

1

2

GOVERNMENT OF THE DISTRICT OF COLUMBIA

3

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

4

ALCOHOLIC BEVERAGE CONTROL BOARD

5

- - - - -X

6

IN THE MATTER OF: :

7

Pub Crawl :

8

Applicant: Christine Benner :

9

Date of Event: Dec. 31, 2015 : Fact Finding

10

Event: Lindy Promotion, LLC : Hearing*

11

(New Year's Eve Bar Crawl) :

12

Neighborhood: Multiple :

13

Licensed Premises :

14

Size of Event: 500 to 1500 :

15

- - - - - X

16

Wednesday, December 9,

17

2015

18

19

Whereupon, the above-referenced matter

20

came on for hearing at the Alcoholic Beverage

21

Control Board, Reeves Center, 2000 14th Street,

22

N.W., Suite 400S, Washington, D.C. 20009.

OLENDER REPORTING, INC.

1100 Connecticut Avenue N.W., #810, Washington, D.C. 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1

2

3

4 CHAIRPERSON:

5 DONOVAN ANDERSON, Presiding

6

7 BOARD MEMBERS:

8 NICK ALBERTI

9 JAMES SHORT

10 RUTHANNE MILLER

11 MIKE SILVERSTEIN

12

13 ALSO PRESENT:

14 KEVIN PUENTE, ESQ.,

15 On behalf of ABRA

16 CHRISTINE BENNER, ESQ.,

17 On behalf of the Licensee

18

19

20

21

22

1 [11:00 a.m.]

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

3 CHAIRMAN ANDERSON: We're back in
4 session. I apologize for I said 10 minutes. But
5 I didn't realize that our 10 minutes ran into a
6 much longer period.

7 The Board is back in session. There are
8 three members current so we do have a quorum.
9 And the other two members will join us shortly.

10 The next case that we're calling is a
11 fact finding case. Pub Crawl, Lindy Promotions.
12 Could the parties please step forward.

13 Can you identify your name for the
14 record, please, and spell it.

15 MS. BENNER: Sure. Christine Benner,
16 Lindy Promotions, C-h-r-i-s-t-i-n-e. Benner, B-
17 e-n-n-e-r.

18 INVESTIGATOR PUENTE: Investigator Kevin
19 Puente, P-u-e-n-t-e.

20 CHAIRMAN ANDERSON: Thank you. As you
21 know, Ms. Benner, you were here earlier this
22 morning. The Board had a fact finding hearing

1 regarding there were three promoters regarding a
2 pub crawl event that occurred on Halloween night.
3 Your organization participated. It was approved
4 by the Board. And so we're not saying that you
5 did anything wrong in that. But you were
6 approved by the Board to participate in that
7 event.

8 However, one of the major concerns that
9 came up during that promotion is that the Board
10 had approved your event for 3,000, and you
11 basically doubled the amount which clearly, as
12 you heard earlier, Halloween was a perfect storm.
13 Everything that could have gone wrong went wrong.

14 We had the testimony from the commander
15 who talked about that all the extra resources
16 that had to be brought in the area. I'm not
17 saying that your organization was completely
18 responsible for it, because it was a holiday
19 weekend and it was also Halloween. But you were
20 approved for an event and you did not abide by
21 the rules and the regulations that were
22 established. And, at least in my view, you did

1 not provide us with a plausible, appropriate
2 response while you doubled your event.

3 And so, with that said, I am recommending
4 to the Board that we not -- and also, you're
5 asking for New Year's Eve which, again, is a
6 perfect storm, and it's so close after Halloween
7 which is a perfect storm -- so my recommendation
8 to the Board is that we not approve this event
9 for Halloween. And it's based on the fact that
10 it's -- based on what happened on Halloween and
11 based on the numbers, I just cannot fathom
12 doubling your event.

13 I mean, if you had informed me that this
14 happened -- I know that you said you called the
15 bars. But, I think at least, if you gave us some
16 proof that you spoke to someone in ABRA, informed
17 of us the major errors that occurred, I think
18 that that would be more plausible. So my
19 recommendation is to recommend to the Board that
20 we not approve this one. That does not close you
21 from applying for others. But I just think
22 because it's Halloween and this is New Year's,

1 that in this particular case, that's my
2 recommendation.

