

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)	
Charity Events LLC)	Case No.: N/A
Event: All You Need is Love Bar Crawl)	License No: N/A
Event Date: February 13, 2016)	Order No: 2016-027
Application for a Pub Crawl)	

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ALSO PRESENT: Charity Events LLC, Applicant

Eugene Craig, on behalf of the Applicant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING PUB CRAWL APPLICATION

INTRODUCTION

The Alcoholic Beverage Control Board (Board) denies the Pub Crawl Application filed by Charity Events LLC (Applicant), because the proposed plan does not ensure public safety.

Procedural Background

The Applicant filed a Pub Crawl Application (Application) on December 31, 2015. The Board held a fact finding hearing related to the Application on January 14, 2016.

FINDINGS OF FACT

The Board, having considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board's official file, makes the following findings:¹

1. The Applicant requested approval to host a pub crawl on February 13, 2016. *Pub Crawl Application*, Charity Events LLC, 1 (rec. Dec. 31, 2015). The Applicant proposed including various establishments on M Street, N.W., neighborhood, which include: Sign of the Whale, M Street Bar and Grill, Rumors, Recessions Bar and Grill, Ozio Bar, Cities, 1831 Bar & Lounge (1831 Bar), Parlay, and Dirty Martini. *Id.* at 2. 1831 Bar will operate as the event's registration area. *Id.* 1831 Bar has an occupancy of 100.
2. In the Application, the Applicant indicated that he expected 5,000 people to attend, and indicated that the maximum number of attendees would be 7,500 people. *Id.* The event would operate from 4:00 p.m. to 12:30 a.m. *Id.* Participants may register at the event or 48 hours before the event. *Id.* at 2.
3. The Applicant's security plan is one paragraph and one sentence long. *Id.* The Applicant indicated that it would designate special police officer Khial Fletcher as the head of security, assign one staff member to each establishment, and hire five additional individuals to "boost" security and clean up the area. *Id.* at 2.

CONCLUSIONS OF LAW

4. The Board denies the Application because the Applicant has not demonstrated that the event has taken reasonable steps to ensure public safety. "[A] 'pub crawl event' shall be defined as an organized group of establishments within walking distance which participate in the promotion of the event featuring the sale or service of alcoholic beverages during a specified time period." *Notice of Emergency and Proposed Rules*, § 712.3 (Jan. 13, 2016) [*Emergency Rulemaking*]. A pub crawl event that involves 200 or more individuals requires the approval of the Board. *Id.* at § 712.26.
5. "The issuance of a pub crawl license shall be solely in the Board's discretion." *Id.* at § 712.18. "When reviewing an application for a pub crawl license, the Board may consider the Applicant's conduct and management of previous pub crawl events." *Id.* at § 712.21. "The Board may place restrictions upon the hours, participating licensed establishments, and the number, nature or size of pub crawl events held under a pub crawl license in order to protect public safety." *Id.* at § 712.19
6. In this case, the Applicant's one paragraph and one sentence length security plan is woefully insufficient for a possible crowd of 7,500 people. *Supra*, at ¶¶ 2-3. The Board is not convinced that the M Street, N.W., neighborhood has large enough sidewalks to absorb the proposed crowd or that the Applicant has ensured a sufficient security or police presence to guarantee that appropriate levels of crowd control will occur. *Supra*, at ¶ 3. Furthermore, the Applicant does not have a sufficient track record to demonstrate that it can handle this type of

¹ The transcript of this hearing was not available at the time of writing; therefore, not all facts were able to be cited in this Order.

large event. Finally, based on the minimal operational and security plan presented to the Board, the Board is not in a position to impose conditions to alleviate the problems presented by the Application. *Supra*, at ¶ 2.

7. The Board is also concerned by the Applicant's proposed participant registration plan. The planned registration location is 1831 Bar, which has a total occupancy limit of approximately 100 persons. *Supra*, at ¶ 1. During the hearing, the Applicant admitted that the registration location does not have sufficient capacity to accommodate all registrants on the day of the event. In order to mitigate overcrowding at registration, the Applicant proposed allowing participants to register early and acquire event materials at least 48 hours before the event. *Supra*, at ¶ 2. Consequently, participants that register early could potentially participate in the event without having their identification checked by staff on the day of the event. This would allow a person to freely transfer event materials to an unregistered person, including a person under the age of 21, without the knowledge of staff. In light of these facts, the Board further denies the Application, because the Applicant's proposed plan creates a risk that under age individuals could participate in the event and engage in underage drinking.

8. The Board further notes that the Application did not describe the "responsible drinking practices" literature that would be made available to participants, *Emergency Rulemaking*, at § 712.15; did not show examples of advertisements that notified participants of the requirement to be of legal drinking age and promote the use of public transportation, *id.* at § 712.16(a)-(b); and did not include the designated driver plan for the event, *id.* at § 712.16(c).²

ORDER

Therefore, the Board, on this 20th day of January 2016, **DENIES** the Pub Crawl Application filed by Charity Events, LLC. The Board notes that this denial does not prevent the Applicant from proposing additional events in the future.

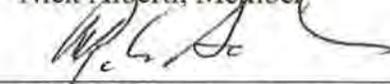
IT IS FURTHER ORDERED that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision.

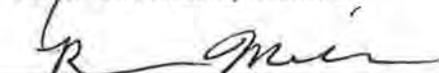
The ABRA shall deliver copies of this Order to the Applicant.

² These requirements match the prior rules found at 23 DCMR § 712.7 (West Supp. 2016).

District of Columbia
Alcoholic Beverage Control Board

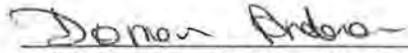

Nick Alberti, Member


Mike Silverstein, Member


Ruthanne Miller, Member


James Short, Member

I dissent from the position taken by the majority of the Board.


Donovan Anderson, Chairperson

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. *See* D.C. App. Rule 15(b) (2004).