

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Michael Cherner
2348 18th Street, LLC
t/a Bourbon
2348 Wisconsin Ave, NW
Retailer CR
License No. 60605

Fact Finding
Hearing

Case No.
One Day Substantial Change
Application

August 13, 2014

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

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HECTOR RODRIGUEZ, Member
MICHAEL SILVERSTEIN, Member

ALSO PRESENT:

INVESTIGATOR JASON PERU

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(9:55 a.m.)

CHAIRPERSON MILLER: Okay, the next case on our calendar is a fact finding hearing. Is Michael Cherner here?

MR. CHERNER: Yes.

CHAIRPERSON MILLER: Okay, good. This is with the Bourbon establishment at 2348 Wisconsin Avenue Northwest, License number 60605 for a one day substantial change application for Taste of Georgetown Event to occur September 13, 2014.

Okay. When you have a chance, if you can identify yourself for the record.

MR. CHERNER: Yes. Good morning, Members of the Board. Michael Cherner.

MS. MIYAHIRA: Yes, hi. I'm Nancy Miyahira, I'm with the Georgetown Business Improvement District.

CHAIRPERSON MILLER: Okay. You're Michael Cherner, you're Nancy --

MS. MIYAHIRA: Miyahira.

1 CHAIRPERSON MILLER: What's your
2 last name?

3 MS. MIYAHIRA: Miyahira. M-I-Y-A-
4 H-I-R-A.

5 CHAIRPERSON MILLER: M-I-Y-A --

6 MS. MIYAHIRA: H-I-R-A.

7 CHAIRPERSON MILLER: Thank you.
8 Okay. And you're with what?

9 MS. MIYAHIRA: The Georgetown
10 Business Improvement District.

11 CHAIRPERSON MILLER: Okay, great.
12 And our investigator is here?

13 INVESTIGATOR PERU: Investigator
14 Jason Peru with ABRA.

15 CHAIRPERSON MILLER: Okay. We
16 just want to briefly review your event with
17 you. I understand that Taste of Georgetown,
18 this is not the first Taste of Georgetown
19 event, correct?

20 MS. MIYAHIRA: Correct.

21 CHAIRPERSON MILLER: All right.
22 And have you been involved with the Taste of

1 Georgetown?

2 MS. MIYAHIRA: Yes, I've been with
3 it since '09. So I can't remember how many
4 Tastes --

5 MR. CHERNER: This will be the
6 fifth, the fifth one that we've done together.

7 CHAIRPERSON MILLER: This is the
8 first year you've done it?

9 MR. CHERNER: No, fifth.

10 CHAIRPERSON MILLER: Fifth year
11 you've done it.

12 MS. MIYAHIRA: We've done it
13 together as far as Mike being involved with
14 it. But the event's been held for about, this
15 will be the 21st annual.

16 CHAIRPERSON MILLER: Okay.

17 MS. MIYAHIRA: Yes.

18 CHAIRPERSON MILLER: So I don't
19 anticipate this is going to be a long hearing.

20 MR. CHERNER: I do have copies of
21 the diagram for the Board if you'd like.

22 CHAIRPERSON MILLER: Okay.

1 MR. CHERNER: The map.

2 CHAIRPERSON MILLER: That would be
3 helpful, thank you.

4 (Off microphone discussion)

5 CHAIRPERSON MILLER: If you can
6 just give a quick kind of overview and let us
7 know whether there's anything different this
8 year than last year.

9 MR. CHERNER: So I've been running
10 the beverage pavilion for five years now. The
11 only differences are I was the general manager
12 of Mie N Yu Restaurant, and we have done the
13 substantial change for that restaurant in the
14 past.

15 And my old assistant general
16 manager, who is our ABC manager on staff for
17 a few years, and also the person that was our
18 main door guy and ID checker, both are at
19 Bourbon, so that's why we did the agreement
20 with them is they do their transfer of license
21 for the day to oversee the event. So it's the
22 same staff that we've used for the last five

1 years.

2 The other difference is just that
3 the event has moved from Wisconsin Avenue down
4 to K Street. So it's out of the way of
5 traffic a little more. And so the beverage
6 pavilion is in a different location, but the
7 same general set up in terms of how we have it
8 fenced off and wristbands, and only people
9 that are over 21 in that pavilion.

