

GLORIOUS ART GALLERY AND HEALTH CLUB

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :

Temporary License Application

Date of Event: May 21, 2016

Event: Dance Event to benefit the Whitman-Walker Clinic

Applicant: Christopher Nitti

(Glorious Art Gallery and Health Club)

Neighborhood: 2120 West Virginia Avenue NE

150 Attendees

FACT FINDING HEARING

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Wednesday, May 18, 2016

Whereupon, the above referenced matter came on for hearing at the Alcoholic Beverage Control Board, Reeves Center, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

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CHAIRPERSON:

DONOVAN W. ANDERSON, Presiding

OTHER PERSONS PRESENT:

RUTHANNE MILLER, BOARD MEMBER

JAMES SHORT, BOARD MEMBER

MIKE SILVERSTEIN, BOARD MEMBER

NICK ALBERTI, BOARD MEMBER

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

2 CHAIRPERSON ANDERSON: And we have one final  
3 case on our calendar. We have a fact-finding hearing.  
4 This is for a temporary license application. It was on  
5 our -- it's not on our calendar, The Board's published  
6 calendar for today -- at least this -- not this  
7 calendar. It was on our temporary application calendar.  
8 And so the -- the date of the event is May 21st, 2016.  
9 The applicant is Christopher Nitti, Glorious Art Gallery  
10 and Health Club.

11 And, Mr. Nitti, can you please come up.  
12 There's a -- identify yourself for the record please  
13 there. All right. Okay. We'll --

14 MR. SILVERSTEIN: A two-minute break.

15 MR. ALBERTI: Can you move that was, Mike?

16 MR. SILVERSTEIN: Yes, I can.

17 CHAIRPERSON ANDERSON: All right. We'll --  
18 we'll -- we'll take a five-minute break. All right.

19 MR. ALBERTI: Thank you for your patience,  
20 sir.

21 CHAIRPERSON ANDERSON: All right. We're  
22 back on the record. And so can you please identify

1 yourself for the record, sir.

2 MR. NITTI: Sure. My name is Christopher  
3 Nitti.

4 CHAIRPERSON ANDERSON: I'm sorry?

5 MR. NITTI: Christopher.

6 CHAIRPERSON ANDERSON: Nitti?

7 MR. NITTI: Nitti, yeah, N-I-T-T-I.

8 CHAIRPERSON ANDERSON: All right. All  
9 right.

10 MR. NITTI: Speak up. Sure. Christopher  
11 Nitti.

12 CHAIRPERSON ANDERSON: The Board had  
13 requested a -- and thank you for coming here. I know  
14 that the event is --

15 MR. NITTI: No problem.

16 CHAIRPERSON ANDERSON: -- is scheduled for  
17 the 21st, and I'm aware that you were called this  
18 morning --

19 MR. NITTI: No problem.

20 CHAIRPERSON ANDERSON: -- to show up. And I  
21 appreciate the fact that you have been here.

22 MR. NITTI: Sure.

1 CHAIRPERSON ANDERSON: There -- The Board  
2 had had some concerns regarding this event.

3 MR. NITTI: Sure.

4 CHAIRPERSON ANDERSON: And so -- so I -- I  
5 think one of the things -- that you need to tell us  
6 about the event.

7 MR. NITTI: Uh-huh.

8 CHAIRPERSON ANDERSON: I think there's --  
9 they said that the event is scheduled to be on the patio  
10 or the patio. To explain that event. And I think it's  
11 my understanding that there is another event that same  
12 day at the same establishment. So you all -- so those  
13 are some questions that --

14 MR. NITTI: Sure.

15 CHAIRPERSON ANDERSON: -- and giving some --  
16 some background for you to explain.

17 MR. NITTI: Sure.

18 CHAIRPERSON ANDERSON: Talk about that.

19 MR. NITTI: Yeah. Our event is on the  
20 outdoor patio of the space. It runs from 1 p.m. to 10  
21 p.m. There's also an event happening inside the venue  
22 that I believe the -- that starts at 9 p.m. So I think

1 there was some concern about the overlap in those times  
2 and I'm not sure, maybe crowd flow and who --

3 CHAIRPERSON ANDERSON: So give us some --  
4 give -- give information about the event. Give --

5 MR. NITTI: Sure.

6 CHAIRPERSON ANDERSON: Also give information  
7 regarding -- I -- I think you got the event. Explain  
8 the -- you said it's on the patio. So explain about the  
9 patio. Explain all of that.

10 MR. NITTI: Sure.

11 CHAIRPERSON ANDERSON: I think that's --  
12 that's -- you might -- I'm telling you that The Board --  
13 the board members will be asking you questions. So at  
14 least if you can trump some of it by --

15 MR. NITTI: Sure. Yeah.

16 CHAIRPERSON ANDERSON: -- and facilities --  
17 what facilities are available.

18 MR. NITTI: Right.

19 CHAIRPERSON ANDERSON: When I say  
20 facilities, meaning bathroom facilities.

21 MR. NITTI: The -- the outdoor patio, there  
22 is -- you enter the venue by going inside and you walk

1 through the venue to an outdoor patio. It's one level,  
2 concrete. It's about 2,500 square feet. It -- the --  
3 there are facilities inside the venue that are  
4 accessible to our patrons as well as will be accessible  
5 to the patrons that will be there later that night. The  
6 patio is just directly adjacent outside of the space.  
7 There's -- there's an emergency exit on the patio that  
8 was marked on the -- on the diagram. That just goes  
9 right out to the parking lot. When our event ends we'll  
10 be asking our patrons to leave via that exit so they're  
11 not walking back through the venue and kind of, you  
12 know, getting in anyone's way who might be arriving for  
13 the next event.

14 MR. SILVERSTEIN: I'm sorry. What was that?

15 MR. NITTI: When our event ends we'll be  
16 asking our patrons to exit through the -- there's a --  
17 there's an exit from the patio directly to the parking  
18 lot, like an emergency exit just -- it's just a door.  
19 And we'll be asking our patrons to exit out that way  
20 when our event ends to avoid them having to walk back  
21 through the venue and potentially, you know, kind of  
22 cause any kind of bottleneck. I mean it's not a -- it's

1 not a massively large event. I think we're expecting  
2 about 150 people max. But we did want to make sure that  
3 it was just easy for people to -- to disperse. There's  
4 a parking lot there. We're encouraging people to take  
5 public transit or Uber. But there is parking, and --  
6 and our guests will be using that as well probably.

7 CHAIRPERSON ANDERSON: What's the  
8 relationship between the event that you're having and  
9 the later event?

10 MR. NITTI: They're both music events with  
11 DJs. I am familiar with the promoter who's throwing the  
12 late event. We've -- we've never met in person. I -- I  
13 haven't been to it before. I think it's something that  
14 happens at the space maybe once a month. Our event is  
15 more of probably a one time thing or something that we  
16 might explore much later in the summer. But it's not a  
17 consistent event there.

18 CHAIRPERSON ANDERSON: And again, you didn't  
19 tell us why are you having this event, the purpose of  
20 the event.

21 MR. NITTI: We -- I throw music events with  
22 DJs along with a couple of friends of mine. We usually

1 try to do some kind of fund-raising component. This  
2 time we chose Whitman-Walker Clinic. In the past after  
3 all that mess happened in Baltimore we donated to a  
4 charity there. This is just another event that we're  
5 doing where we'll probably raise -- I don't know -- \$500  
6 or something like that. But it's DJs, dancing. You  
7 know, we will obviously have a bar. But I've applied  
8 for maybe three or four licenses in the past, and none  
9 of our events have ever had any issues. And we always  
10 have adequate security I feel. So it's not a -- a rowdy  
11 crowd either.

12 CHAIRPERSON ANDERSON: At this -- at this  
13 establishment or -- or other places in the city?

14 MR. NITTI: Other places in the city.

15 CHAIRPERSON ANDERSON: Investigator Peru, do  
16 you have any questions that you want to ask?

17 INVESTIGATOR PERU: Yes, I do, sir. First,  
18 I'm a little -- maybe some clarity on -- I pulled the  
19 application when I was looking to do some research from  
20 the application for -- from the other event.

21 MR. NITTI: Sure.

22 INVESTIGATOR PERU: The other event

1 application was approved on March 16th by The Board, and  
2 it lists the portion to be used, it says entirety. So  
3 he's not specific on -- so he's saying basically on the  
4 first application that the whole entire space is going  
5 to be used. He's saying 125 patrons at that event and  
6 his hours are from 9 p.m. to 3 a.m. as opposed to this  
7 event that he's -- the new application is saying the  
8 patio is from 1 p.m. to 10 p.m. I'm just kind of --  
9 the -- the overlapping, it seems to be -- and obviously  
10 Mr. Slusher (ph) you're familiar with him, with  
11 Mr. Morgan, right?