3 MR. SILVERSTEIN: I second that, Mr.
4 Chairman.

5 MR. SHORT: I agree with that, Mr.
6 Chairman.

7 MR. ALBERTI: Can we allow Ms. Benner
8 before we --?

9 CHAIRMAN ANDERSON: And so, if you have
10 anything to add, you can, please.

11 MS. BENNER: Yeah. We definitely do
12 agree that the Halloween bar crawl was the
13 perfect storm. There were more people and we do
14 take fault by that and I do apologize for that.

15 This bar crawl, we would be limiting the
16 number to closer to 500 people. New Year's Eve
17 is more of a one-bar holiday where customers like
18 to go to one spot, kind of check in for that
19 night and have the ball drop there and be with
20 their friends where a lot of places do open bars.
21 So we don't expect to have anywhere in the number
22 of people that we had for the Halloween one. So

1 we would definitely be limited to that.

2 We would also, now moving forward, know
3 that we should definitely be more in contact with
4 the Board and letting you guys know any changes
5 that happen, as well as with the Metro PD, making
6 sure that we're all working together as a team
7 moving forward so that we don't have anything
8 that happens similar to what we just went through
9 at the last meeting.

10 MR. ALBERTI: May I just say something?

11 CHAIRMAN ANDERSON: Sure. Go ahead.

12 MR. ALBERTI: I thought I had after our
13 fact finding. So this is to you. This is to the
14 BID. This is to anyone in the audience.

15 Hindsight's always wonderful. But I'm
16 kicking myself for having approved any bar crawls
17 on Halloween on that particular weekend. I
18 should have known better. So I will assume some
19 responsibility as a person who approved it. But
20 I will be mindful of that in the future and my
21 apologies to the BID.

22 CHAIRMAN ANDERSON: All right. So there

1 is a motion --

2 MR. SILVERSTEIN: I second.

3 CHAIRMAN ANDERSON: Yeah. Mr.

4 Silverstein has seconded the motion. Those in
5 favor say aye.

6 [Chorus of ayes.]

7 CHAIRMAN ANDERSON: The motion passes
8 five, zero, zero.

9 MS. MILLER: Can I make a comment?

10 CHAIRMAN ANDERSON: Yes, Ms. Miller.

11 MS. MILLER: I just want to say to Ms.

12 Benner that I think it was a very serious glitch
13 -- if you call that a glitch -- 3,000 people,
14 regardless of what else was happening and that I
15 think that your company has a pretty good record.
16 But it really needs to revisit how it deals with
17 public safety issues and notification issues.

18 MS. BENNER: Okay. Thank you.

19 MS. MILLER: Thank you.

20 CHAIRMAN ANDERSON: Yes, Mr. Silverstein.

21 MR. SILVERSTEIN: Very briefly, there are
22 three reasons why I voted as I did, the first

1 which is the scope of the error that you made on
2 Halloween; 3,000 additional people unquestionably
3 made things worse.

4 As far as the law is concerned, 25-115,
5 this is a temporary license by law. And we can
6 deny it. And we are to deny it if, under Section
7 D, if the applicant has failed to control the
8 environment of a previous event associated with a
9 temporary license or has sustained community
10 complaints or police action, the Board may deny
11 the license application. It is based on that
12 that I voted to do so.

13 And the third reason is simply the danger
14 of New Year's Eve that I do not ever want to
15 second guess myself on anything like this. And
16 I'd also like to take this opportunity to thank
17 Investigator Puente for an outstanding job in
18 helping us understand what happened in these
19 cases.

20 INVESTIGATOR PUENTE: Thank you.

21 MR. SILVERSTEIN: Thank you, Mr.

22 Chairman.

1 CHAIRMAN ANDERSON: All right. Thank
2 you.

3 MR. SHORT: Also, I'd like to go on the
4 record and thank Investigator Puente, also, for
5 an excellent job on his reporting. Pictures
6 speak volumes as to what occurred out there. And
7 to the BID, I'd also like to say we thank you for
8 the hard work you do down in DuPont Circle. And
9 we're going to do a lot more, if we can, to help
10 you out with these situations so that this
11 doesn't occur again. Thank you, Mr. Chairman.

12 [Whereupon, at 12:16 p.m., the
13 above-entitled matter concluded.]