

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

-----:
 IN THE MATTER OF: :
 :
 Proust Partners Limited Co. :
 t/a Wunder Garten :
 150 M Street, NE :
 :
 License No. 98173 :
 ANC 6C :
 -----:

August 12, 2015

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

- PRESENT:
- RUTHANNE MILLER, Chairperson
 - DONALD BROOKS, Member
 - NICK ALBERTI, Member
 - HECTOR RODRIGUEZ, Member
 - MIKE SILVERSTEIN, Member

 - JAMES SHORT, Member

 - HERMAN JONES, Member

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

2 10:53 a.m.

3 CHAIRPERSON MILLER: Okay, so, I think
4 where we're at this point is a fact finding hearing
5 with Wunder Garten. Okay, 150 M Street, Northeast,
6 License No. 98173. When you're ready, if you could
7 introduce yourself for the record.

8 MR. LYNCH: Sure. Good morning. My name
9 is Christopher Lynch. I'm with the partners and
10 Wunder Garten, owned by Proust Partners, LLC.

11 MR. PULTESHER: My name is Marc
12 Pulteshier. I'm one of the managers.

13 MEMBER SILVERSTEIN: I'm sorry, your name
14 is?

15 MR. PULTESHER: Marc Pulteshier.

16 MEMBER SILVERSTEIN: Thank you.

17 MR. PULTESHER: One of the managers.

18 CHAIRPERSON MILLER: And we have another
19 person to introduce.

20 MR. TOWNSEND: Shawn Townsend. ABRA
21 investigator.

22 CHAIRPERSON MILLER: Okay, all right. So,

1 I know you've been waiting a while. We appreciate
2 your patience. Okay, this is a fact finding hearing.
3 You know, it's not an evidentiary hearing or anything
4 like that. There's not testimony. We want to find
5 out a little bit more about your event on August 18th.

6 MR. LYNCH: Sure.

7 CHAIRPERSON MILLER: Okay.

8 MR. LYNCH: First, let me start of by
9 saying thank you very much for granting us this
10 license. It's about 120 days old. We are serving an
11 under-served community, at NoMa, that does not have --
12 one other license, I think in the area, and no parks
13 or recreational places for these people to congregate.

14 We are one of the largest beer gardens in
15 the city, and what we'd like to do is have -- this is
16 beer week in D.C. D.C. beer week, and we'd be remiss
17 to not have an event for beer week, being a large beer
18 garden.

19 We are going an event that will pair
20 German and American beers together for tasting. This
21 is an event that's very similar to one we did last
22 month, for Bastille Day, and it entails -- the event

1 is 4:00 to 10:00 p.m. It's ticket sales of \$7 per
2 ticket, and I think maybe you have a map of the
3 location there.

4 I have -- I don't know if you have a color
5 copy, but I have outlined the perimeter of a fence.
6 So, this is a completely fenced in beer garden, which
7 we'll be using one entry point with security guards,
8 ID checking, and this is a 21 and over event.

9 It will include a DJ and I think that --
10 I think that's an overview of what it is. The only
11 thing we're asking different, only one substantial
12 change is to increase our capacity from 300 people,
13 which is what the license has right now, to 1,000 for
14 the day.

15 Our tickets sales are going very slow.
16 So, I think that we may have only 500 people there or
17 400. So, this may not be a point, but anyway. I
18 think that's my presentation there.

19 CHAIRPERSON MILLER: You have security?

20 MR. LYNCH: We use our own security. We
21 have security that we use daily at our beer garden.
22 On weekends, we have people there. We have a security

1 desk at the front. If you want to see, there is a --
2 this is the entry, and then there is a security desk
3 there all the time.

4 We actually rolled this up to the
5 sidewalk, to the edge of the sidewalk for these
6 events, and no one can get passed.

7 CHAIRPERSON MILLER: Okay, so, you have
8 the same amount of security as you always do or you
9 would increase it?

10 MR. LYNCH: No, this would be increased
11 security.

12 CHAIRPERSON MILLER: Okay.

13 MR. LYNCH: We normally have one person
14 there, just to --

15 CHAIRPERSON MILLER: Okay.

16 MR. LYNCH: -- just kind of ID checking.
17 We're 100 percent ID check in the garden.

18 CHAIRPERSON MILLER: Okay.

19 MR. LYNCH: And for this event, we would
20 have actually, four people at this front gate, which
21 would -- which can open up to 30 feet wide, should we
22 have to, but we usually keep it about -- say, about 15

1 feet.