10 We still have the MPD detail and
11 everything for the outdoor festival, and the
12 DCRA permit. So other than that, that's the
13 only sort of changes, sort of how it's moved
14 down the hill. So it's on a little bit
15 flatter of a surface for the guests.

16 CHAIRPERSON MILLER: So you have
17 it in a pavilion?

18 MR. CHERNER: Yes. If you see on
19 the color copy, down at the bottom there's a
20 small white box. That's the beer and wine
21 pavilion. It's basically the taxi cab stand
22 area in front of Washington Harbor.

1 And so that will be blocking it
2 off. And then on the black and white sheet,
3 that's the actual pavilion with the fencing.

4 And then everywhere that they see
5 there's a trash can, what we found is the
6 easiest to attach the signs that say no
7 alcohol outside of this pavilion at that front
8 entrance where the trash cans are. And then
9 on the trash cans inside, all alcohol must be
10 consumed inside this pavilion are the two
11 types of signs that we have for that.

12 CHAIRPERSON MILLER: So you have
13 in the application that you expect 10,000
14 persons. 10,000 persons --

15 MS. MIYAHIRA: I think it depends.
16 This is a five hour event. Usually we've had,
17 it depends on the year and the weather. So it
18 usually fluctuates between 5,000 and 10,000
19 people. Last year was actually a lighter
20 year. It was a very hot day, we held it in
21 early June.

22 MEMBER SILVERSTEIN: Can you speak

1 up, or speak into the mic?

2 MS. MIYAHIRA: Sure. It
3 fluctuates between 5,000 and 10,000 people
4 depending on the weather. And last year was
5 very hot. It was early June, so that's hence
6 we've moved it to September.

7 And so we've had as high levels of
8 attendance as 10,000, but we've also had lower
9 levels at 5,000.

10 MR. CHERNER: And the beverage
11 pavilion itself, the most number of sales that
12 we've had in that pavilion are 1,000 of the
13 three ticket pack.

14 So we've never had more than 1,000
15 people over the five hours within that
16 beverage pavilion. So an average of about 150
17 people in the pavilion at any given time at a
18 maximum.

19 The other thing that we have done
20 is we've sort of turned the MPD officers on
21 site that day and said if you need us, if you
22 think that we're getting close to where it's

1 too many people, let us know and we'll hold
2 the line and we'll do it one in and one out at
3 that point

4 CHAIRPERSON MILLER: Okay.

5 MEMBER SILVERSTEIN: So if I may
6 ask, the max number that you've had in the
7 pavilion at one time is about --

8 MR. CHERNER: Approximately 150,
9 yes.

10 MEMBER SILVERSTEIN: And the max
11 number of people you have at the event at one
12 time would be? Because obviously you're not
13 having the entire crowd there the entire time.
14 And obviously some people leave, other people
15 show up.

16 What, you know, that makes it
17 difficult for us to figure how many security
18 if it's a longer event.

19 MS. MIYAHIRA: I don't know, I
20 can't say how many exactly would be at any
21 given time at the event. We do have 11
22 Recreational Detail Officers that we have on

1 board for this event.

2 MEMBER SILVERSTEIN: But what do
3 you assume would be the largest --

4 MS. MIYAHIRA: Number of people at
5 any time?

6 MEMBER SILVERSTEIN: -- number of
7 people at the event at its peak?

8 MS. MIYAHIRA: Probably about
9 1,000 to 1,500 people, per se. I mean, you
10 know, and they're meandering through, I don't
11 know the distance, but there's about 30 to 35
12 tasting booths. They're separate from the
13 wine and beer pavilion.

14 MEMBER SILVERSTEIN: Okay. Mr.
15 Alberti? Oh, I'm sorry.

16 CHAIRPERSON MILLER: I think you
17 have 16 security written on your application,
18 but I thought I heard you just say 11 MPD?

19 MR. CHERNER: Eleven MPD detail,
20 and then we always have two members at the
21 door that are our normally evening security
22 that were at Mei N Yu and now at Bourbon that

1 do the ID check.