12 MR. NITTI: Morgan, yeah.

13 INVESTIGATOR PERU: Yeah. So --

14 MR. NITTI: We've spoken.

15 INVESTIGATOR PERU: So you guys have -- you  
16 guys have both applied for this place before in the  
17 past?

18 MR. NITTI: I -- I have not. This is my  
19 first time.

20 INVESTIGATOR PERU: You guys -- this is your  
21 first time here?

22 MR. NITTI: That's correct.

1 INVESTIGATOR PERU: Okay. Okay. Maybe  
2 Mr. Slusher has. I'm just trying to differentiate and  
3 see why there's two licenses needed for the same --

4 MR. NITTI: Well --

5 INVESTIGATOR PERU: Because it's the same  
6 location --

7 MR. NITTI: Sure.

8 INVESTIGATOR PERU: -- the same address.  
9 Essentially it appears to me the same party. I mean  
10 there's nothing on the applications that are so  
11 different that it's stating that it's a different party  
12 that's -- that's going on than the one he's doing.

13 MR. NITTI: I think that -- you know, and  
14 Morgan is -- is someone who -- you know obviously he did  
15 that a little while ago. And he does, you know, events  
16 there often. It was our thinking that if -- if we're  
17 throwing a daytime event at the space, that we should go  
18 ahead and -- and I should have my name on a license.  
19 And then when Morgan is doing his event later in the  
20 night that he should have a separate license for it.  
21 And -- and maybe that isn't what you all would  
22 recommend, but I thought just being able to be held

1 accountable for which event that you're involved with  
2 and each of us, you know, applying and getting those  
3 separate permits even though they're under one roof,  
4 they're basically happening at different times. I know  
5 there's a -- there's a short overlap. If that overlap  
6 is any kind of an issue, we're happy to, you know,  
7 adjust the hours of our event.

8 INVESTIGATOR PERU: So let me ask you --

9 MR. NITTI: Sure.

10 INVESTIGATOR PERU: -- is it fair to say  
11 that you're doing a day party, right?

12 MR. NITTI: Correct.

13 INVESTIGATOR PERU: From one 1 p.m. to 10  
14 p.m. Then the day party is rolling over to a night  
15 party that he applied for. Is that --

16 MR. NITTI: It's not -- it's not rolling  
17 over. Part of the --

18 INVESTIGATOR PERU: So the -- so the patrons  
19 from your event will not be attending his event?

20 MR. NITTI: That's correct. Yeah.

21 INVESTIGATOR PERU: And how is that?

22 MR. NITTI: Wrist bands.

1 INVESTIGATOR PERU: There's going to be a  
2 separate wrist band and separate procedure?

3 MR. NITTI: There's a separate -- there will  
4 be a wrist band that you'll get when you check in.

5 INVESTIGATOR PERU: And so is there a cover  
6 charge with this wrist band or for this event?

7 MR. NITTI: There are pre-sales, that's  
8 correct, for the early event.

9 INVESTIGATOR PERU: And what's -- what's the  
10 cost of the pre-sales for your tickets?

11 MR. NITTI: \$20.

12 INVESTIGATOR PERU: \$20. And what does --  
13 what does that get you, entry or --

14 MR. NITTI: Entry into the event. Correct.

15 INVESTIGATOR PERU: -- a drink as well or  
16 just --

17 MR. NITTI: No.

18 INVESTIGATOR PERU: Just entry?

19 MR. NITTI: Just entry.

20 INVESTIGATOR PERU: Okay. So if you pay \$20  
21 for this event and you get a wrist band, when this event  
22 ends at 10:00, you cannot go into the other event that

1 goes to 3 a.m. in the morning -- to 3:00 in the morning?

2 MR. NITTI: Our -- our patrons who will be  
3 out on the patio will be asked to leave. It's not  
4 something where we're anticipating any kind of  
5 spillover.

6 INVESTIGATOR PERU: Okay. My -- my -- I'm  
7 just looking at the numbers.

8 MR. NITTI: Sure.

9 INVESTIGATOR PERU: You know, the -- he  
10 applied for 150, you applied for 125. You combine those  
11 numbers you get 275.

12 MR. NITTI: Right.

13 INVESTIGATOR PERU: And the hours being  
14 overlapping, it looks like a day party turning into a  
15 night party --

16 MR. NITTI: Right.

17 INVESTIGATOR PERU: -- which is going to --  
18 you know, there's no really separation of --

19 MR. NITTI: Sure.

20 INVESTIGATOR PERU: -- of the two. So I'm  
21 just trying to get clarity on --

22 MR. NITTI: Sure.

1 INVESTIGATOR PERU: -- on what you guys will  
2 be -- be doing and what's happening.

3 MR. NITTI: Yeah. We -- we don't have any  
4 kind of connection to Morgan's party. We're aware of  
5 their events. I've never met him in person. The bars  
6 will be -- our -- our bar will be located on the patio.  
7 It will be very small. And, you know, at 9:00 we'll  
8 presumably stop serving and make sure that at 10 when  
9 the event ends and the music turns off that, you know,  
10 people are ready to go.

11 INVESTIGATOR PERU: So this event, is it 18  
12 and over or what's the age group?

13 MR. NITTI: It's strictly 21 and up.

14 INVESTIGATOR PERU: It is 21 and over?

15 MR. NITTI: Our event. I'm -- I'm not sure  
16 what Morgan's is, but --

17 INVESTIGATOR PERU: And how are you guys  
18 controlling the 21? Who's ID checking or what's  
19 happening?

20 MR. NITTI: ID -- security ID checking,  
21 yeah, at the front door.

22 INVESTIGATOR PERU: How is that happening?

1 MR. NITTI: We have -- we'll have a security  
2 guard check the ID. And if they're not 21, they can't  
3 enter the premises.

4 INVESTIGATOR PERU: So one -- one security  
5 officer checking identification?

6 MR. NITTI: Correct. In the front, yeah.

7 INVESTIGATOR PERU: One at the front. And  
8 how many are going to be inside the establishment?

9 MR. NITTI: There -- well, we'll -- we have  
10 three total. So we'll have two inside. And I --  
11 they'll mainly be on the patio where our event is being  
12 held. I don't think they're going to be walking around  
13 all over that much.

14 INVESTIGATOR PERU: And who's going to be --  
15 is there going to be a ABRA certified manager or TIPS  
16 certified --

17 MR. NITTI: We do have a bartender who is  
18 TIPS certified. I -- in the past I've applied for all  
19 the licenses, and I believe that if I'm the kind of  
20 designated --

21 INVESTIGATOR PERU: Correct.

22 MR. NITTI: Okay.

1 INVESTIGATOR PERU: So you're going to be  
2 there the whole entire night is what you're saying?

3 MR. NITTI: I'm going to be there for --

4 INVESTIGATOR PERU: The whole day?

5 MR. NITTI: -- for all -- all of the hours  
6 of our event --

7 INVESTIGATOR PERU: Okay.

8 MR. NITTI: -- as well as two hours on  
9 either side for load-in and breakdown.

10 INVESTIGATOR PERU: Okay. Any type of food  
11 you'll be providing for this event?

12 MR. NITTI: We'll be, yeah, having  
13 sandwiches and like light snacks.

14 INVESTIGATOR PERU: And is there -- where  
15 are you guys getting your alcohol from?

16 MR. NITTI: Republic.

17 INVESTIGATOR PERU: Republic National. You  
18 have a -- you have a contract with them or --

19 MR. NITTI: Yeah.

20 INVESTIGATOR PERU: -- have you used them  
21 before --

22 MR. NITTI: We have.

1 INVESTIGATOR PERU: -- in the past? Okay.

2 MR. NITTI: Yeah.

3 INVESTIGATOR PERU: So everything, beer --  
4 all beer and alcohol is coming from --

5 MR. NITTI: That would be alcohol and wine.  
6 We don't -- our patrons tend to not drink very much  
7 beer.

8 INVESTIGATOR PERU: So the event will have  
9 no beer, just alcohol and wine.

10 MR. NITTI: Correct.

11 INVESTIGATOR PERU: Is that what you're  
12 saying?

13 MR. NITTI: Yeah.

14 INVESTIGATOR PERU: I think that's it,  
15 Chair, for now.

16 CHAIRPERSON ANDERSON: Yes, Mr. Silverstein.

17 MR. SILVERSTEIN: I'm going to start, and  
18 I'm sure Mr. Short will follow and I --

19 MR. NITTI: Sure.

20 MR. SILVERSTEIN: -- I have a number of --  
21 of issues, concerns, and the first of which is -- let's  
22 start with this, it's going to pour on Saturday.