2 CHAIRPERSON MILLER: Okay, I'm going to
3 let other Board Members ask questions. Mr. Short?

4 MEMBER SHORT: Good morning.

5 MR. LYNCH: Good morning.

6 MEMBER SHORT: You say you normally have
7 300, but you anticipate -- that you're applying for
8 1,000.

9 MR. LYNCH: Yes, sir.

10 MEMBER SHORT: And you normally have one
11 security for 300 people?

12 MR. LYNCH: We rarely have 300 people in
13 the garden at one time. I'd like to have 300 people
14 there every day, but we do not, and the fact of the
15 matter is, it's probably --

16 MR. PULTESHER: We never had 300.

17 MR. LYNCH: -- 100 people at a time.

18 MEMBER SHORT: Okay.

19 MR. LYNCH: Around 50 maybe.

20 MEMBER SHORT: Let me ask you a question
21 that -- that I take pretty much to heart, and that
22 deals with egress exiting.

1 MR. LYNCH: Yes, sir.

2 MEMBER SHORT: Emergency lines.

3 MR. LYNCH: Yes, sir.

4 MEMBER SHORT: You have one way in and one
5 way out for 1,000 people?

6 MR. LYNCH: We have -- we have actually
7 there are two more egresses in the rear.

8 MEMBER SHORT: Okay.

9 MR. LYNCH: In the very rear.

10 MEMBER SHORT: Okay.

11 MR. LYNCH: And actually, there are --
12 there is a calculation done, and I don't want to be
13 held to this, but there was a calculation, number of
14 people per inch of egress and we were about 10 times
15 above the building code that we needed to hold almost
16 3,000 people.

17 So, they were -- DCRA was satisfied with
18 the amount of egress space that we had.

19 MEMBER SHORT: So, you have a different
20 approval from DCRA than your 300, and you want to go
21 to 500? You haven't talked to DCRA about upping that?

22 MR. LYNCH: We'd love to up that, so we

1 wouldn't have to come back.

2 MEMBER SHORT: No, no, no, no. You asked
3 for one day.

4 MR. LYNCH: Yes, sir.

5 MEMBER SHORT: You say you might have 500,
6 which goes to the ticket sales. You're applying for
7 1,000.

8 Well, I know you'd like to up it, but for
9 this one day for us to approve it, we have to be --
10 I'd have to be assured as a Board Member, I can't
11 speak for the other Board Members, that the people can
12 get in and out of there, un-impeded, should there be
13 an emergency there, and you know, this is the Capitol
14 City and a lot of things have happened in a lot of
15 different events around the country. We don't want
16 that to happen here.

17 MR. LYNCH: Understand.

18 MEMBER SHORT: With 300, 500 or 1,000
19 people.

20 MR. LYNCH: Understand.

21 MEMBER SHORT: So, let me ask you, how
22 many security were you planning to have if you did

1 sell 1,000 tickets?

2 MR. PULTESHER: So, our security plan for
3 1,000 people would call for eight security guards,
4 plus two managers for those security guards.

5 MEMBER SHORT: You have a contract with
6 that?

7 MR. PULTESHER: What?

8 MEMBER SHORT: Do you have a contract?

9 MR. PULTESHER: Those are our own staff
10 security that we have throughout the months, as well.

11 MEMBER SHORT: Are they trained?

12 MR. PULTESHER: They're trained, yes.
13 They get -- all of the people that we hire get a
14 training from us on how to resolve conflict, how to
15 check ID's.

16 They're being taught on how -- we're a
17 family-friendly space. So, we do allow parents with
18 small children on normal operations, not for this
19 event, but 21 and over. So, they are told of how to
20 handle conflicts of this, yes.

21 MEMBER SHORT: Okay, now, I'm looking at
22 the egress that you have. I see your entrance and then

1 to your immediate east, it looks like, you have one
2 gate on the side or two on the side, and just one in
3 the back, correct, near the restrooms?

4 MR. LYNCH: Yes, sir.

5 MEMBER SHORT: And the stage area, how
6 large is the stage?

7 MR. LYNCH: Eight feet by 20. Eight feet
8 wide, eight feet deep, 20 feet wide. It's actually
9 dwarfed in this location, that stage size.

10 MEMBER SHORT: Now, these exits, the
11 egress that you're showing, are they to a public way?
12 Does that take you -- if you're exiting through that
13 egress, would it take you to a public way?

14 MR. LYNCH: Yes, sir, the main entrance
15 and exits goes right onto M Street.

16 MEMBER SHORT: I see that, I see that in
17 the picture.

18 MR. LYNCH: The rear entrance goes into
19 a corridor that takes you into -- you know, leads into
20 the metro access.

21 MEMBER SHORT: How wide is that?

22 MR. LYNCH: How wide is the corridor?

1 MEMBER SHORT: Yes.

2 MR. LYNCH: Huge. It's just --

3 MR. PULTESHER: Length-wise, it's a city
4 block, width --

5 MEMBER SHORT: Okay, the reason I'm asking
6 that is because when you're talking about three --
7 5,000 people, then you need a very large egress.

