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

11:47 a.m.

CHAIRPERSON MILLER: The next fact finding hearing is for James Michael Babin on behalf of Neighborhood Restaurant Group VII, LLC. The Neighborhood is 945 Florida Avenue, NW. Hi.

MR. BABIN: Hi.

CHAIRPERSON MILLER: Sorry we're running a little bit behind.

MR. BABIN: It's all right.

CHAIRPERSON MILLER: Okay. Would you introduce yourselves for the record please?

MR. BABIN: Michael Babin.

MR. BERGMAN: And I'm Erik Bergman, the director of operations for Neighborhood Restaurant Group, restaurants that we're --

CHAIRPERSON MILLER: I'm sorry, I missed your name.

MR. BERGMAN: Erik Bergman.

1 CHAIRPERSON MILLER: Will you
2 spell your last name?

3 MR. BERGMAN: Sure. B-E-R-G-M-A-
4 N.

5 INVESTIGATOR GHENENE: ABRA
6 Investigator Abyie Ghenene.

7 CHAIRPERSON MILLER: Okay, great.
8 Great, okay. Now, what this looks like to me,
9 and I think that you can probably characterize
10 it better, but you're affiliated with the new
11 Brooklyn Flea Market.

12 MR. BERGMAN: That's right.

13 CHAIRPERSON MILLER: Okay.

14 MR. BERGMAN: I guess they're
15 calling it District Fleas. It's the --

16 CHAIRPERSON MILLER: Now are they
17 calling it District?

18 MR. BERGMAN: -- location there.
19 Would you like some, I've prepared some --

20 CHAIRPERSON MILLER: Sure.

21 MR. BERGMAN: -- materials for
22 you.

1 (Off the record comments)

2 CHAIRPERSON MILLER: I heard it
3 was crowded last week.

4 MR. BABIN: It was.

5 CHAIRPERSON MILLER: That' great,
6 that's great. Okay, so I'm not clear as to
7 how this application falls within a flea
8 market, I guess. Is it separate, is it part
9 of it, is it --

10 MR. BERGMAN: Yeah, so it's a part
11 of it. If you want to look at the site plan,
12 I'll refer to that, just give you a little bit
13 of a layout there.

14 The flea market is exactly that.
15 It's a number of vendors selling wares from
16 antique furniture to jewelry, all manner of
17 things. And then to one side is a food and
18 beverage area, mainly food, I should say.

19 So the green tents that you see,
20 or the green squares, represent tents that
21 will be food vendors from all different parts
22 of the city.

1 Part of our restaurant group, Red
2 Apron Butchery, will be serving hot dogs,
3 specialty artisanal hot dogs there for
4 instance, so a number of different food
5 vendors, as you see.

6 And then Michael had met with the
7 organizers of the event awhile back and we
8 talked about the idea of offering some beer at
9 the event, being that one of our specialities
10 is craft beer. So we explored that
11 possibility and thought it might be a good fit
12 for a nice kind of afternoon event out and
13 about shopping.

14 CHAIRPERSON MILLER: Okay. This
15 is just like the last one with my question
16 here.

17 MR. BERGMAN: Yeah?

18 CHAIRPERSON MILLER: Neighborhood
19 Restaurant Group, are you a vendor of the
20 District Flea Market or are you --

21 MR. BERGMAN: We would be a vendor
22 of the flea market, correct.

1 CHAIRPERSON MILLER: Okay, okay.
2 Just selling beer?

3 MR. BERGMAN: Just beer, that's
4 correct.

5 MR. BABIN: There are ten food
6 tents. As Erik mentioned, one of those is
7 another one of our companies. And so there
8 would be one, we would run one beer tent.
9 Other beverages are available all the way
10 across the food tents. They're non-alcoholic.

11 CHAIRPERSON MILLER: Right, okay.
12 So you would be the only alcoholic vendor?

13 MR. BERGMAN: That's correct.

14 CHAIRPERSON MILLER: And you would
15 only sell beer?

16 MR. BABIN: Only beer.

17 MR. BERGMAN: That's right.

18 CHAIRPERSON MILLER: Have you done
19 this in a similar situation?

20 MR. BABIN: We've done this at a
21 variety of different outdoor events in the
22 City, in Alexandria, in Arlington, sometimes

1 in separate locations, sometimes in outdoor
2 locations that are adjacent to our businesses.

3 This is a unique situation in that
4 we are going to be part of a much larger event
5 that is not a beer-focused event. When we put
6 these things on, we normally are having like
7 Oktoberfest or the big event last year that I
8 think we'll be talking to you about soon
9 called Snallygaster, which was a great success
10 last year on the waterfront in Yards Park.