2 And then we have two that rotate
3 in to relieve them at different points. And
4 then we have myself and our ABRA manager that
5 have both handled those situations when we
6 were running restaurants.

7 So that's where I got to that 15
8 number was the people that weren't MPD
9 detailed, but they're still sort of part of
10 team of security if that makes sense.

11 CHAIRPERSON MILLER: Okay, and
12 this number, is this the same, this security
13 number, is this the same as last year and the
14 years before?

15 MR. CHERNER: I believe it's the
16 same as last year. I'm not sure of the years
17 prior to that.

18 CHAIRPERSON MILLER: Okay. And do
19 you remember how you arrived at that number
20 last year?

21 MR. CHERNER: For?

22 CHAIRPERSON MILLER: For 16. You

1 know, did you confirm with MPD, is this what
2 the Board ordered you last year? Or do you
3 recall how you got to that number?

4 MR. CHERNER: You know, I've
5 always listed it in sort of our packet when
6 we've had the questions, and always sort of
7 mentioned it when I've been asked to sort of
8 go through the questionnaire. I don't
9 remember the Board ever asking if it was
10 enough or not in the past.

11 We've always talked about making
12 sure it was the risk management, the cups for
13 water were different than the beverage. I
14 don't remember that being something that we
15 had discussed.

16 CHAIRPERSON MILLER: Okay.

17 MS. MIYAHIRA: Yes, and our
18 operations director is not here today, John
19 Weavenson. He does confer with MPD on the
20 entire, of course, event security.

21 CHAIRPERSON MILLER: Who is that?

22 MS. MIYAHIRA: John Weavenson, our

1 operations director at the Georgetown Bid.

2 CHAIRPERSON MILLER: Okay.

3 MS. MIYAHIRA: He could not be
4 here today.

5 CHAIRPERSON MILLER: Okay. All
6 right. Other questions? Mr. Alberti?

7 MEMBER ALBERTI: Welcome back. I
8 thought I recognized you before, but I didn't
9 think it was Bourbon. So now I understand.

10 MR. CHERNER: No, not a problem.

11 MEMBER ALBERTI: So the alcohol is
12 contained in that one service area, right?

13 MR. CHERNER: Yes.

14 MEMBER ALBERTI: Consumption and
15 service. So that's my most concern. So how
16 large is that area?

17 MS. MIYAHIRA: It's about 100
18 feet?

19 MR. CHERNER: Yes, I believe it's
20 about 100 feet wide, and about 30 feet across.

21 MEMBER ALBERTI: Okay, so --

22 MR. CHERNER: And I mean, the

1 idea, the other thing, I don't know if it's
2 mentioned in any of the stuff that you have
3 behind your desk is the tastings are basically
4 the price of one drink for three tasters.

5 The idea is when people leave our
6 pavilion to have a taste of things, that
7 they'll go get the food for the food booths
8 that are outside of that pavilion, and then
9 hopefully service the Georgetown businesses
10 for drinks throughout the day for full
11 consumption of beverages.

12 MEMBER ALBERTI: Right.

13 MR. CHERNER: So it's just
14 supposed to be a tasting area during the
15 festival.

16 MEMBER ALBERTI: Okay, so will
17 they bring food in?

18 MR. CHERNER: They can bring food
19 in with them, but they can't take the drinks
20 out.

21 MEMBER ALBERTI: Yes, okay. So
22 just on that, the northern edge of that

1 there's additional fencing there that fences
2 this in, this area in, right?

3 MS. MIYAHIRA: There's fencing
4 around the entirety.

5 MEMBER ALBERTI: Entirety, okay.

6 MS. MIYAHIRA: Exactly.

7 MEMBER ALBERTI: So look, so you
8 mentioned that you have two people at the
9 entrance at all times, checking IDs. What
10 other security do you have, you know, just
11 like in one of your establishments because
12 people at the door, you have security inside.
13 What are your plans for that?

14 MR. CHERNER: So we always have, I
15 guess, a total of six people at the beverage
16 pavilion, two MPD detail at the front, two ID
17 checkers at the front, myself and an ABRA
18 manager inside the pavilion, and a roaming.