1 MR. NITTI: Right.

2 MR. SILVERSTEIN: They're expecting one to  
3 two inches of rain. Imagine that, rain in D.C. in May.

4 MR. NITTI: Right.

5 MR. SILVERSTEIN: What are you going to do?

6 MR. NITTI: We have pop-up tenting,  
7 something that you imagine seeing at like a farmer's  
8 market food stall.

9 MR. SILVERSTEIN: So you're not going to be  
10 going inside with the party?

11 MR. NITTI: We'd like -- we'd like to -- I  
12 mean we want to make it work. I mean if it looks like  
13 it's going to be absolutely horrible all day, then, you  
14 know, we may need to cancel. But we're trying to make  
15 it work.

16 MR. SILVERSTEIN: Because the Post is  
17 talking about a storm likely to drench D.C. is the term  
18 they -- the weather gang gave me at noon. We're --  
19 we're in a difficult situation here.

20 MR. NITTI: Sure.

21 MR. SILVERSTEIN: And -- and the -- the  
22 genesis of this is that we have a place here that's

1 operating where we have told Mr. Slusher that the place  
2 is limited to two -- that we limit it to two events a  
3 month.

4 MR. NITTI: Okay.

5 MR. SILVERSTEIN: And the question was are  
6 we talking about code, or are we talking about  
7 Mr. Siegel's venue. And many of us felt it was the  
8 venue itself. Our -- the gentleman to my right spent  
9 more than 30 years with the D.C. fire department and was  
10 the deputy chief. He remembers the Cinema Follies fire,  
11 and so do I.

12 MR. NITTI: Okay.

13 MR. SILVERSTEIN: We have great concern for  
14 safety, for codes, for places that aren't clubs that are  
15 operating as clubs, and situations like that. You're  
16 caught in the middle of the that.

17 MR. NITTI: Sure. Yeah. That wasn't -- I  
18 wasn't aware of that or --

19 MR. SILVERSTEIN: And I (inaudible 2:51:34)  
20 Mr. Siegel had -- had not put you in that situation  
21 because this is a -- this is the third event in a month  
22 there.

1 MR. NITTI: I understand. Okay.

2 MR. SILVERSTEIN: You're -- you're this far  
3 away time-wise, and you're running a fund-raiser here  
4 for -- for a fine charity --

5 MR. NITTI: Right.

6 MR. SILVERSTEIN: -- and a fine community  
7 organization.

8 MR. NITTI: Right. Yeah.

9 MR. SILVERSTEIN: So it puts us -- it puts  
10 us all in that situation.

11 MR. NITTI: I hadn't been -- I haven't been  
12 made aware of the -- the cap -- potential cap on -- on  
13 events there by -- by Bob -- by Mr. Siegel.

14 MR. SILVERSTEIN: Pardon?

15 MR. NITTI: I hadn't been made aware of a  
16 potential cap on number of events each month by  
17 Mr. Siegel.

18 MR. SILVERSTEIN: I -- I feel much more  
19 sanguine that it's happening outside if it happens. But  
20 I still would want to defer at this point to my dear  
21 friend and colleague to my right.

22 CHAIRPERSON ANDERSON: Mr. Short.

1 MR. SHORT: Sir, there's only one hour  
2 separating these two events, correct, one hour?

3 MR. NITTI: Actually there are potentially  
4 overlapping for one hour.

5 MR. SHORT: They're going to overlap for an  
6 hour?

7 MR. NITTI: Which --

8 MR. SHORT: Let me -- let me then ask you a  
9 question.

10 MR. NITTI: Sure.

11 MR. SHORT: Do you know how many people are  
12 allowed in -- on that property for an event at one time?

13 MR. NITTI: I -- the C of O says I think the  
14 space is 25 -- the whole space is 25,000 square feet.

15 MR. SHORT: How many -- we're not -- we know  
16 all of that.

17 MR. NITTI: Right.

18 MR. SHORT: We -- we set here and went  
19 through even letting this place operate.

20 MR. NITTI: Sure.

21 MR. SHORT: And one of the reasons why they  
22 were so late operating is because of ABRA. So do you

1 know what the occupancy is?

2 MR. NITTI: I do not.

3 MR. SHORT: Okay. The occupancy I think is  
4 we let less than 150 people in there at one time. And  
5 so --

6 MR. NITTI: Sure.

7 MR. SHORT: -- when you're talking about  
8 having two events overlapping you're talking 275 people.  
9 How are you going to manage that --

10 MR. NITTI: What -- what we will see --

11 MR. SHORT: -- legally?

12 MR. NITTI: Right. What we will see is  
13 people leaving before our event ends and also people  
14 showing up very slowly.

15 MR. SHORT: In the event they may overlap,  
16 you're talking about 275 people in a place we have  
17 already told the owner of the building and the persons  
18 who have been getting these one days from us 150 people  
19 at the most we let in there at one time.

20 MR. NITTI: Uh-huh.

21 MR. SHORT: So forgive me if I'm -- if I'm  
22 being -- presuming something, but this looks like a very

1 easy way just to simply say to the ABC Board you might  
2 have said 150, but we want to have one big party and we  
3 are going to now separate it by one hour and even  
4 overlap, and we're going to have as many as 275 people  
5 there. If it's raining those people on the patio are  
6 not going to stay on the patio. You know it and I know  
7 it. How many restrooms do they have in the building?

8 MR. NITTI: I don't know the exact amount  
9 off the top of my head. I'm sorry.

10 MR. SHORT: I have an idea. How many exits  
11 do they have in the building?

12 MR. NITTI: There is the exit to the patio  
13 which then exits to the parking lot, the -- obviously  
14 the front door, and I believe there's a door -- and I  
15 don't exactly know all of the specifics of inside.

16 MR. SHORT: Okay. Let's just be honest, you  
17 don't know?

18 MR. NITTI: I don't know the exact number.

19 MR. SHORT: You don't know? So you don't  
20 know?

21 MR. NITTI: Sure.

22 MR. SHORT: Okay. So we're going into a lot

1 of unknowns.

2 MR. NITTI: Uh-huh.

3 MR. SHORT: And -- and like Board Member  
4 Silverstein said it sounds like this is for a worthy  
5 cause. But by the same token public safety-wise if  
6 something happens in there, I'm not going to sleep  
7 good --

8 MR. NITTI: Sure.

9 MR. SHORT: -- knowing I've set here and  
10 looked you in your face --

11 MR. NITTI: Right.

12 MR. SHORT: -- have discussed with my board  
13 members what my issues are with not allowing this event  
14 to take place because you're going to have one taking  
15 place -- yours is the early or the late?

16 MR. NITTI: Earlier.

17 MR. SHORT: Yours -- and who -- who put the  
18 application in first, you or the late one?

19 MR. NITTI: The late event put the  
20 application in first.

21 MR. SHORT: They've already been approved?

22 MR. NITTI: I believe so.

1 MR. SHORT: And you put yours in after he  
2 put his in?

3 MR. NITTI: Right.

4 MR. SHORT: How much later did you put yours  
5 in after -- after his?

6 MR. NITTI: I'm not sure.

7 MR. ALBERTI: The first event was applied  
8 for in February. It was approved I think in February or  
9 March.

10 MR. SHORT: Okay.

11 MR. ALBERTI: And this one came in about  
12 eight days ago or seven days ago.

13 MR. SHORT: So you knew about his event when  
14 you put your event in and you knew about the overlap?

15 MR. NITTI: I -- I didn't know the door  
16 time.

17 MR. SHORT: Excuse me?

18 MR. NITTI: I wasn't aware of the exact door  
19 time for his late event. I had assumed --

20 MR. SHORT: I -- I didn't mention about the  
21 door times. Did you know he was having an event in this  
22 month?

1 MR. NITTI: Yes. Yes.

2 MR. SHORT: And you have one the same day.

3 MR. NITTI: Right.

4 MR. SHORT: And you say it's going to  
5 overlap at some point. And how many hours -- how many  
6 hours is the event?

7 MR. NITTI: Is -- is his?

8 MR. SHORT: His event.

9 MR. ALBERTI: It's from 9 to 3, is it, or 9  
10 to --

11 INVESTIGATOR PERU: Yes, sir. 9 -- 9 p.m.  
12 to 3 a.m.

13 MR. SHORT: So we're talking eight hours,  
14 somewhere in there?

15 MR. ALBERTI: Well, there's an over -- over  
16 hour lap. I think that's the important part.

17 MR. SHORT: Okay. And so actually the event  
18 then is going to last from 9 until -- yours is 1 in the  
19 morning?

20 MR. ALBERTI: No. His is -- his is from --

21 CHAIRPERSON ANDERSON: His is from 1 in the  
22 afternoon.

1 MR. SHORT: One in the afternoon.

2 MR. NITTI: To potentially 10.

3 MR. SILVERSTEIN: 1 to 10 p.m. okay.

4 MR. SHORT: From 1 to 10 p.m.?

5 MR. NITTI: Correct.

6 MR. SHORT: And his is from --

7 MR. NITTI: That's what we have applied for.

8 Yeah.

9 MR. SHORT: And his is from 9 until --

10 MR. NITTI: Three.

11 CHAIRPERSON ANDERSON: From 9 p.m. until 3

12 a.m.