8 MR. PULTESHER: Basically, the egress to
9 the sides and the back are parallel to the NoMa metro
10 station. So, it's the length of the metro station.
11 But basically, that's what the size is.

12 MEMBER SHORT: Okay, that's all I have for
13 right now, Madam Chair. Thank you.

14 CHAIRPERSON MILLER: Thank you. Mr.
15 Alberti?

16 MEMBER ALBERTI: Good morning, gentlemen.
17 Forgive me, I'm going to go over some ground we've
18 gone over.

19 So, first of all, I wasn't listening
20 closely. This entire area is fenced in?

21 MR. LYNCH: Yes.

22 MEMBER ALBERTI: Okay, great. That's what

1 I thought.

2 All right, so, let's go back to the DCRA
3 issue. You have a certificate of occupancy for this
4 place, right?

5 MR. LYNCH: Yes.

6 MEMBER ALBERTI: And what is the capacity
7 that the certificate of occupancy allows you?

8 MR. LYNCH: It doesn't -- it says 300,
9 actually because we wanted to match the ABRA license.
10 So, we told them that number.

11 MEMBER ALBERTI: See, here is the rub.
12 We, as an Agency, don't regulate occupancy, other than
13 what's on your license.

14 You're licensed for a certain occupancy
15 and we regulate that, but we don't -- I don't want to
16 say -- how do I make this clear?

17 We can't give you special dispensation to
18 say, "Oh, your building can have 1,000 people in it."
19 It's not a building, I know, but when DCRA is saying,
20 "Oh, that building can only hold 500."

21 So, we have a dilemma here. I mean, it's
22 not that -- quite frankly, given what I understand to

1 be the space here, I'm pre-disposed to say yes, go for
2 1,000 people with certain other conditions, but I
3 don't know if I can, if I don't have -- I don't know
4 if you can legally, and I don't know if we want to be
5 the Agency to say, "Oh, yes, go for it," if DCRA is
6 saying you only can have 300. I don't know how to
7 solve that problem.

8 MEMBER SILVERSTEIN: Thank you, Mr.
9 Alberti.

10 CHAIRPERSON MILLER: Yes, Mr. Silverstein?

11 MEMBER ALBERTI: Mr. Silverstein?

12 MEMBER SILVERSTEIN: I think that what Mr.
13 Alberti is saying is, we could tell you, you could
14 have 10,000, but the law is that whichever is the most
15 restrictive in an alcohol situation is the one that
16 holds.

17 If they say 300, we can't say you can go
18 above that, but what we can say, or what we could say
19 is if you get permission from them, it's okay with us,
20 correct?

21 MEMBER ALBERTI: Yes, but I'm not going to
22 sign on --

1 MEMBER SILVERSTEIN: I'm not ready, yes.

2 MEMBER ALBERTI: Yes, I'm not going to
3 sign off, until I know that DCRA is giving you
4 permission. I mean, and this is not -- I mean, I hate
5 to put -- I feel -- you know, I empathize with your
6 problem here, all right.

7 But it's not of our doing. I mean, we
8 really have to make sure that all the Agency's rules
9 and regulations are upheld and that we don't override
10 somebody or appear to be overriding another agency.

11 MR. PULTESHER: If I may?

12 MEMBER ALBERTI: Sure.

13 MR. PULTESHER: Interject here. I think
14 that 300 capacity is based on our ANC settlement
15 agreement. The Agency DCRA was willing to give us a
16 larger capacity, based on the space. This is a 25,000
17 square feet lot.

18 MR. LYNCH: Thirty-five-thousand.

19 MEMBER ALBERTI: Can you get something
20 from DCRA?

21 MR. PULTESHER: Say it again?

22 MEMBER ALBERTI: Can you get something --

1 you think you can get something from DCRA?

2 MR. LYNCH: I mean, yes. Mr. Alberti,
3 potentially, I can get this C of O changed, just to
4 say that --

5 MEMBER ALBERTI: Or even a letter from
6 them.

7 MEMBER SHORT: Mr. Alberti, if I could.
8 Did you say that your settlement agreement was 300?

9 MR. PULTESHER: Three-hundred with the
10 exception of --

11 MEMBER SHORT: So, Mr. Alberti, could they
12 then -- could they then -- and I'm going to --

13 MEMBER ALBERTI: I believe that they have
14 permission from the ANC.

15 MR. PULTESHER: Once a month --

16 CHAIRPERSON MILLER: Yes, they do.

17 MR. PULTESHER: -- we can go above --

18 MEMBER ALBERTI: Yes, they have the
19 permission from the ANC. So, that is not the issue.

20 MEMBER SHORT: All right.

21 MEMBER ALBERTI: So, if you can get a
22 letter, or you know, something official from DCRA, I

1 think we can move forward.