19 MEMBER ALBERTI: Okay.

20 MR. CHERNER: So at the point
21 itself, there's all of us there.

22 MEMBER ALBERTI: So you answered

1 my other question. So two MPD will be
2 actually there to monitor the --

3 MR. CHERNER: Yes.

4 MEMBER ALBERTI: All right, I have
5 no further questions. Thank you.

6 MEMBER RODRIGUEZ: Just curious,
7 I'm new on the Board, have you ever had any
8 incidents in the programs?

9 MR. CHERNER: There was an
10 incident the year before I took over the
11 beverage pavilion. I was doing sort of one of
12 the restaurant booths. And there was, at the
13 time it was more of an open tasting, and it
14 was inside the --

15 MS. MIYAHIRA: The lawn at the
16 Grace Church, the pavilion, yes.

17 MR. CHERNER: The lawn of Grace
18 Church. And so it was more of a showcase for
19 the local beer and winemakers, and there
20 wasn't really control from our end on top of
21 it.

22 And that's when I took over and we

1 said let's have the pavilion separate, and
2 also raises some more funds with the tasting
3 tickets for the charity organization.

4 MEMBER RODRIGUEZ: Okay.

5 MR. CHERNER: So we haven't had an
6 incident since then.

7 MEMBER RODRIGUEZ: Good, good.

8 CHAIRPERSON MILLER: Others? I
9 just want to clarify, in your booth, you're
10 serving beer and wine, is that it?

11 MR. CHERNER: Yes.

12 CHAIRPERSON MILLER: And not any
13 other drinks, not even non-alcoholic, just
14 beer and wine, right?

15 MR. CHERNER: We always have water
16 on hand in case someone needs it. But we
17 don't, I think, is it Whole Foods that does
18 the water sales?

19 MS. MIYAHIRA: They won't be doing
20 water this year. But yes, we'll usually have
21 water, bottled water available. People don't
22 have to purchase that.

1 CHAIRPERSON MILLER: Even for
2 free?

3 MR. CHERNER: Yes, I mean --

4 MS. MIYAHIRA: If something
5 happens, sure.

6 MR. CHERNER: -- we have it ready
7 if we need it. We have water for, like, the
8 staff. And if anyone ever needs water, we
9 hand it out to the guests.

10 MS. MIYAHIRA: And there's a first
11 aid tent nearby for the event --

12 CHAIRPERSON MILLER: There's a
13 what?

14 MS. MIYAHIRA: A first aid tent.

15 CHAIRPERSON MILLER: First aid?

16 MS. MIYAHIRA: Yes.

17 CHAIRPERSON MILLER: Okay, great.
18 Okay. Mr. Peru?

19 INVESTIGATOR PERU: Just a couple
20 questions. The \$10, is that entry fee for the
21 whole event, or just for the alcohol pavilion?

22 MR. CHERNER: No, that's just for

1 the alcohol pavilion. It's not an entry fee,
2 it's \$10 for three tasting tickets.

3 INVESTIGATOR PERU: So you get
4 tickets, and so all you can have is three
5 samples?

6 MR. CHERNER: Right. You can
7 purchase three more tickets if you wanted to
8 have, we don't limit people to one set of
9 three tickets.

10 INVESTIGATOR PERU: Okay, okay.

11 MR. CHERNER: But we do have, like
12 I said, the ABRA people on hand, sorry, ABRA
13 managers on hand to make sure that there's no
14 over service.

15 INVESTIGATOR PERU: So it's three
16 tastings per \$10. Okay.

17 MR. CHERNER: Correct.

18 INVESTIGATOR PERU: And so are you
19 guys pre-selling tickets, or at the door, or
20 how is this working?

21 MS. MIYAHIRA: Yes, there are pre-
22 sells online at TasteofGeorgetown.com.

1 INVESTIGATOR PERU: So everyone
2 that shows up is going to be ID'd on site for
3 the --

4 MR. CHERNER: Correct. No one's
5 allowed in the pavilion that's under 21. And
6 you have to have 100 percent ID. So we have
7 had some issues with some older guests that
8 don't bring ID, but we explain to them that we
9 need to have an ID as part of sort of what we
10 tell the Board that we're going to do for the
11 event.