13 MR. SHORT: So that's a lot of hours for  
14 people to be consuming alcohol. But you're sure there's  
15 not going to be anybody staying from the first event to  
16 the second event? You're positive of that?

17 MR. NITTI: We -- yeah. I mean that's --  
18 that's -- that's what I mean.

19 MR. SHORT: That's what you're planning?

20 MR. NITTI: That's the rule. We're to --

21 MR. SHORT: But we know there's going to be  
22 a storm, there is going to be drenching rain.

1 MR. NITTI: Uh-huh.

2 MR. SHORT: And you say you're going to put  
3 pop-up tents.

4 MR. NITTI: Uh-huh.

5 MR. SHORT: Look at me -- please look at me.  
6 And how old are you if you don't mind me asking?

7 MR. NITTI: 32.

8 MR. SHORT: You're 32. You're going to put  
9 pop-up tents for how many people you're going to have on  
10 the patio?

11 MR. NITTI: 100, 125.

12 MR. SHORT: So how many pop-up tents are you  
13 going to use for 100 and some people?

14 MR. NITTI: I don't have the exact number  
15 yet. It -- it depended on -- I mean we're -- we're --

16 MR. SHORT: And during the overlap how  
17 many -- how many restrooms do they have in the building?

18 MR. NITTI: I don't know the exact number.

19 MR. SHORT: So during the overlap you're  
20 going to have people who have been drinking and need  
21 restrooms and you're going to have people that have been  
22 in the pop-up tents who probably want to get a little

1 relief and come inside. It doesn't sound like a great  
2 mixture to me. I mean I'm not saying anything, but what  
3 I know as a person whose been in public safety for a lot  
4 of years --

5 MR. NITTI: Sure.

6 MR. SHORT: -- it doesn't make for a good  
7 mixture right now. It doesn't -- it doesn't sound  
8 like -- it doesn't sound as though we have really  
9 thought about this or maybe somebody has really thought  
10 about it and just said just throw it against the wall  
11 and see if it sticks.

12 MR. NITTI: Would it -- would it be -- and  
13 I'm completely open to ending our event an hour before  
14 their event starts if -- if that's --

15 MR. SHORT: I'm only one board member, and I  
16 haven't made up my mind as of yet.

17 MR. NITTI: Sure. Sure.

18 MR. SHORT: But any rate, I'll -- I'll just  
19 turn it back over to the chairman. I have no more  
20 questions. Well, I did have one of the investigator.

21 INVESTIGATOR PERU: Yes, sir.

22 MR. SHORT: Have you ever inspected this

1 location before?

2 INVESTIGATOR PERU: They do not have a  
3 alcohol license. I've never had to work doing an event.  
4 However, about a year ago we saw activity and we did  
5 walk up to the -- and see the -- I didn't walk through  
6 it, but I did see the reception area and the size of the  
7 building. So I -- I couldn't attest to anything inside  
8 besides the -- the lobby area that -- that I saw.

9 MR. SHORT: Okay.

10 INVESTIGATOR PERU: So yeah. So I've never  
11 seen it. But could I -- Mr. Chair, could I add  
12 something? Just Mr. Short drew my attention to the C of  
13 Os. And the C of O on the current application before us  
14 is a C of O that's dated 9/14/2009, which is -- appears  
15 to not be the current C of O. The current C of O is on  
16 the first application which is dated July 17, 2015. And  
17 the current C of O from 2015, I can say that its been  
18 updated because they listed in the type of application,  
19 they said revised and they also listed the occupancy  
20 load at 125 in that application. So the application  
21 that he's -- I'm sorry -- Mr. --

22 MR. NITTI: Nitti.

1 INVESTIGATOR PERU: -- Nitti has submitted  
2 today, the C of O is the -- appears to be the outdated  
3 older C of O that he submitted with the application.

4 MR. ALBERTI: Well, the new C of O doesn't  
5 mention the patio.

6 INVESTIGATOR PERU: No. The -- the -- the  
7 new C of O -- well, none of the C of Os that I've seen I  
8 have before me.

9 MR. ALBERTI: Mentioned -- and none of  
10 mention -- none of them mention --

11 INVESTIGATOR PERU: Correct. Mention the  
12 patio.

13 MR. ALBERTI: -- an outdoor space.

14 INVESTIGATOR PERU: Yes, sir. They're  
15 exact --

16 MR. ALBERTI: So there is no C of O covering  
17 the outdoor space.

18 INVESTIGATOR PERU: Correct. Yes, sir.

19 MS. MILLER: I'm looking for the other  
20 application as far as the time afterwards from 10 to 3.

21 MR. ALBERTI: Why? What would like -- what  
22 would you like to know for that?

1 MS. MILLER: I would like to see the new C  
2 of O because that was an issue with the last [inaudible  
3 3:00:41] hearing.

4 MR. ALBERTI: Well, I -- I can tell you that  
5 the new C of O is just for the interior, and it's for  
6 about 120 people. Can I ask -- can you ask some  
7 questions or if you or Ms. -- I guess Ms. Miller wanted  
8 to.

9 MS. MILLER: Whatever. We're going to ask  
10 the questions, but\_--

11 MR. ALBERTI: So forgive me. I'm going to  
12 rely on my fellow board members to tell me if these  
13 questions have already been asked.

14 MS. MILLER: Thank you.

15 MR. ALBERTI: So are they using the  
16 restrooms inside.

17 MR. NITTI: We will be. We also are -- we  
18 can do porta johns on the patio as well to alleviate in  
19 and out.

20 MR. ALBERTI: So how much of the inside  
21 would you use if you had -- if you had the opportunity?

22 MR. NITTI: The -- how much of the inside

1 would we use?

2 MR. ALBERTI: Yeah. If you had the  
3 opportunity.

4 MR. NITTI: The restrooms are very close to  
5 the door to the patio. So --

6 MR. ALBERTI: So would you stage anything  
7 inside? Would people go inside if it rained?

8 MR. NITTI: We would rely on tent coverage.

9 MR. ALBERTI: Okay. Thunder and lightening?

10 MR. NITTI: Well, I think we'd have to just  
11 cancel if -- if we had that. We don't want to put  
12 anyone in --

13 MR. ALBERTI: So during the over -- then the  
14 hour overlap how are you going to make sure that you  
15 don't intermingle drinks?

16 MR. NITTI: We have --

17 MR. ALBERTI: Well, first of all, are people  
18 allowed to take the drinks to the -- to the restroom?

19 MR. NITTI: Yes. We are --

20 MR. ALBERTI: So -- so my question stands,  
21 how are you going to manage that?

22 MR. NITTI: Sure. We are having guests exit

1 -- first of all, we're doing wrist bands for the  
2 different events to note what they're there for. We'll  
3 have security watching that. When our event ends that  
4 is the time that our patrons need to exit the venue.  
5 There's a door from the patio directly to the parking  
6 lot.

7 MR. ALBERTI: Well, look -- look, you know,  
8 the second -- the second -- the second event, that's up  
9 to them who they want to let in.

10 MR. NITTI: Right.

11 MR. ALBERTI: If they want to let your folks  
12 in -- your -- your participants in for free, that's on  
13 them. I -- you know, that's not where I'm going.

14 MR. NITTI: Right. Sure.

15 MR. ALBERTI: What I want to know is that  
16 during this over -- during this overlap how do we  
17 identify and control the -- the alcohol? How do we know  
18 who's -- who's -- who's in possession of alcohol and  
19 who's providing alcohol to whom during that overlap  
20 since -- since the guests will be -- I assume there's  
21 only one set of bathrooms.

22 MR. NITTI: Right.

1 MR. ALBERTI: Unless you tell me otherwise,  
2 I'm assuming that the guests are intermingling in that  
3 interior on the way to the restroom.

4 MR. NITTI: Uh-huh. We had planned on, you  
5 know, stopping or bar service at 9:30 at the latest. If  
6 there's -- if there's a concern from you all about  
7 overlapping service, we can absolutely stop at 9. If  
8 there is a concern about event overlap, I'm also happy  
9 to adjust our hours of our event so there's no overlap,  
10 there's time for our patrons to properly clear out and  
11 to avoid any kind of safety --

12 MR. ALBERTI: Okay. I'm just going to point  
13 this out to my fellow board members. Essentially I mean  
14 it seems like a minor thing, but to me it is important  
15 the -- we're not just using the patio. You're using --  
16 this temporary licenses also includes the use of the  
17 interior.