2 MR. LYNCH: All right, given our time
3 frame, I mean, I can go to DCRA. The space is there.
4 If they do their calculation, seven square feet per
5 person, it actually rolls out to about 4,000 is the
6 capacity, and we're asking for 1,000.

7 So, we should be able to get DCRA to
8 change the C of O, okay?

9 MEMBER ALBERTI: Yes.

10 MR. LYNCH: Given today is Wednesday, the
11 event is on Saturday. I can go down there this
12 afternoon or you know --

13 MEMBER ALBERTI: You're going to have to
14 because I am --

15 MR. LYNCH: If I can bring this piece back
16 from DCRA?

17 MEMBER ALBERTI: Yes, I mean, I -- okay,
18 let's set that issue aside, before I make my
19 recommendation, and what I'd like -- what I am -- so.

20 So, we have that issue on the table. So,
21 number of security. We generally want somewhere
22 around one security for 50 people. That's for -- for

1 an event like this, it would be 50 to 75 people.

2 So, we're really talking about 15 security
3 here, maybe 12 to 15 security. How -- when did you
4 know how many -- are you -- are you given -- all
5 right.

6 Are you allowing ticket sales the day of?

7 MR. LYNCH: Yes.

8 MEMBER ALBERTI: Okay, so, you really
9 don't know what size -- how large, what capacity
10 you're going to have.

11 MR. PULTESHER: We're counting at the
12 door, how many people we have --

13 MEMBER ALBERTI: Right, I know, but you
14 don't know ahead of time, so --

15 MR. PULTESHER: But we know what we --
16 the tickets ahead of time, and then we can adjust on
17 the day of, at the door. There is only one single
18 point of entry, right so --

19 MEMBER ALBERTI: Right.

20 MR. PULTESHER: -- we can -- we are
21 counting, at any -- any -- we are counting every day,
22 how many tickets -- I mean, how many people are on

1 this, so we can certainly do this at a special event.

2 MEMBER ALBERTI: All right. So, I would
3 -- I wouldn't -- I wouldn't -- I wouldn't agree to
4 sign off on this. I mean, my personal opinion. Other
5 Board Members can do what they want.

6 I wouldn't sign off on this unless there
7 were 12 security, all right, a minimum, minimum 12,
8 minimum of 12, all right, and I'm pre-disposed -- with
9 that condition, if you're willing to put that -- if
10 you're willing to adjust your application to commit to
11 a minimum of 12, then I would be pre-disposed to
12 recommend that we approve this, contingent upon
13 getting a letter from DCRA, and you could do that as
14 late as Friday, sometime.

15 I wouldn't necessarily have to see a C of
16 O, but I'd have to have an official letter from -- I
17 don't know who it is, the zoning administrator or
18 whoever it is at DCRA, stating that, you know, you can
19 accommodate 1,000 people at your establishment.

20 Look, I see the size of this. You know,
21 we know how large these spaces are. We know what they
22 can accommodate, but we can't move forward without --

1 MR. LYNCH: I get it.

2 MEMBER ALBERTI: -- the official --

3 MR. LYNCH: I understand.

4 MEMBER ALBERTI: -- sanctified by DCRA.

5 MR. LYNCH: Yes.

6 MEMBER ALBERTI: So, that's where I'm at.

7 That's my recommendation to everybody, but that's

8 where I'm at.

9 CHAIRPERSON MILLER: Okay, Mr. Brooks.

10 MEMBER BROOKS: Yes, thank you. Just

11 quickly, Madam Chair.

12 Do you guys have a name of a person you

13 guys have been working with at DCRA?

14 MR. LYNCH: Do we have a name of a person?

15 MEMBER BROOKS: Yes, at DCRA.

16 MR. LYNCH: For what?

17 MEMBER BROOKS: For the C of O.

18 MR. LYNCH: For the C of O? I have worked

19 with Kathleen Beeton.

20 MEMBER BROOKS: Well, the only thing I'm

21 saying is, I'm just trying to help you expedite it,

22 and if you could reach out to --

1 MR. LYNCH: Just go right to that person,
2 is what you're saying?

3 CHAIRPERSON MILLER: Yes.

4 MEMBER BROOKS: I don't know. You know,
5 but you know, you don't have --

6 MR. LYNCH: I realize -- I realize what
7 you're -- you're trying to help us get --

8 MEMBER BROOKS: Yes, you don't have much
9 time.

10 MR. LYNCH: I will fire off an email to
11 her right when I leave here.

12 MEMBER BROOKS: Or call or do -- you know,
13 I'm just -- you know.

14 MR. LYNCH: Yes.

15 MEMBER BROOKS: I'm not sure how you're
16 going to do that.

17 MR. LYNCH: I can do it today.

18 MEMBER ALBERTI: You guys strike me as
19 smart enough to know that she's probably just doing
20 this on a permanent basis, since you're going to have
21 this problem in the future.