11 So we're very familiar with all of
12 the issues that go into this type of service.
13 What's different in this case is the scale of
14 what we're doing is very, very small in the
15 context of a much larger event that is really
16 a draw for the retail component, where food
17 and beverage is an ancillary thing and not the
18 star of the show.

19 CHAIRPERSON MILLER: Okay. I was
20 trying to skim this. But I just may have to
21 ask a question again.

22 MR. BERGMAN: That's fine. Yeah,

1 I just wanted you to be able to refer to if
2 you weren't talking.

3 CHAIRPERSON MILLER: Okay. So how
4 are you going to check IDs or --

5 MR. BERGMAN: Sure. We're going
6 to have -- I myself will be onsite. So I also
7 have two other licensed ABRA managers that
8 will be serving with me, bartenders at one of
9 our establishments, Birch and Barley, down the
10 street, as well as our beer director, who
11 curates all of our list.

12 So between myself and my two
13 bartenders, we'll be IDing at the site of
14 purchase, wrist banding for those folks for
15 identification later if they decide to come
16 back.

17 CHAIRPERSON MILLER: Do you have
18 TIPS training or anything like that?

19 MR. BERGMAN: Sure do.

20 CHAIRPERSON MILLER: Okay.

21 MR. BERGMAN: And all my
22 bartenders do as well.

1 CHAIRPERSON MILLER: Okay, what do
2 they get the beer served into, plastic cups or
3 bottles?

4 MR. BERGMAN: Plastic cups.

5 CHAIRPERSON MILLER: Plastic cups?

6 MR. BERGMAN: Yep.

7 CHAIRPERSON MILLER: Are they
8 going to be a certain color, are they --

9 MR. BERGMAN: They'll be clear.

10 CHAIRPERSON MILLER: Clear, so you
11 can see the beer in them?

12 MR. BERGMAN: That's correct.

13 CHAIRPERSON MILLER: Okay. And
14 are they going to be able to walk through the
15 flea market with a beer?

16 MR. BERGMAN: That was the
17 intention. If you look at the site map again,
18 the entire gray area is fenced. And so
19 there's three controlled access points there,
20 identified by the entrance there.

21 So we have signage as recommended
22 by the Board for all the exits. Our station

1 is actually directly in front of one of the
2 exits itself, plus there'll be employees at
3 the other entrances as well.

4 CHAIRPERSON MILLER: Okay.

5 MR. BERGMAN: Furthermore, the
6 flea market retains reimbursable MPD detail
7 for their security, for the crux of their
8 security, as well as a couple of just
9 independent doorman, basically, from some of
10 the restaurants to work the event, to make
11 sure that everything's --

12 CHAIRPERSON MILLER: Right, okay.

13 MR. BERGMAN: Both for theft from
14 other vendors as well as for any kind of an
15 issue that might arise from alcohol service,
16 whatever.

17 CHAIRPERSON MILLER: Okay. Is
18 this primarily to go, or do you have any
19 chairs or tables for people to sit and drink?

20 MR. BERGMAN: There are some
21 tables there for folks to gather around and
22 eat and just sit down for a minute.

1 MR. BABIN: We won't have any
2 seating that we're doing or that is directly
3 attached to the space. But there's an area
4 that's going to have some tables. And I
5 think, I'm not positive about this, but I
6 think they may actually have a few little
7 tables sprinkled around.

8 So people are milling through and
9 trying to see 100 different vendors in a few
10 hours. So it's really a walking event.

11 CHAIRPERSON MILLER: Okay. Others
12 have questions? Mr. Brooks?

13 MR. BROOKS: Oh, okay. Just
14 briefly, you say about 100 different vendors?

15 MR. BERGMAN: That's right.
16 According to the map, all the white squares
17 there represent different --

18 MR. BROOKS: So I'm trying to
19 picture exactly where you're located. Is this
20 across from Nellies?

21 MR. BERGMAN: It is, directly
22 behind the Floridian Building, so 9:30 Club,

1 Floridian and then this lot.

2 MR. BROOKS: Oh, oh. Further up,
3 oh, okay.

4 MR. BABIN: Yeah. I know the lot
5 you're talking about. It's actually up from
6 that. So it's north of the 9:30 Club

7 MR. BERGMAN: Straight off of W,
8 as W hits Florida.

9 MR. BROOKS: Okay. Because I was
10 trying to imagine how you can get 100 vendors
11 in that spot that I was thinking of.