18 MR. NITTI: That -- that [inaudible  
19 3:04:27].

20 MR. ALBERTI: So I don't think that that can  
21 be ignored in review of this application.

22 MR. NITTI: Sure.

1                   MR. ALBERTI: And I'm very concerned -- I'm  
2 concerned about a lot of things, but on the record here  
3 I will tell you I'm very concerned about that hour  
4 overlap, extremely concerned because we lose control.  
5 We lose -- I'm not -- I'm talking about this agency  
6 loses control. We have no idea --

7                   MR. NITTI: Right.

8                   MR. ALBERTI: -- who is responsible for what  
9 once they're all in the interior --

10                  MR. NITTI: Right.

11                  MR. ALBERTI: -- even if they have wrist  
12 bands I don't know who supplying alcohol to whom, who's  
13 responsible for anything at that point. It's like  
14 allowing two businesses -- licensed businesses to occupy  
15 the same space.

16                  MR. NITTI: Yeah.

17                  MR. ALBERTI: I -- I -- that's -- that's a  
18 problem I have.

19                  CHAIRPERSON ANDERSON: All right. Let me  
20 ask you a question, Mr. Nitti. Would you be able to --  
21 if The Board were to consider because of the overlap --  
22 to end your event at 8:00?

1 MR. NITTI: Yes.

2 CHAIRPERSON ANDERSON: So if -- if -- so you  
3 wouldn't mind amending your application to say that the  
4 event would run from 1 to 8?

5 MR. NITTI: If we were going to end at 8, I  
6 might ask that we could start our event at noon just to  
7 give us a little bit more time on the front end.

8 CHAIRPERSON ANDERSON: So -- so you'd be  
9 willing to amend your application from noon to 8?

10 MR. NITTI: That's correct.

11 CHAIRPERSON ANDERSON: Okay. Go ahead, Mr.  
12 Alberti.

13 MR. ALBERTI: I also want to put on -- I  
14 also want to put one other thing on the record is based  
15 on the information that has been provided to us here and  
16 based on the information that was provided to us by the  
17 applicants for the following event and other hearings we  
18 have had there is no C of O from DCRA for the use and  
19 public assembly on the parking lot or the patio. So I  
20 will just put that out there.

21 MR. SHORT: Also can I have one last?

22 CHAIRPERSON ANDERSON: Yes, Mr. Short.

1 MR. SHORT: Also you're talking about using  
2 tents and over 100 people?

3 MR. NITTI: Yeah.

4 MR. SHORT: Public assembly tents require a  
5 stamp from the Fire Marshal of the District of Columbia.  
6 We've had some terrible fires in tents and public  
7 assembly around this nation. Luckily we've never had  
8 one here in Washington D.C. --

9 MR. NITTI: Sure.

10 MR. SHORT: -- to my knowledge. But I'll  
11 just simply say for the record I want that to go on the  
12 reported too, that using pop up tents for over a 100  
13 people on a patio that doesn't have a C of 0 is a bad  
14 idea, and that's just my suggestion to The Board. And  
15 I -- I would -- I would really hope that you would think  
16 maybe another day to do this event for this wonderful --  
17 this wonderful charity that you want to do. Because  
18 basically what you're doing in a thunderstorm with over  
19 100 people on the patio with other people dancing in the  
20 nice warm inside I don't think that's going to last long  
21 with the 100 people that you have. And -- and even --  
22 even one hour in between the events if your people,

1 they're early see the new people coming there late,  
2 they're not going to leave.

3 MR. NITTI: Yeah. And that's --

4 MR. SHORT: They're not going to leave or  
5 they're going to buy tickets and go on with the other  
6 group. So I just think it's a bad idea. The reason why  
7 we have such a hard time even granting the first one day  
8 to this is because -- what was the number, Mr. Alberti,  
9 150 there for the interior?

10 MR. ALBERTI: No. We had no number. There  
11 was no --

12 MR. SHORT: Nobody made them give us a  
13 number?

14 MR. ALBERTI: There was no appropriate --  
15 there was -- when we first looked at this venue there  
16 was no appropriate -- and by prepare of appropriate I  
17 mean no C of O that told us that -- that -- that there  
18 could be any public assembly there. That was since  
19 changed. So I -- you're asking where we started.  
20 That's where we started.

21 MR. SHORT: I -- I do remember that. I'll  
22 just say this, pretty much I think what we -- we allowed

1 somebody to get their foot into the door, and now  
2 they're going to put their whole torso. Because the  
3 bottom line now you're talking about having an event  
4 that's going to last for 12 hours, the overlap and  
5 you're talking about people that know each other and  
6 sell tickets to the same groups of people. And we're  
7 suppose to believe that everybody's going to leave from  
8 the first event and allow everybody from the second  
9 event to come in. I -- I'm a long way from 32. In  
10 fact, I'm double that a couple of times. But any  
11 rate -- and I can remember when I was 32. I -- I was a  
12 party animal, I really loved it. And I'm not trying to  
13 be a party pooper. But by the same token there is an  
14 issue of public safety when you're talking about  
15 hundreds of people drinking alcohol and mixing and  
16 matching it doesn't work well.

17 MR. NITTI: Yeah. And that's --

18 MR. SHORT: Okay. That's it. So that --

19 CHAIRPERSON ANDERSON: Yes, Mr. Alberti.

20 MR. ALBERTI: Mr. Nitti, I'm just -- I'm  
21 going to brief here. Look, I've asked -- came in in the  
22 middle of the this to ask some very tough questions.

1 Mr. Short's asking for tough questions. My prospective  
2 you are sort of getting -- getting blindsided here, and  
3 it's not your fault. But my concern really here is with  
4 the owner of the building.

5 MR. NITTI: Uh-huh.

6 MR. ALBERTI: The owner of the building is  
7 promising you things that I don't think he should be  
8 promising you. I don't think -- I think the owner of  
9 the building wants to use his building in ways that I'm  
10 not sure is -- meets completely is -- meets the letter  
11 of the law --

12 MR. NITTI: Uh-huh.

13 MR. ALBERTI: -- or even the spirit of the  
14 law. All right. And this stems from past hearings.

15 MR. NITTI: Uh-huh.

16 MR. ALBERTI: So much of my issue is -- and  
17 concerns is how the owner is intending to use his space.  
18 And -- and you are the first one -- and I'll say this to  
19 my fellow board members, we grant this one there will  
20 certainly be more to come. And we are allowing this  
21 owner to just sort of thumb his nose at -- at  
22 regulations about having appropriate C of Os and --

1 and -- and the like and just promise the use of his  
2 venue to -- to folks. So those are the concerns I have.

3 CHAIRPERSON ANDERSON: All right.

4 Mr. Silverstein.

5 MR. SILVERSTEIN: I -- I told --

6 MS. MILLER: Are you going to propose  
7 something because I haven't gotten a chance to ask  
8 questions?

9 CHAIRPERSON ANDERSON: I'm sorry. I'm  
10 sorry. What?

11 MS. MILLER: I think Mr. Silverstein may be  
12 wanting to propose something, but I haven't had a chance  
13 to ask any questions.

14 CHAIRPERSON ANDERSON: I apologize, Ms.  
15 Miller. I thought you had asked some -- I thought you  
16 have asked questions.

17 MS. MILLER: I haven't.

18 CHAIRPERSON ANDERSON: I apologize.

19 MS. MILLER: So I have a few questions and  
20 comments. And -- and I just want to say if there's some  
21 misunderstandings, I think -- I've been reviewing the  
22 transcript today from our past fact finding hearing

1 which was a year ago May. And at that time we didn't --  
2 they didn't have any numbers associated with the  
3 certificate of occupancy. And so now they do based on  
4 the last application have a certificate of occupancy  
5 with a limitation of 125. And as Mr. Alberti correctly  
6 stated that there's nothing that -- that references the  
7 patio. But I don't personally know that that precludes  
8 us from allowing you to do something on the patio. Do  
9 you have a comment on that?

10 MR. NITTI: I -- I wasn't sure if, you know,  
11 that the square footage listed in the C of O included  
12 that -- the patio as well. So --

13 MS. MILLER: Okay.

14 MR. NITTI: -- I -- I had assumed so. I  
15 hadn't been told otherwise.

16 MS. MILLER: Okay. And I wanted to ask you  
17 because we're so close to your event and -- and we  
18 know -- we -- I mean I see all these alerts coming on my  
19 computer about, you know, how bad it's going to be on  
20 Saturday night which could be setting yourself up for  
21 disaster. But I want to ask you why then was there a  
22 reason why you didn't inquire about using the inside

1 during the times that don't conflict with the other  
2 event?