22 MR. LYNCH: Yes, we understand. This will

1 fix future problems --

2 MEMBER ALBERTI: Yes.

3 MR. LYNCH: -- that come up with this.

4 So, we can attack that.

5 MEMBER ALBERTI: Okay.

6 CHAIRPERSON MILLER: Mr. Short?

7 MEMBER SHORT: And also, gentlemen, I'd
8 like to ask, have you talked with MPD, the
9 Metropolitan Police Department? Are they aware of the
10 size of people you're going to have there on M Street?

11 MR. PULTESHER: We have a very good
12 relationship with the MPD there. They come by two
13 times during the week to check on us, and we've spoke
14 to the patrol officers.

15 MEMBER SHORT: My question again is, is
16 MPD informed that you're going to have 1,000 people
17 there this weekend, or you want to have 1,000 people
18 there? Does MPD know that?

19 MR. LYNCH: No.

20 MEMBER SHORT: They do not?

21 MR. LYNCH: They don't.

22 MEMBER SHORT: I would suggest also, on

1 Mr. Alberti's suggestion, about DCRA, that you also
2 inform the police department. I think that's 1D.

3 MEMBER ALBERTI: Yes, I -- you know, you
4 can inform the commander. You can inform the PSA
5 lieutenant. Just give them a call. Give them a heads
6 up, say, "You know, we're going to have a large crowd
7 there," just so they know.

8 MR. LYNCH: Okay.

9 MEMBER ALBERTI: All right, it's a
10 courtesy. It's a safety issue. It helps everybody.

11 MEMBER SHORT: Everything else.

12 MEMBER ALBERTI: Everybody. So, they can
13 get officers and they can come by. So, we always ask
14 people to do this for large events like this.

15 MEMBER SHORT: Okay, and if I can finish
16 my --

17 MEMBER ALBERTI: I'm sorry.

18 MEMBER SHORT: Not a problem. Thank you,
19 Mr. Alberti.

20 What about the restroom facilities and
21 what about EMS? Are you -- if you're going to have
22 1,000 people there, things can happen, of course.

1 MR. LYNCH: Right.

2 MEMBER SHORT: And I would think you would
3 want to talk with the fire department having maybe a
4 stand by unit or you'd also want to make sure that you
5 have water stations out -- I would imagine, all those
6 things are taken care of.

7 MR. PULTESHER: We do give out water at
8 all bars.

9 MEMBER SHORT: Do you have enough for
10 1,000 people?

11 MR. PULTESHER: We have a lot of water,
12 yes.

13 MEMBER SHORT: Okay.

14 MR. PULTESHER: Yes.

15 MEMBER SHORT: All right.

16 MR. PULTESHER: The restroom facilities,
17 based on our experience, from our July 11th event, we
18 have enough restroom facilities.

19 We have a restroom trailer, as per the
20 Department of Health. It's one of these restroom
21 trailers that are used at weddings. So, it has enough
22 house-able capacity, can serve a lot of --

1 MEMBER SHORT: The health department
2 approved that?

3 MR. PULTESHER: Yes, that is to code, and
4 very restrictive code on us. Other beer gardens get
5 away with pot-o-potties. We have a very nice --

6 MEMBER SHORT: Great.

7 MR. PULTESHER: -- restroom trailer.

8 MEMBER SHORT: I would imagine you're
9 right in the middle of the city, so you want --

10 MR. PULTESHER: Yes, yes, it's a very --

11 MEMBER SHORT: Okay, all right, pot-o-
12 pottie is a little different in the middle of the city
13 than in the --

14 MR. LYNCH: I would like to add, because
15 you seem to have a lot of questions about the safety
16 and such.

17 I'd like to add that I have also gone
18 larger events, myself, in public space, closing down
19 city blocks.

20 MEMBER SHORT: In Washington, D.C.?

21 MR. LYNCH: In Washington, D.C. for the
22 last 11 years. So, annually.

1 So, I'm very familiar with, you know, the
2 process and crowd control and such.

3 So, I've actually closed down Vernon
4 Street for the last 10 years.

5 MEMBER SHORT: I'm glad you said that
6 because then you know you should get in contact with
7 MPD.

8 MR. LYNCH: Yes, yes, but these crowds are
9 much different than what we've had on the street.
10 They're very much more contained and they're -- the
11 customer is different. The feel of the event is
12 different. It's a different neighborhood, quite
13 frankly, it's a different customer that's going to
14 that neighborhood.

15 So, we just did an event, interestingly
16 enough, we did Bastille day event in this -- in this
17 garden, this year with -- just shy of 1,000 people,
18 okay, as opposed to Vernon Street, which had 3,500
19 people.

