay, Massive
22 Entertainment.

1 MR. MARTENS: Our third party
2 contractor does the ID checking.

3 MEMBER ALBERTI: Okay. Do you
4 know anything about the training that they
5 give to the people who will be doing that?

6 MR. MARTENS: As I understand,
7 every Massive employee, at least who do the ID
8 checkers, are TIPS trained.

9 MEMBER ALBERTI: Great.

10 MR. MARTENS: And then also
11 Massive has several ABRA trained personnel.
12 I think they've undergone the ABRA management
13 training.

14 MEMBER ALBERTI: And how many
15 people will you have roaming the event? Just
16 sort of, sort of as general security.

17 MR. KIRNER: So there's going to
18 be 20 in total. So there'll be probably two
19 ID checkers and 18 that will be within the
20 venue.

21 MEMBER ALBERTI: Okay.

22 MR. MARTENS: And then you'll have

1 our staff as well. So that's just the third
2 party numbers. Our staff will also be onsite
3 to be backing up those, we'll have a manager
4 in each tent, we'll also have some roaming
5 managers on site and our staff will be at the
6 entrance tent as well.

7 MEMBER ALBERTI: And how many
8 people do you expect for each session?

9 MR. MARTENS: As of right now we
10 have a capacity, I mean the area physically
11 could hold about 4,000 people per session.
12 It's clearly a big field.

13 So from a capacity standpoint.
14 Ticket sales will stop the day, hopefully,
15 we'll see when we sell, if we sell out. The
16 tickets are on sale right, so we'll see.

17 MEMBER ALBERTI: Okay.

18 MR. MARTENS: And I can get you
19 guys some updated --

20 MEMBER ALBERTI: So for the
21 maximum capacity is 4,000? Okay. And you're
22 controlling that by the ticket sales --

1 MR. MARTENS: Right.

2 MEMBER ALBERTI: -- that you have?

3 Okay. If you got to 4,000, do you see a need
4 for increased security? I know this isn't an
5 event there's heavy drinking, but I'm asking?

6 MR. MARTENS: Surely, I mean it's
7 clearly a ratio of whether you have 50 people
8 or you have 50,000. It's a function of number
9 of patrons to a number of security personnel.

10 It's no different than when we
11 come before you for A Taste of DC and you've
12 got four blocks of Pennsylvania Avenue shut
13 down and we need to control that.

14 So I think we're very well adapted
15 at being able to understand how to take care
16 of the masses in a large area.

17 MEMBER ALBERTI: Yes, I will just
18 tell, you've been through for us, you have run
19 well event. I mean you have run events very
20 well, so I think you know that we kind of like
21 to have a ratio of about one security for 50
22 people. So if your numbers start to grow, I

1 ask you to think about increasing your
2 security.

3 MR. MARTENS: No problem.

4 MEMBER ALBERTI: It may not, you
5 know if it's 175 for this event, you know, you
6 can, we can accept that. But we try to get as
7 close to 150 as possible.

8 MR. MARTENS: Well as you know,
9 we've done a pretty good job in the past and
10 I think, we'll be working with Massive as we
11 get a little, currently working with Massive,
12 but as we get closer to the event and see what
13 the actual capacities will be, we'll make sure
14 we address that with them.

15 MEMBER ALBERTI: Okay.

16 MR. MARTENS: And they also gave
17 us their best recommendation as to what they
18 feel comfortable with as well, being that
19 they're a third party contractor. So they're
20 not going to put their licensor on the line or
21 their bonded people on the line if they don't
22 feel comfortable with our ratios.

1 MEMBER ALBERTI: Okay, great. I'd
2 like to recognize Board Member Jones who has,
3 Herman Jones, who has joined us on the dias.

4 MEMBER JONES: Thank you.

5 MEMBER ALBERTI: And now I'm going
6 to see if any Board members have any
7 questions? Okay. Investigator Ghenene, do
8 you have any questions?