3 MR. NITTI: I guess that's just an oversight  
4 on my part. I thought, you know, you should put -- list  
5 where the entertainment was and didn't think to include  
6 where the bathrooms were right inside as well on that  
7 application.

8 MS. MILLER: No. That's not my question.

9 MR. NITTI: Okay.

10 MS. MILLER: Okay. My question is -- well,  
11 certainly we know now it's going to be a -- well, you  
12 know, we -- we -- every little bit -- all the  
13 forecasters could be wrong.

14 MR. NITTI: Right.

15 MS. MILLER: But it looks like it's going to  
16 be a very uncomfortable night Saturday night in which  
17 most likely your guests won't want to come. I mean who  
18 knows or that, you know --

19 MR. NITTI: Right. They might not.

20 MS. MILLER: But in any event I -- my  
21 question was is there a reason that you didn't ask to  
22 use the inside during the time that it didn't conflict

1 with the other event?

2 MR. NITTI: Wishful thinking that, you know,  
3 we'd -- we'd be able to have a nice day and have the --  
4 have it be outdoors. We didn't know the weather  
5 forecast at the time and -- or it was too far out to  
6 really know. So --

7 MS. MILLER: Okay. Have you arranged for  
8 tents yet?

9 MR. NITTI: Yes.

10 MS. MILLER: Okay. And you said they're  
11 like farm market tents?

12 MR. NITTI: Pop up --

13 MS. MILLER: Do they go to the ground?

14 MR. NITTI: Yeah. They're -- they're like  
15 the --

16 MR. ALBERTI: The one we see street vendors  
17 use. They have the sides, they adjust -- they're  
18 collapsible, and they're probably --

19 MR. NITTI: Ten by ten.

20 MR. ALBERTI: I'm guessing they're like  
21 eight by eight foot square generally approximately. Is  
22 that what you're talking about?

1 MR. NITTI: Ten -- ten by ten. Yeah.

2 MR. ALBERTI: Ten by ten. That -- I'm  
3 trying to just be helpful.

4 MS. MILLER: No. That's good. Do they go  
5 to the ground?

6 MR. ALBERTI: No. They have no sides.

7 MS. MILLER: I didn't think so.

8 MR. ALBERTI: They have no sides.

9 MS. MILLER: No sides?

10 MR. ALBERTI: I just said they have no  
11 sides.

12 MS. MILLER: Oh, no sides.

13 MR. ALBERTI: Well, the -- the -- the top  
14 comes down about a foot maybe or a foot and a half.

15 MS. MILLER: That's right. That's what I  
16 envision. Okay.

17 MR. ALBERTI: But -- but -- but that's  
18 probably -- that's at least seven feet off the ground  
19 where that side piece comes down. If you've ever been  
20 to any of the farmer's markets, any of the street vendor  
21 places, you've seen it.

22 MS. MILLER: Okay.

1 MR. SHORT: When they have the street  
2 festivals they use them.

3 MS. MILLER: All right. Okay. So I guess I  
4 don't have any other questions. Thank you.

5 CHAIRPERSON ANDERSON: Mr. Silverstein.

6 MR. SILVERSTEIN: I -- I want to share a lot  
7 of my colleague Mr. Alberti's concerns. I'm looking at  
8 it from the other end. I want to see if it's possible  
9 to make something happen here. But what -- is there any  
10 possibility that you would push this back a week or  
11 cancel or something like that, or would that create a --  
12 a great difficulty for you now?

13 MR. NITTI: We -- we wouldn't push it to --  
14 I think the next weekend is Memorial Day and people  
15 being out of town. So I don't think we'd push it back  
16 another week.

17 MR. SILVERSTEIN: And then you're pushing  
18 into Pride.

19 MR. NITTI: If the -- sorry. What's that?  
20 Sorry. What was the last thing you said?

21 MR. SILVERSTEIN: And then you're pushing  
22 into Pride the week after that.

1 MR. NITTI: Right. If -- if there's, you  
2 know, a chance of thunder and lightening, we may need to  
3 cancel. If it's -- if it would be -- you know, we're  
4 talking about adjusting the hours here now too. And I  
5 know this is kind of, you know, a last minute request.  
6 But maybe it would be -- maybe we could apply to use the  
7 indoor space before the late event then have an hour  
8 turnover between those events so that we didn't need to  
9 cancel it all together because of weather.

10 MR. SILVERSTEIN: Okay. I'm going to -- I'm  
11 going to ask you if you'd be willing to change your  
12 hours to noon to 8 p.m. and to tell Mr. Siegel that  
13 there will be no more third requests in a month; that  
14 the two events a month were not meant for the previous  
15 applicant --

16 MR. NITTI: Right.

17 MR. SILVERSTEIN: -- but for the venue.

18 MR. NITTI: Right.

19 MR. ALBERTI: So, Mr. Silverstein, he may be  
20 willing to do that, but it means -- but it means --  
21 wait, wait, wait. Let me finish. It means nothing.  
22 What you're talking about is a directive -- a decision

1 and a directive that needs to come to The Board if --  
2 if --

3 MR. SILVERSTEIN: First of all, I have the  
4 floor.

5 MR. ALBERTI: -- if it has any weight. He  
6 can tell Mr. Siegel whatever he wants.

7 MR. SILVERSTEIN: He can, and in fact but by  
8 putting it on the record it is clear that that this  
9 board member will not accept a third request in a month.  
10 And I just feel sad that as Mr. Alberti said you were  
11 blindsided in this and that you were the person who got  
12 caught in the middle of all this.

13 MR. NITTI: Well, I mean --

14 MR. SILVERSTEIN: So I'm going to ask would  
15 you first amend your application to go noon to 8 p.m.?

16 MR. NITTI: Absolutely.

17 MR. SILVERSTEIN: Okay.

18 MR. ALBERTI: May I ask questions.

19 CHAIRPERSON ANDERSON: Yes, Mr. Alberti.

20 MR. ALBERTI: So stop me, Board Members, if  
21 this question has been asked. Will there be any  
22 entertainment out there?

1 MR. NITTI: A DJ.

2 MR. ALBERTI: Okay.

3 MR. SHORT: In the rain.

4 MR. NITTI: Yeah.

5 MR. ALBERTI: Well, you know, yeah. I mean

6 I've -- I've danced in the rain before.

7 MR. SHORT: I have too.

8 MR. ALBERTI: So --

9 MR. SILVERSTEIN: Gene Kelly did.

10 MR. ALBERTI: So all right. So -- so can

11 you help me out here? I mean your diagram doesn't

12 very -- doesn't help me very much.

13 MR. NITTI: Sure.

14 MR. ALBERTI: You know, because I'm now

15 looking at Google.

16 MR. NITTI: Right.

17 MR. ALBERTI: And I'm having trouble

18 delineating the boundaries of that patio.

19 MR. NITTI: Right.

20 MR. ALBERTI: So can you tell me how

21 those -- what -- what the boundaries of that patio are

22 and how they will be delineated by you and your staff?

1 MR. NITTI: The three -- three walls are  
2 concrete, high concrete walls.

3 MR. ALBERTI: So I see the building -- okay.  
4 So I see the building wall, right?

5 MR. NITTI: Yeah.

6 MR. ALBERTI: I see a wall -- if I'm  
7 standing at the street and looking back, I see a  
8 concrete wall in the back. But it doesn't -- but then  
9 there's -- then there's open space to the -- to the left  
10 of that.

11 MR. NITTI: If you're looking at the  
12 concrete wall, the back of the parking lot --

13 MR. ALBERTI: Okay.

14 MR. NITTI: -- the patio -- the door to the  
15 patio which would be our emergency exit and our exit for  
16 the end of the event is just there to the left at the  
17 [inaudible 3:18:46].

18 MR. ALBERTI: So where is the patio, in the  
19 back?

20 MR. NITTI: Correct.

21 MR. ALBERTI: It's in the back of the  
22 building?

1                   CHAIRPERSON ANDERSON: He already told us  
2 that.

3                   MR. ALBERTI: All right. And is it  
4 surrounded by walls?

5                   MR. NITTI: Correct. Concrete walls.

6                   MR. ALBERTI: Okay. Thank you. I apologize  
7 for coming in late and not getting those questions.  
8 Very good. Thank you.

9                   MR. NITTI: Uh-huh.

10                  CHAIRPERSON ANDERSON: Any other questions  
11 by any of the board members? Anyone else? Any final  
12 thoughts that you have to -- would like to add, sir?

13                  MR. NITTI: I -- you know, I'm committed to  
14 making this a safe event if -- I'm totally fine changing  
15 the hours if it needs to be two hours in between events.  
16 If -- if the patio is deemed, you know, not ideal for  
17 the day given the forecast, I would like to put -- like  
18 throw it out there that maybe we could use the indoor  
19 space before the late event with turnover time to clear  
20 the entire space out and let the doors open for the --  
21 for the -- for the late event.