20 This event closed itself down by 9:30 p.m.
21 Vernon Street, I have to sweep people off the block,
22 with the inspectors and the MPD at midnight, okay, and

1 we have to pull the cups.

2 This, I was trying to get more than five
3 people in front of the stage, and to keep it going
4 until our end time at 10:00 p.m.

5 So, my point in all that is, this is not
6 a rowdy bunch over there and it's a very well-behaved
7 crowd, and I can say this because I've done this for
8 11 years and this is the first year outside of this
9 previous location.

10 MEMBER SHORT: Okay, well, as you pointed
11 out, I do know a lot about public safety, and I do
12 know about the large crowds in Washington, D.C.

13 But we're concerned -- my questions were
14 making sure that you're aware and that you will have
15 the appropriate police protection, EMS, water and of
16 course, DCRA. Those things are addressed -- I, as a
17 Board Member, would not have a problem. Thank you,
18 Madam Chair.

19 CHAIRPERSON MILLER: Thank you. Before we
20 get to Investigator Townsend, who we haven't
21 forgotten, I just want to visualize the difference
22 between what you normally do under your license. You

1 said you've only had it for 120 days, and then how
2 this expands, I mean, into space.

3 Obviously, it expands the number of
4 people, but does it expand into a greater space? Are
5 you only using outdoor space now? Okay, so, you don't
6 have a building you're expanding outside?

7 MR. PULTESHER: It's a beer garden. So,
8 we serve 12 different beers. We have 40 beer bench,
9 sets of benches and tables, umbrellas and a tent for
10 protection against the weather.

11 It's a large open space. REI, the
12 equipment company, they hold free classes there on
13 Monday's through Thursday, on bicycle repair and
14 camping 101, and then we have a large space that's
15 kind of open, so people can play cornhole and
16 frisbees, so just it's a very casual -- I'm from
17 Munich. I was born and raised in Germany. So, it's
18 very reminiscent of the beer gardens there. It's a
19 family-friendly open inviting space.

20 It's not really -- it's just people coming
21 out, drinking, having some food. We have food trucks
22 on the premise, also on this event, there will be two

1 food trucks serving food. So, we have one and that's
2 more or less it.

3 It's kind of a way of making and -- and
4 this space was unused for three or four years, and we
5 were working with a BID, with the Business Improvement
6 District there, to create an environment that works
7 for this.

8 One additional, I think maybe mention --
9 want to say is that, we're working again on this event
10 with the BID. It was actually their -- they held the
11 beer festival last year, and they asked us to produce
12 it for them this year.

13 So, there is some sort of continuation and
14 they will provide their NoMa Ambassadors during the
15 day, of the day of the event, to help with outside of
16 the premises.

17 The premises we control, but then outside
18 of the premises, between metro and parking and coming
19 with the bicycles, to show that the crowds are
20 directed in the right direction and that they are
21 behaving, and then they're also supporting us with
22 their team to make sure that the -- not only the

1 premise would be taken care of, but outside the
2 premises.

3 CHAIRPERSON MILLER: So, when they have
4 their beer festival there last year, there was no
5 certificate of occupancy?

6 MR. PULTESHER: They didn't have it on
7 this lot. They had it on a different lot. They just
8 -- we have been working, they've very supportive of
9 this because they know that this is -- an environment
10 like this is basically -- this is desperately needed
11 for the neighborhood because there is nothing else,
12 and they've helped us find this particular location
13 we're operating now.

14 I think -- I'm not quite sure where --
15 their event was much larger. They had, I think 5,000
16 people last year, and we weren't involved with that.
17 That was their's, but they've asked us to do it. We
18 said yes, but on a smaller scale, not that large.

19 CHAIRPERSON MILLER: Okay, this is my last
20 question for you.

21 If you were unsuccessful in getting the
22 order from DCRA or for the increase from them, would

1 you hold it for 300?

2 MR. LYNCH: Yes, we would because I think
3 we're -- basically, our license, we are entitled to do
4 that. It wouldn't make sense for us to keep spending
5 on the -- extra items.

6 But yes, we would hold it, actually.

7 CHAIRPERSON MILLER: Okay, thank you. Mr.
8 Townsend?

9 MR. TOWNSEND: I think you all covered
10 most of it. But just a few.

11 What is the -- will there be a cover at
12 the door? I heard you say -- so, what's the cover?

13 MR. PULTESHER: Seven dollars. So, we're
14 pre-selling tickets.

15 MR. TOWNSEND: Okay.

16 MR. PULTESHER: In all of our
17 communication, it asked for people -- we say -- the
18 ticket -- advanced purchase required. I mean, without
19 giving away too much, because we only sold like 75
20 tickets so far.