12 MR. BERGMAN: Right, yeah.

13 MR. BROOKS: Okay, okay. All
14 right. Let me see if I had anything else.
15 And you're going to use, okay, now I see.
16 Okay, it makes sense. So you're using four
17 MPD reimbursable?

18 MR. BERGMAN: That's correct.

19 MR. BROOKS: Is that what you're
20 doing? Okay. And you plan on doing this in
21 the future also, don't you?

22 MR. BERGMAN: They're running for

1 at least five more weeks, I believe, or four
2 more weeks. I think we're planning on the
3 next three. We have the large event we were
4 just referring to on the 19th of October for
5 approval.

6 MR. BROOKS: You may not be able
7 to do it on the same day, yeah.

8 MR. BERGMAN: Yes.

9 MR. BROOKS: Okay. Because I
10 think we were thinking about, we got those
11 applications, I believe.

12 MR. BERGMAN: Okay.

13 MR. BROOKS: And we were
14 considering not bringing you back.

15 MR. BERGMAN: Oh, well, not that
16 we don't love being here.

17 (Laughter)

18 (Off the record comments)

19 MR. BROOKS: At least that's the
20 discussion. I leave that up to the Chairwoman
21 to decide how you want to do that.

22 CHAIRPERSON MILLER: I'm not

1 bringing them back as long as we don't hear
2 any terrible reports.

3 MR. BERGMAN: We're enjoying
4 ourselves, it's fun.

5 MR. BABIN: We'll stay here as
6 long as we need to.

7 MR. BERGMAN: And we'll be seeing
8 you again for the Snallygaster application as
9 well.

10 CHAIRPERSON MILLER: Oh, good.
11 Okay.

12 MR. BERGMAN: So it won't be for
13 long.

14 MR. BROOKS: Okay, all right.

15 CHAIRPERSON MILLER: Okay, others?

16 MR. ALBERTI: Yeah. I have just a
17 couple couple questions. First of all, I read
18 the article in the paper. It sounds like an
19 exciting concept.

20 MR. BERGMAN: Yes, it should be
21 fun.

22 MR. ALBERTI: So I wish you well.

1 And I understand why people want to have a
2 beer while they're walking around. So it's
3 great. But how big is this area?

4 MR. BERGMAN: Geez --

5 MR. BABIN: We did take a quick
6 scan of --

7 MR. BERGMAN: I'd call it a half
8 acre, if I'm looking at it.

9 MR. BABIN: It's pretty large.

10 MR. ALBERTI: It's pretty big.

11 MR. BABIN: It's pretty large,
12 right? It's a really good looking lot.

13 MR. ALBERTI: And the reason I ask
14 that is that you've got one small beer stand.
15 And yet, hopefully you understand, you're
16 assuming responsibility for a large area.

17 MR. BERGMAN: Yeah.

18 MR. ALBERTI: I think you know
19 that.

20 MR. BERGMAN: We do, we know that.

21 MR. ALBERTI: But it doesn't hurt
22 to remind you of that. So you've got two

1 entrances away from your beer stand. You're
2 responsible for people walking out with cups.
3 How are you going to manage that?

4 MR. BERGMAN: Yeah, we know.
5 We've spoken with the organizers of the event.
6 And that was precisely our concern as well.

7 So that's why they went ahead with
8 the reimbursable detail so that there is
9 actual presence, a police presence there that
10 is a little bit more than just someone
11 standing at the exit, so that this is seen as
12 a serious consideration for the organization.

13 MR. BABIN: Our biggest concern
14 before we saw the space was that the control
15 point would basically be 100 foot long open
16 space. But they actually have it fenced so
17 there are small areas through which people
18 have to come and go.

19 MR. ALBERTI: Oh, each of these
20 lines is a fence?

21 MR. BABIN: Yeah.

22 MR. BERGMAN: Each of those black

1 lines.

2 MR. ALBERTI: The perimeter fence

3 --

4 MR. BERGMAN: No. the perimeter
5 fence is all around.

6 MR. ALBERTI: Describe that fence
7 for me.

8 MR. BERGMAN: It's a chain link.

9 MR. ALBERTI: Okay. How high?
10 It's the usual, what we meant for the chain
11 link?

12 MR. BERGMAN: Yeah, it's not
13 something you can jump without being very
14 agile.

15 MR. ALBERTI: Yeah, I got you.
16 All right.

17 (Crosstalk)

18 MR. ALBERTI: And then probably
19 smaller fences in between them, you think.
20 What's the fencing --

21 MR. BERGMAN: The black places are
22 the breaks in the fencing, the black marks.

1 And along the green squares is the building,
2 the back of the building.

3 MR. ALBERTI: Okay. But these
4 interior lines, are those fencing?

5 MR. BERGMAN: No. That's just
6 pathways and walkways.

7 MR. ALBERTI: Oh, okay. All
8 right, okay. I can tell that.

9 MR. BABIN: Yeah. This is a
10 building, this is a side of a building.

11 MR. ALBERTI: So let me give you
12 concern and advice in the same sentence here.
13 Because MPD's not going to be watching out so
14 much for people walking out with a drink.
15 Their job, they've got bigger fish to fry.