22                  MS. MILLER: So how would we know if that's

1     okay with the owner of the building or the other event  
2     people?

3                   MR. NITTI:  I don't anticipate that being a  
4     problem.  But I'm -- would be very happy to talk to  
5     Morgan about it, and I'd want him and Robert, the  
6     landlord to be on the same page and be okay with that.  
7     Absolutely.

8                   CHAIRPERSON ANDERSON:  All right.  This is  
9     what I'm suggesting.  I -- I make a motion that the --  
10    that the applicant change his application to have the  
11    event on Saturday from 12 to 8 and that -- that the  
12    application be amended to have the event from Saturday  
13    from 12 to 8 and that we grant the license.  Is there a  
14    second?

15                  MS. MILLER:  Second.  I would like to also  
16    address the issues --

17                  CHAIRPERSON ANDERSON:  Ms. Miller has  
18    seconded the motion.  Yes.

19                  MS. MILLER:  May I?

20                  CHAIRPERSON ANDERSON:  Yes, Ms. Miller.  Go  
21    ahead.

22                  MS. MILLER:  Okay.  Address the issue that

1 he just raised about using the indoor space in the event  
2 of rain with the permission of the owner and the other  
3 event -- event holders. Personally I think that sounds  
4 like a safer, less chaotic solution than this pop-up  
5 tent idea.

6 CHAIRPERSON ANDERSON: I mean I --

7 MS. MILLER: So I wouldn't have an objection  
8 to that personally.

9 MR. ALBERTI: So -- so I have a question --

10 CHAIRPERSON ANDERSON: Yes, Mr. Alberti.

11 MR. ALBERTI: -- for The Board here. Does  
12 this mean that we're ignoring the fact that -- that  
13 they're also technically using the interior? I mean  
14 they are. I mean are we licensing that even though it's  
15 not -- not on the application?

16 MS. MILLER: For the bathrooms?

17 MR. ALBERTI: Yeah. I mean they're going to  
18 be going through that lobby to the bathrooms. I'm  
19 sorry. It -- we have to -- we have to recognize that --  
20 look, our investigators go out there, they see someone  
21 standing outside the restaurant with a cup of beer. Is  
22 that area licensed or isn't it? You can't ignore it

1 just because you like this gentleman, you like this  
2 event, you can't ignore that, folks. We hold other --  
3 we have held -- we have fined others who have had  
4 alcohol outside of their licensed area. And this  
5 Board -- this Board should be mindful of that and not  
6 use blinders in this case, not just throw caution to the  
7 wind, not ignore what we've done in the past, not ignore  
8 good practices. We have to know what areas are licensed  
9 and we have to say so to be consistent and to give  
10 direction to our investigators.

11 MS. MILLER: Okay. I think for common  
12 sense-wise I would -- I would be willing to do that. I  
13 think it makes sense that they use those facilities  
14 especially when there's no overlap.

15 MR. SHORT: I'd like to make one more  
16 comment too if I could, Mr. Chair.

17 CHAIRPERSON ANDERSON: Go ahead, Mr. Short.

18 MR. SHORT: Without using direct addresses  
19 we have another property and several other properties in  
20 the city that don't get the proper licenses, but they  
21 start using buildings the way they want to use them and  
22 then they wound up using them for purposes that are

1 illegal. This is a warehouse that's never been approved  
2 for a public assembly license. They got the first foot  
3 in the door when we allowed the 120 people and we said  
4 in the board room two events a month. Now they're going  
5 to --

6 MS. MILLER: That's not --

7 MR. SHORT: Excuse me, Ms. Miller. No  
8 one -- no one cut you off. No one cut you off.

9 MS. MILLER: Okay.

10 MR. SHORT: Thank you. And again, we have  
11 other establishments, we have other people in town who  
12 would who we come down hard on when they use buildings  
13 for purposes they're not intended to be used for and  
14 sell alcohol without approval. I think we're setting a  
15 terrible presence if we start every time we set a limit  
16 to go above these limits. We're saying to our  
17 investigators and everyone else maybe -- maybe not. And  
18 there shouldn't be maybe. This is a business that says  
19 either you are or you aren't, either you do or you  
20 don't. And I think that we have kind of passed the  
21 building code laws, the fire code laws and we're asking  
22 for trouble. I just wanted that on the record that this

1 board member recognizes and recommended to this Board  
2 that we need to consider not our feelings, what is safe  
3 publicly for people to be consuming alcohol with this  
4 Board's approval.

5 MR. ALBERTI: But, Mr. Short -- and again  
6 I'm going to reiterate. I know your concerns, and I  
7 empathize with your -- I -- I agree with your concerns.  
8 But in this instance given that we have a motion to --  
9 to grant this license, I'm very concerned that the --  
10 that we don't -- that this Board is not -- hasn't  
11 defined where alcohol is permitted. So on the way to  
12 the restroom can they start walking around the interior  
13 and how do we know that that doesn't happen? I mean I'm  
14 just astounded that we are going to -- that The Board is  
15 poised to -- to -- to approve a licensee -- a license  
16 and not know where alcohol is being served. We do a  
17 better job with large outdoor events in -- in making  
18 sure we know where alcohol is going to be served. I'm  
19 just -- I am just astounded.

20 CHAIRPERSON ANDERSON: Well, this -- the  
21 event that at least I'm voting on this is an outdoor  
22 event.

1 MR. ALBERTI: So no one's use -- no one's  
2 using the inside?

3 CHAIRPERSON ANDERSON: This is an outdoor  
4 event. I think what was represented to us that the only  
5 time the folks would be in indoors is to use the  
6 restroom.

7 MR. ALBERTI: But where indoors?

8 CHAIRPERSON ANDERSON: To use the restroom.

9 MR. ALBERTI: Where indoors?

10 CHAIRPERSON ANDERSON: I'm sorry?

11 MR. ALBERTI: There's -- there's -- I'm sure  
12 there's a walkway to the restroom and there's -- you --  
13 you can go to other places indoors. I -- I mean --

14 MR. SHORT: It's a warehouse.

15 MR. ALBERTI: -- how -- who's going to  
16 control where they're going indoors and we don't -- we  
17 don't know where that is. We don't have a map. We're  
18 just -- we're just trust me. We're saying to the  
19 owner -- the owner is saying to me and this licensee is  
20 saying trust me. That doesn't go very far. I would  
21 say -- I would recommend to this Board if they really  
22 want to do the responsible thing is to require them to

1 have porta-potties and not use the interior at all. At  
2 least -- at least then you would know where alcohol can  
3 be consumed.

4 CHAIRPERSON ANDERSON: All right, sir. Are  
5 you making a friendly -- are you then making a friendly  
6 amendment to the motion, sir?

7 MR. SILVERSTEIN: To change the time?

8 MR. ALBERTI: Yeah, I will --

9 MS. MILLER: What happened to my amendment?  
10 Did I -- didn't I have an amendment?

11 MR. ALBERTI: Did you?

12 MS. MILLER: Yeah.

13 MR. SHORT: She wants to use the interior.  
14 She wants to use the interior.

15 MS. MILLER: I said yes, I think it would --  
16 it would extend the use -- the area of use to the  
17 interior.

18 MR. ALBERTI: Are you make -- are you making  
19 a motion to -- to make that amendment to the motion?

20 MS. MILLER: I need to do it again? I'll do  
21 it again. I think --

22 MR. ALBERTI: Okay. So she has a -- she has

1 a motion on the floor. It hadn't been seconded.

2 MS. MILLER: The motion to amend would allow  
3 them to use the interior in the event of inclement  
4 weather up until their time if they get approval from  
5 the owner and the other event holder and -- and to use  
6 the restrooms. And therefore they -- we would need to  
7 delineate the area I guess as the interior.

8 MR. ALBERTI: They would which we don't  
9 have.

10 MS. MILLER: Well, they would. Well, we  
11 would vote on --

12 MR. ALBERTI: Which we don't have. So  
13 that's the motion on the floor. I guess you need to get  
14 a second.

15 CHAIRPERSON ANDERSON: All right. So  
16 there's a -- but before -- before -- before do you have  
17 any comments, sir, on the motion -- the motion to --  
18 I -- I -- it's my understanding that -- my understanding  
19 that you had requested to have an event on the patio  
20 outside. And that's -- that is what you had asked for.  
21 Now there's discussion about having -- to use the --  
22 to -- for it to be an indoor event.