21 So, it's an aspirational goal, but \$7 at
22 the door, and so, \$7 is the tickets.

1 MR. TOWNSEND: Okay, and then at the door,
2 how many security guards do you plan on having, or who
3 is at the door?

4 MR. PULTESHER: So, at the door, with the
5 original plan where we had eight, but I guess the
6 Board is requesting 12. So, we'll have to adjust
7 that.

8 But the original plan was four security
9 guards at the door.

10 MR. TOWNSEND: Okay, and so, who would be
11 responsible for keeping track of the count?

12 MR. PULTESHER: The security guards.

13 MR. TOWNSEND: Okay.

14 MR. PULTESHER: So, the front door
15 security guards will count. They have -- we have an
16 electronic ticker, actually, we brought that. Yes,
17 so, we have multiple of those, and when we find it,
18 but it's basically a ticker, you can go up and down,
19 up and down.

20 So, any time you go up, somebody comes in
21 and somebody leaves --

22 MR. TOWNSEND: Okay.

1 MR. PULTESHER: -- you down, so you know
2 exactly at all times, how many people are in the lot.

3 MR. TOWNSEND: And then you mentioned food
4 trucks. Where will they be located? I didn't see
5 those on the form.

6 MR. PULTESHER: So, usually the food
7 trucks are on the -- when you look at the map, on the
8 left side along the fence, about the area where the
9 stage is, but in this case, we thought because this
10 whole premise is about -- or this whole idea of
11 festival is German beer versus U.S. beers.

12 So, we'll have one U.S. truck that serves
13 barbeque, kind of the typical U.S. food, and then one
14 that serves that sausages.

15 So, they may be spread out. One will be
16 closer to the entrance and then one will be here next
17 to the main bar.

18 MR. TOWNSEND: Okay.

19 MR. PULTESHER: Because the current plan,
20 we can adjust this if necessary.

21 MR. TOWNSEND: Have you all talked about
22 the -- in your settlement agreement, it mentions the

1 odor from food trucks.

2 MR. PULTESHER: So, we -- yes, thank you.

3 Sorry, yes.

4 So, we are aware that there were original
5 concerns when we were starting operation, about odor
6 from food trucks. We haven't had a single complaint
7 so far. They're far enough away from the apartment
8 building to the left of our lot. We haven't had a
9 complaint.

10 The food trucks are using our electric
11 hook up versus the generators, which reduces noise and
12 also, odors from the generator.

13 MR. TOWNSEND: Okay, thank you, and the --
14 so, who is handling the trash? Do you all contract --

15 MR. PULTESHER: Yes.

16 MR. TOWNSEND: -- the trash out?

17 MR. PULTESHER: KMG hauling.

18 MR. TOWNSEND: Okay, all right, and so --

19 MR. PULTESHER: And they're coming twice.

20 MR. TOWNSEND: -- will one of you be the
21 point of contact for this day?

22 MR. PULTESHER: Both.

1 MR. LYNCH: We're both there.

2 MR. TOWNSEND: Okay, all right. I think
3 that's it.

4 MR. LYNCH: Thank you.

5 CHAIRPERSON MILLER: Okay, any other
6 questions? Okay, so, what I'm hearing is that the
7 Board is inclined to approve your application, but not
8 -- but -- and that is not our determination, you know.

9 It sounds like you would be able to get a
10 letter, at least. I don't know how long it takes to
11 change this, but I think that by Friday, and then if
12 you do that, it's my understanding that the Board
13 would be willing to approve that with -- I think the
14 12 in security, and if you have 1,000 people.

15 MEMBER ALBERTI: Ms. Miller? I apologize.
16 I didn't notice this earlier, but your application
17 actually says 20.

18 MR. LYNCH: Twenty what?

19 MEMBER ALBERTI: Twenty security. You
20 filled this out. I didn't.

21 MEMBER SILVERSTEIN: It appears to have
22 said 10 and then was changed.

1 MEMBER ALBERTI: So, I don't know, I mean,
2 you want to -- and so, we're going to -- I mean, if in
3 fact, you have over 300 people, we're going to hold
4 you to the number of security you have here.

5 So, you all better figure it out.

6 MR. LYNCH: Twenty or 12?

7 MEMBER ALBERTI: Pardon?

8 MR. LYNCH: Twenty or 12? Twenty?

9 MEMBER ALBERTI: Well, I suggested 12 at
10 a minimum, so, if you want to change your application
11 now, it's up to you.

12 MR. LYNCH: Yes.

13 MEMBER ALBERTI: All right, very good.
14 So, can we get them to change it and initial it? I'm
15 just trying to protect you all.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER ALBERTI: Mr. Townsend?