16 MR. BERGMAN: Sure, okay.

17 MR. ALBERTI: The event
18 organizers, whoever they are, they're not your
19 employees. You need to impress upon them that
20 that's their responsibility.

21 MR. BERGMAN: Sure.

22 MR. ALBERTI: Because you're going

1 to get dinged.

2 MR. BERGMAN: Right

3 MR. ALBERTI: An inspector sees
4 someone standing outside that fence with a
5 drink, you're going to get dinged.

6 MR. BERGMAN: Sure.

7 MR. ALBERTI: So just instruct
8 them that that's upon their responsibilities
9 to watch people walking out. The people, you
10 know, it's a Saturday, Saturday morning,
11 people are going to want to just, oh, I
12 haven't finished. I want to leave.

13 MR. BERGMAN: And that's part of
14 why I wanted to be in attendance as well. I
15 have bartenders to go to pour beer. I was
16 planning on roaming the event to make sure
17 that things are --

18 MR. ALBERTI: And that's my other
19 question. You're going to have people with
20 wrist bands so you'll be able to identify
21 who's drinking. Will you have employees just
22 casually roaming the event?

1 MR. BERGMAN: There'll be
2 employees of the event as well, like I said,
3 myself. I'll be roaming as well.

4 MR. ALBERTI: So you're
5 coordinating with the event people --

6 MR. BERGMAN: That's correct.

7 MR. ALBERTI: -- to understand
8 that's part of their responsibility.

9 MR. BERGMAN: Absolutely. It was
10 our first concern as, as I said. We know the
11 implications for it.

12 MR. ALBERTI: I know. Okay, thank
13 you.

14 CHAIRPERSON MILLER: You have any
15 questions?

16 MALE PARTICIPANT: No.

17 CHAIRPERSON MILLER: I just have
18 one more question just to clarify, security.
19 When you say, Number 10, the number of
20 security, you say four MPD plus four private
21 security from our restaurants.

22 MR. BERGMAN: I guess I was

1 referring to doormen that we employ that check
2 IDs and do basic crowd control. We never
3 really get too out of hand at any of our
4 establishments. So generally it's just
5 checking IDs and making sure everyone's in a
6 good state of mind.

7 CHAIRPERSON MILLER: Okay. And
8 they could be roaming in there, whatever.

9 MR. BERGMAN: That's correct,
10 right.

11 CHAIRPERSON MILLER: Okay. And
12 then the MPD that you're referring is the
13 reimbursable detail hired by the whole event,
14 correct?

15 MR. BERGMAN: That's correct.

16 CHAIRPERSON MILLER: Okay. Mr.
17 Ghenene, do you have some questions, comments?

18 MR. GHENENE: Thank you very much.
19 And I apologize if these questions were
20 answered somewhere else.

21 MR. BERGMAN: No, that's okay.

22 MR. GHENENE: So you guys

1 mentioned that you guys wouldn't be offering
2 entertainment. But are the larger organizers
3 offering entertainment?

4 MR. BERGMAN: They're not.

5 MR. GHENENE: Okay.

6 MR. BERGMAN: Just food and
7 beverage. And then there're also just
8 stationary vendors.

9 MR. GHENENE: Got you. Along the
10 same line of questioning, you guys say that
11 you're going to have four MPD officers in
12 addition to four private security officers.
13 Are the larger group going to have security
14 officers as well?

15 MR. BERGMAN: They are all being
16 paid by the organization. We provided half,
17 they provided the MPD.

18 MR. GHENENE: So it's really four
19 security guards and four MPD for the entire --

20 MR. BERGMAN: That's correct.

21 MR. GHENENE: Okay.

22 MR. BERGMAN: Yep.

1 MR. GHENENE: But they answer to
2 you or they answer to who?

3 MR. BERGMAN: Well, my employees
4 will know me.

5 MR. GHENENE: No, security.

6 MR. BERGMAN: Security answers to
7 the organization.

8 MR. GHENENE: Okay. Next, are you
9 guys going to be serving spirits or just
10 strictly beer and wine?

11 MR. BERGMAN: Strictly beer.

12 MR. GHENENE: Strictly beer, okay.
13 Strictly beer?

14 MR. BERGMAN: Strictly beer, not
15 even wine.

16 MR. GHENENE: Okay. And how are
17 you going to control that? Is that ticket
18 sales? Is it tastings? Is it all you can
19 drink?