9 MR. GHENENE: Just one question.

10 MEMBER ALBERTI: Okay.

11 MR. GHENENE: I wanted to know,
12 last year you guys did the tastings in kind of
13 like shot glasses almost --

14 MR. KIRNER: It was a five ounce
15 plastic mug that we used last year.

16 MR. GHENENE: Sure. Okay, so is
17 it going to be the same thing?

18 MR. KIRNER: We're actually using
19 a 12 ounce shatterproof wine glass. It's not
20 glass material, but it's shaped like a wine
21 glass.

22 MR. GHENENE: So the tasting's are

1 going to be full bears now?

2 MR. KIRNER: They're not. So we
3 have, our logo is imprinted on the glass and
4 there's a line within the logo where it's a
5 five ounce mark. And so beers will be poured
6 to that five ounce line.

7 And then we have perfect pourers
8 on our wine bottles. So we'll have the exact
9 amount of wine with perfect pourers.

10 MR. GHENENE: Oh, so you're doing
11 wine tasting's too?

12 MR. KIRNER: So it is a beer, yes,
13 so this one is a beer and wine tasting.

14 MR. GHENENE: Okay, Okay.

15 MR. MARTENS: So again, the
16 bottles are, they have the one ounce pour
17 stops on them, so as the server pours they'll
18 only get one ounce.

19 MR. GHENENE: Okay.

20 MR. MARTENS: And then that logo
21 line is for the beer.

22 MEMBER ALBERTI: One ounce of

1 wine?

2 MR. MARTENS: Wine.

3 MEMBER ALBERTI: Okay.

4 MR. MARTENS: Exactly.

5 MR. GHENENE: And then will there
6 be any spirit sold for tasting? Anything --

7 MR. MARTENS: Beer and wine.

8 MR. GHENENE: Beer and wine
9 period?

10 MR. MARTENS: That's it.

11 MR. GHENENE: Okay.

12 MEMBER ALBERTI: Okay, and the
13 event goes until?

14 MR. MARTENS: 10:00 p.m.

15 MEMBER ALBERTI: 10:00 p.m.

16 MR. MARTENS: And then on Sunday
17 until 4:00 p.m.

18 MEMBER ALBERTI: Okay. So
19 question, with 10:00 p.m., when will people,
20 when will you start exiting people from the
21 event?

22 MR. MARTENS: At 10:00 p.m. So

1 we'll start --

2 MEMBER ALBERTI: And when will you
3 cease service?

4 MR. KIRNER: Yes, 10:00 p.m. is
5 when we're to stop serving and then by 10:30
6 we're planning on having the venue cleared.
7 But all the music and everything like that
8 would stop at 10:00.

9 MEMBER ALBERTI: And at 4:00 p.m.
10 also?

11 MR. KIRNER: Yes, so at 4:00 p.m.
12 we would stop serving with the intention of
13 having the venue cleared by 4:30.

14 MEMBER ALBERTI: Okay. So what
15 I'm going to suggest is that you amend your
16 application to say 4:30 for the end of the
17 event. Because we're very strict on this.

18 If at 4:10, 4:15 if someone would
19 still have a half finished beer in their hand,
20 all right, we would fault you. All right,
21 because you said you were ending at 4:00, all
22 right.

1 But we can remedy this, by this if
2 you will amend your --

3 MR. KIRNER: Certainly.

4 MEMBER ALBERTI: -- application to
5 say 4:30 and 10:30 for, this way everybody
6 know what the rules are and at 4:30 and at
7 10:30 if you amend it as such then we'll
8 expect that the venue will be cleared, there
9 will be no alcohol in anyone's hands.

10 MR. KIRNER: Got it.

11 MEMBER ALBERTI: Okay?

12 MR. MARTENS: Great.

13 MEMBER ALBERTI: Okay, I move that
14 we approve this license with the amendment of
15 hours until 4:30 on the first session on
16 Saturday and Sunday and 10:30 closing time on
17 the second session on Saturday.

18 MR. MARTENS: Quick question for
19 you. With Saturday, is it possible to,
20 clearly we're just changing over the venue, we
21 do have some folks and VIP guests that we keep
22 inside the venue that don't necessarily, we

1 are not necessarily kicking out.

2 We do sometimes, in some cases,
3 bring in some clients of ours when there are
4 no guests there to kind of engage with them
5 when there aren't a lot of guests. Would we
6 be able to serve between that 4:00 and 6:00
7 p.m., otherwise we're changing over the venue?