18 MR. TOWNSEND: Yes, sir. Just one more
19 question.

20 CHAIRPERSON MILLER: Yes.

21 MR. TOWNSEND: I notice that the --
22 speaking of the application --

1 CHAIRPERSON MILLER: Yes.

2 MR. TOWNSEND: -- the hours of the event,
3 it's a little confusing. I think you mentioned
4 earlier 4:00 to 10:00 p.m.

5 MR. PULTESHER: Right.

6 MR. TOWNSEND: So, you might want to
7 change that, as well.

8 MR. PULTESHER: Yes, but --

9 CHAIRPERSON MILLER: But --

10 MR. PULTESHER: And just to clarify this
11 --

12 MEMBER ALBERTI: What are the hours?

13 MR. PULTESHER: -- the hours, we will
14 start the event at 4:00. When we submitted this, we
15 didn't have all the --

16 CHAIRPERSON MILLER: Okay.

17 MR. PULTESHER: -- details, so 4:00, and
18 then the -- and I don't know how you want to handle
19 this, but the official end date of the event is 10:00.

20 CHAIRPERSON MILLER: Okay.

21 MR. PULTESHER: I think from a security
22 standpoint, it's easier to have -- we have a business

1 license to run until midnight on Saturday. So, what
2 -- our plan was to stop the music, stop the event part
3 of it, and then just keep open until people leave, and
4 then do last call at 11:30, get everybody out.

5 CHAIRPERSON MILLER: What are your normal
6 hours?

7 MR. PULTESHER: Until midnight.

8 CHAIRPERSON MILLER: Midnight?

9 MR. PULTESHER: Saturday's.

10 CHAIRPERSON MILLER: That's your normal
11 hour?

12 MR. PULTESHER: If that's an issue, we
13 can just say 10:00, and then everybody -- well, I
14 mean, I don't want to make the decision. The business
15 hours, I mean, the hours of sale.

16 So, I mean, it should be four -- starting
17 at four?

18 MR. LYNCH: Yes, we're changing it right
19 now.

20 MR. PULTESHER: And then we'll say 11:30?

21 MR. LYNCH: Yes, so, last beer served at
22 11:30.

1 MEMBER ALBERTI: I mean, give yourself
2 some leeway.

3 MR. LYNCH: Yes.

4 MR. PULTESHER: Exactly, so, 10:00 is --
5 our promotion, we say 10:00 is the official end of the
6 event, and actually I've worked five years for
7 Christopher at the Bastille Day event, and it's always
8 better to have some time to get everybody out, because
9 it's difficult to get everybody out at the same time,
10 assuming there are going to be more than 75 people
11 there on Saturday.

12 MEMBER ALBERTI: In other words, people
13 will elect to go there.

14 CHAIRPERSON MILLER: Okay, I just want to
15 do a few things to clarified.

16 If you don't get the letter, and you go
17 forward with 300 people, then what's the security
18 number?

19 MEMBER ALBERTI: Then you're not under the
20 auspices of this license, really.

21 CHAIRPERSON MILLER: What do you mean?

22 MR. PULTESHER: It's a one day license.

1 MEMBER ALBERTI: A one day license. I
2 mean, they can operate -- they're under normal
3 operations at that point, they're under normal
4 operations and --

5 MR. LYNCH: So, we would --

6 MEMBER ALBERTI: -- it behooves them to
7 have sufficient security, so that they don't have
8 other problems and run into other issues with this
9 Board, but I trust that, you know, these are
10 experienced operators. I trust that they will take
11 care of that.

12 MR. LYNCH: We'll have security, even for
13 300 people.

14 MEMBER ALBERTI: Yes, and I wish you well
15 on this and future endeavors here.

16 MR. LYNCH: Thank you.

17 MEMBER ALBERTI: Go ahead, I'm sorry.

18 CHAIRPERSON MILLER: So, everybody knows
19 the plan, if you get in the letter to us, then the
20 office will alert all of us and send that letter
21 around to all, and we'll be able to approve the higher
22 number. So, that's how it works. Contact our office

1 with the -- send the letter to Martha Jenkins.

2 MR. LYNCH: Okay.

3 CHAIRPERSON MILLER: And then she will
4 tell you to move forward on that, but it appears that
5 the Board has no problems with your application, with
6 the occupancy number, okay. Do you have any
7 questions? Okay.

8 MR. PULTESHER: Do you know where to send
9 the letter to?

10 MR. LYNCH: Yes.

11 MR. PULTESHER: Okay.

12 CHAIRPERSON MILLER: So, we'll hold onto
13 your application at the front desk. All right,
14 anything else?

15 MR. LYNCH: Thank you.

16 CHAIRPERSON MILLER: So, if you have any
17 questions between now and then, contact us. All
18 right, thank you.

19 (Whereupon, the above-entitled matter went
20 off the record at 11:28 a.m.)

21

22

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