20 MR. BERGMAN: Oh, no. It's just
21 ala carte service. Generally, part of our
22 offering at all of our restaurants is a half

1 glass or a full glass pour. So it'll be the
2 same with this.

3 MR. GHENENE: So is it you pay per
4 half a glass or is it your bracelet entitles
5 you to --

6 MR. BERGMAN: No. You pay ala
7 carte.

8 MR. GHENENE: I got you, yeah.

9 MR. BERGMAN: The bracelet just
10 tells us you're 21.

11 MR. GHENENE: Okay, good.

12 MR. BERGMAN: And it's not
13 inexpensive beer. These are all --

14 MR. BABIN: Yeah.

15 (Laughter)

16 MR. GHENENE: I got you. And you
17 indicated here that you're requesting sales
18 and operation from 10:00 to 5:00?

19 MR. BERGMAN: That's correct.

20 MR. GHENENE: What are the hours
21 of the market?

22 MR. BERGMAN: The same.

1 MR. GHENENE: The same?

2 MR. BERGMAN: Yeah. I'd be hard
3 pressed to say that we'd be serving beer at
4 10:00. We'll probably get there --

5 MR. GHENENE: I got you.

6 MR. BERGMAN: -- and get set up
7 and all that stuff.

8 MR. GHENENE: You've got to be
9 prepared, right?

10 MR. BERGMAN: Hey, you never know.
11 It is Saturday, right.

12 MR. GHENENE: And then finally, I
13 just read in the summary about the District
14 Flea, you indicated that in the first week
15 thousands of these new residents came there.
16 How did you guys arrive at four security
17 guards if thousands of people came?

18 MR. BERGMAN: Yeah, this is a
19 little bit of a PR match-up.

20 MR. GHENENE: I got you.

21 MR. BERGMAN: So I think that it
22 might have been a little overstated for what

1 the first week was expected. And again, I
2 don't know the last flea market you went to,
3 but it was pretty in control.

4 MR. GHENENE: Well, I asked the
5 question. But in that regard, are you guys
6 using, since we have three entrance locations,
7 is anyone using clickers to keep track.
8 Because it might be time to get another
9 security guard there.

10 MR. BERGMAN: We hadn't planned on
11 it but certainly can. That's not a problem at
12 all.

13 MR. GHENENE: Okay. And then
14 finally, since you guys said that these are
15 all craft beers, will you guys be selling
16 them? Like if someone says, oh, this is
17 pretty good. Can I get a six pack? Are you
18 guys going to be selling it to go?

19 MR. BERGMAN: Oh, it's all draft.

20 MR. GHENENE: Strictly --

21 MR. BERGMAN: No bottles.

22 MR. GHENENE: No growlers.

1 MR. BERGMAN: No growlers or
2 anything like that.

3 MR. GHENENE: Okay, that's it.
4 Thank you.

5 MR. BERGMAN: Thank you.

6 MR. BABIN: Thank you, Mr.
7 Ghenene.

8 CHAIRPERSON MILLER: Okay, any
9 other questions?

10 MR. ALBERTI: No.

11 CHAIRPERSON MILLER: All right.
12 Then I would move that we approve this
13 application for this coming Saturday. That's
14 what we have in front of us. And I approve
15 this application.

16 MR. BERGMAN: Thanks.

17 MR. BABIN: Thank you.

18 CHAIRPERSON MILLER: See how you
19 do.

20 MR. BERGMAN: Okay, thanks.
21 Hopefully we'll see you out there.

22 CHAIRPERSON MILLER: Hopefully you

1 just might. I do want to check that out
2 actually. Yeah, and then we'll deal with your
3 other applications, hopefully without your
4 coming in again.

5 MR. BERGMAN: Sounds great.

6 CHAIRPERSON MILLER: Okay.

7 MR. BERGMAN: Excellent. Thanks
8 so much for your time, appreciate it.

9 CHAIRPERSON MILLER: Okay, thank
10 you. Have fun.

11 (Whereupon, the hearing in the
12 above-entitled matter was concluded at 2:04
13 p.m.)

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