12 INVESTIGATOR PERU: And I
13 understand it's contained by a fence, but are
14 they getting wrist bands before they enter, or
15 how is this --

16 MR. CHERNER: Yes, at the ID check
17 we do wrist bands as well.

18 INVESTIGATOR PERU: Wrist bands,
19 is there a color of the wrist band?

20 MR. CHERNER: I'm not sure yet.
21 We haven't ordered the wrist bands yet. But
22 it'll be one color. It will be one set of

1 wrist bands for the entire event.

2 INVESTIGATOR PERU: For the entire
3 tasting pavilion? Okay.

4 MR. CHERNER: For the beverage
5 pavilion. Yes, there's no --

6 INVESTIGATOR PERU: Okay.

7 MR. CHERNER: The event on the
8 street is open. There's no fencing for the
9 actual Taste of Georgetown event.

10 INVESTIGATOR PERU: Okay, okay.
11 So it's going to be just a solid color.
12 You're not sure what that's going to be
13 exactly yet?

14 MR. CHERNER: No.

15 INVESTIGATOR PERU: Okay.

16 MR. CHERNER: And we were told in
17 the past to use the tape wristbands because we
18 were told that's better than the ones with the
19 clip because they can be stretched off and
20 onto people's wrists. We normally get the
21 tape, the paper and tape ones so that --

22 INVESTIGATOR PERU: Who's

1 providing the alcohol for this event?

2 MR. CHERNER: We're in talks right
3 now with a couple of our people as wine
4 purveyors, as we've worked with draft
5 distilleries mainly through premium
6 distributors in the past.

7 INVESTIGATOR PERU: Okay. And do
8 you know when the alcohol is going to be
9 delivered?

10 MR. CHERNER: So I think I had put
11 in that we had requested that we could get the
12 alcohol on Friday so we could chill it
13 overnight for the event on Saturday.

14 INVESTIGATOR PERU: So the event
15 on the outskirts is all ages, correct? It's
16 a family event, the taste?

17 MS. MIYAHIRA: Correct, yes.
18 Right.

19 INVESTIGATOR PERU: Okay. And are
20 your ID checkers tip certified?

21 MR. CHERNER: Yes.

22 INVESTIGATOR PERU: And that's all

1 I have, Madam Chair.

2 CHAIRPERSON MILLER: Okay, do you
3 have any concerns about the security or
4 anything?

5 INVESTIGATOR PERU: No. You know,
6 they mentioned 16, I mean, 11 MPD detail. You
7 know, I see MPD's going to be closing the
8 street. So you're saying that you're going to
9 have 16 total for the whole event. That's
10 including the pavilion, correct? Did I
11 misunderstand that?

12 MR. CHERNER: Correct, 11 MPD and
13 then five of our staff.

14 INVESTIGATOR PERU: Then five of
15 your guys.

16 MR. CHERNER: And so for the
17 actual beverage pavilion, we'll have our five
18 plus the two MPD that are stationed at the
19 front entrance to the alcohol pavilion.

20 INVESTIGATOR PERU: Okay.

21 CHAIRPERSON MILLER: Okay, good.
22 Thank you. All right, any other questions?

1 All right. You have a good track record, and
2 I appreciate your going over the details with
3 us here.

4 And I'm going to move that we
5 approve this application. Do I have a second?

6 MEMBER RODRIGUEZ: Second.

7 CHAIRPERSON MILLER: Mr. Rodriguez
8 seconded the motion. All those in favor, say
9 aye.

10 (Chorus of ayes)

11 CHAIRPERSON MILLER: All those
12 opposed?

13 (No audible response)

14 CHAIRPERSON MILLER: All those
15 abstaining?

16 (No audible response)

17 CHAIRPERSON MILLER: Motion passes
18 five, zero, zero. Okay.

19 MS. MIYAHIRA: Thank you.

20 CHAIRPERSON MILLER: Have a great
21 event. We'll get this back to you.

22 MS. MIYAHIRA: Thank you very

1 much.

2 MR. CHERNER: September 13th, we
3 hope to see you there.

4 (Whereupon, the hearing in the
5 above-entitled matter was concluded at 10:10.)

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