8 MEMBER ALBERTI: No.

9 MEMBER JONES: Based on your
10 current application, no.

11 MR. MARTENS: Okay.

12 MEMBER ALBERTI: No.

13 MEMBER JONES: If you want to
14 revise your application to account for that
15 contingency, you can provide the guidance to
16 do so.

17 MR. MARTENS: Okay.

18 MEMBER ALBERTI: So do you want to
19 revise your application?

20 MR. MARTENS: I would say at this
21 point no, but I just wanted to understand the
22 clarity for clarity sake.

1 MEMBER ALBERTI: Okay, so we will
2 not expect at 5 o'clock to see anyone with
3 alcohol in their hands unless you revise your
4 application to make this event go from,
5 through those hours.

6 MR. MARTENS: Okay.

7 MEMBER JONES: You're clear on
8 that, right?

9 MEMBER ALBERTI: You're clear on
10 that, I mean --

11 MEMBER JONES: No hesitation, if
12 your application says 4:30, there best not be
13 anyone in there with a drink in their hand at
14 4:30.

15 MR. MARTENS: Understand.

16 MEMBER JONES: The place better be
17 clear, no alcohol. Understand?

18 MEMBER ALBERTI: And we're
19 offering you the opportunity to amend your
20 license, your application right now.

21 MEMBER JONES: So you think about
22 it.

1 MEMBER ALBERTI: Think about it a
2 moment. Martha would you take this down or
3 DeeDee, would you take this down and have him
4 sort of make the amendments and initial them
5 there.

6 MR. MARTENS: For clarity's sake
7 in making them, do we have to come back in and
8 --

9 MEMBER ALBERTI: No, you can do it
10 right now.

11 MR. MARTENS: Okay.

12 MEMBER ALBERTI: We're going to
13 have you make the amendment right now --

14 MR. MARTENS: So we can make the
15 amendment for 12:00 to 10:30?

16 MEMBER ALBERTI: -- and initial
17 them?

18 MR. MARTENS: Okay.

19 MEMBER ALBERTI: On your
20 application initial them and then we will, as
21 soon as we get that back I will make my
22 motion.

1 MR. MARTENS: So next time if we
2 submit, we can just write from 12:00 to 10:00
3 p.m. or 12:00 to 10:30 p.m., whatever?

4 MEMBER ALBERTI: On your
5 application. But then in your description
6 tell us exactly what you're doing so we know.

7 MR. MARTENS: Completely
8 understand.

9 MEMBER ALBERTI: It's helpful to
10 us, it's helpful with the investigators who
11 may be out there.

12 MR. MARTENS: Okay, perfect.

13 MEMBER ALBERTI: But, yes. This
14 way, DeeDee, we want to be user friendly but
15 we also want to make sure the rules are
16 followed.

17 MR. MARTENS: Oh, certainly.

18 MEMBER ALBERTI: All right, thank
19 you. Okay, very good. So the new app, the
20 amendment says the event will go from 12:00 to
21 10:30 p.m. on Saturday and from 12:00 p.m. to
22 4:30 p.m. on the following Sunday.

1 MR. MARTENS: Okay.

2 MEMBER ALBERTI: Okay, great. I
3 move that we approve this application. All
4 those in favor say aye?

5 (Chorus of ayes)

6 MEMBER ALBERTI: I. All those
7 opposed? The motion passes, 4 to 0. We're
8 going to sign you're application.

9 MR. MARTENS: All right.

10 MEMBER ALBERTI: Thank you for
11 coming.

12 MR. MARTENS: Thank you all, we
13 appreciate your time.

14 MEMBER ALBERTI: If you want to
15 wait around, I don't know, do you want to pick
16 it up today or?

17 MR. MARTENS: Yes, Your Honor, we
18 can.

19 MEMBER ALBERTI: Okay, if you
20 would just hang out a moment. You can sit in
21 the back and we'll make arrangements.

22 MR. MARTENS: Thank you all.

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MEMBER JONES: Thank you, good
bye.

MEMBER ALBERTI: Thank you for
coming.

(Whereupon, the hearing in the
above-mentioned matter was adjourned 10:17
a.m.)

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