1 MR. NITTI: Right.

2 CHAIRPERSON ANDERSON: Do you have any  
3 position on that? So it doesn't make -- since The Board  
4 is here voting and stuff and --

5 MR. NITTI: Right.

6 CHAIRPERSON ANDERSON: And that's -- this is  
7 not something that you asked for.

8 MR. NITTI: I -- it -- I would like given  
9 the forecast the option to potentially use the indoor  
10 space if -- if it's allowed to be amended in the  
11 application as well as the hours of the event.

12 CHAIRPERSON ANDERSON: Mr. Silverstein has  
13 seconded the motion. All right. Ms. Miller, what --  
14 what's your vote?

15 MR. ALBERTI: On the amendment?

16 CHAIRPERSON ANDERSON: On the amendment  
17 to --

18 MS. MILLER: I support it. Aye.

19 CHAIRPERSON ANDERSON: Mr. Alberti.

20 MR. ALBERTI: I -- I disagree with the  
21 amendment.

22 CHAIRPERSON ANDERSON: Mr. Short.

1 MR. SHORT: Oppose.

2 CHAIRPERSON ANDERSON: Mr. Silverstein.

3 MR. SILVERSTEIN: I agree.

4 CHAIRPERSON ANDERSON: And I'm going to vote  
5 that I agree to it too. Three to two. That's to  
6 amend -- that is to -- to utilize it. Now, the  
7 second -- the -- the vote that's on the table then is  
8 for you also to amend your application for the event to  
9 have the event from 12 to 8. That -- that has been  
10 seconded by Mr. Silverstein. Then I'll do another vote.  
11 Ms. Miller.

12 MS. MILLER: I support.

13 CHAIRPERSON ANDERSON: Mr. Alberti.

14 MR. ALBERTI: I will abstain.

15 CHAIRPERSON ANDERSON: Mr. Short.

16 MR. SHORT: Oppose.

17 CHAIRPERSON ANDERSON: Mr. Silverstein.

18 MR. SILVERSTEIN: I agree.

19 CHAIRPERSON ANDERSON: Mr. Anderson. I'm  
20 voting yes. So it's three to one with Mr. Alberti has  
21 abstaining. So it's clear to you, sir, that we're going  
22 to change the application. You'll -- you will -- you

1 will initial the time and --

2 MR. ALBERTI: And it needs to reflect that  
3 it's both the interior and exterior. So he will be able  
4 to use whatever he wants during that whole time.

5 CHAIRPERSON ANDERSON: That's not -- that is  
6 not -- that --

7 MR. ALBERTI: I -- that's what I heard.

8 MS. MILLER: In the event of inclement  
9 weather.

10 MR. ALBERTI: Who defines inclement weather?

11 MS. MILLER: Rain. In the event of rain.

12 MR. SILVERSTEIN: Well it's going to --

13 MR. ALBERTI: Yeah. You know, you guys --  
14 you guys have to understand what you're -- what you're  
15 approving. I mean I'm a little flummoxed here that you  
16 don't even know what you're approving. You're approving  
17 an application for the interior and the exterior.

18 MR. SILVERSTEIN: Are we done?

19 CHAIRPERSON ANDERSON: Well, I -- the -- the  
20 proposal that was before the vote -- I'm sorry. The  
21 proposal that was in front of the -- I'm sorry -- The  
22 Board which the board voted is for an outdoor event.

1 MR. ALBERTI: No. You have -- you got an  
2 amendment to use the interior.

3 CHAIRPERSON ANDERSON: But -- but -- but --  
4 but if there is inclement weather because of concerns.

5 MR. ALBERTI: So who defines inclement  
6 weather?

7 MR. SILVERSTEIN: God.

8 MR. ALBERTI: So I think really what you  
9 want -- you know, I -- I think it just needs to be  
10 clear. I -- I hate this nebulous stuff. It needs to be  
11 clear. So if they choose the -- to use the interior  
12 then no one is allowed on the patio.

13 MS. MILLER: So --

14 MR. ALBERTI: But wait, wait, wait.

15 MS. MILLER: We've already voted on this.

16 CHAIRPERSON ANDERSON: We're talking about  
17 we're having a discussion.

18 MR. ALBERTI: I think that that's -- I think  
19 that's what -- what I'm hearing. If they choose to use  
20 the interior, no one's on the -- this is the only way  
21 you're going to define this clearly. If they choose to  
22 use the interior, no one's on the patio. If they choose

1 to use the patio, no one's in the interior. So they  
2 need to have porta-potties on the exterior if that's  
3 what they're using.

4 MS. MILLER: They don't need porta-potties.

5 MR. ALBERTI: I mean this is what I'm  
6 understanding. And it seems to me this is the only  
7 clear way for the -- for Mr. Peru to know where the hell  
8 alcohol is going to be consumed. Otherwise he's sitting  
9 there going oh, God, that guy walked down the hall, is  
10 that okay, I don't know, that's not really -- that's --  
11 that's the different direction from the restroom, but  
12 should I bust him for that? He doesn't need that.

13 MR. SILVERSTEIN: First of all, the -- the  
14 amendment said that the bathrooms could be used and that  
15 was quite separate from everything else.

16 MR. ALBERTI: No, it didn't. That --  
17 that -- no, that didn't. It said -- it said use the  
18 inside in inclement weather.

19 MR. SILVERSTEIN: Second of all, we've  
20 approved this and I'd like to move that we adjourn.

21 MS. MILLER: I -- I would like to conclude  
22 it too. But I just want to make sure that the approvals

1 come in from the owner.

2 MR. ALBERTI: Maybe we should take this  
3 under advisement.

4 MS. MILLER: No. We've already voted on it,  
5 Mr. Alberti.

6 MR. ALBERTI: Discuss this -- discuss this  
7 -- well, I didn't hear the vote.

8 CHAIRPERSON ANDERSON: We voted on the  
9 issue. And -- and I -- and to be fair --

10 MR. ALBERTI: But it's not clear. I think  
11 if -- I think it needs to be put down in writing. I --  
12 it's not clear to me. I'll tell you, it is not clear to  
13 me what the -- what is being approved and what isn't  
14 being approved.

15 CHAIRPERSON ANDERSON: What -- this is what  
16 we voted on, we voted to approve to have -- grant him a  
17 license for the event on Saturday from 12 to 8. That's  
18 what we voted. If there is inclement weather, because  
19 it was brought up today that they're going to have  
20 thunderstorms and lightening and all matter of bad  
21 weather, and so therefore if that is the weather that we  
22 have on Saturday, then the second amendment was that

1 they were allowed to use the interior of the  
2 establishment. And again, it's from noon until 8.

3 MR. ALBERTI: So my question is while  
4 they're using -- if it's raining and their using the  
5 inside, can -- can patrons be outside drinking and --  
6 and having a cigarette outside if they've chosen to move  
7 the event inside?

8 CHAIRPERSON ANDERSON: Well, then it's clear  
9 that one of the reasons why the event is not outside is  
10 because of weather has prohibited them.

11 MR. ALBERTI: No. My question is if someone  
12 decides to go out -- it's drizzling -- they move the --  
13 they move the event inside, the rain has let up a bit,  
14 and -- and ten patrons decide that they're going to go  
15 outside and have a cigarette outside with their beers,  
16 is that allowed?

17 CHAIRPERSON ANDERSON: All right.

18 MR. ALBERTI: Mr. Peru needs to know.

19 CHAIRPERSON ANDERSON: All right. This is  
20 what -- it's an -- it's an outdoor event. And so  
21 because it's an outdoor event, you can't -- if you're  
22 going to -- I think it's clear to me and it's clear to

1 the board members that they can use the bathroom. It's  
2 not like --

3 MR. ALBERTI: It's not clear to me.  
4 Don't -- don't include me in that.

5 CHAIRPERSON ANDERSON: Well, we have had the  
6 discussion.

7 MR. SILVERSTEIN: I'm glad we're getting  
8 into the national bathroom debate here.

9 CHAIRPERSON ANDERSON: It's an -- it's an --  
10 it's an outdoor event.

11 MS. MILLER: The majority vote.

12 MR. ALBERTI: Mike, do not insult me. The  
13 issue is not that, Mike, and I -- and I take offense at  
14 that, Mike.

15 CHAIRPERSON ANDERSON: Gentlemen, gentlemen,  
16 gentlemen, we've been professional this entire day.  
17 Please do not let us end the day on a bad note. All  
18 right. This is a very -- this is one of the reasons why  
19 we had a fact finding hearing that we brought you in  
20 today. I was not here for -- a year ago for discussions  
21 on other issues. And I'm -- I'm -- but no. But I'm  
22 saying that --

1 MR. ALBERTI: Those are really irrelevant to  
2 this.

3 CHAIRPERSON ANDERSON: No. They're not  
4 irrelevant to me. And I think one of the reasons why --  
5 one of the reasons why I'm voting the way I am because  
6 I'm -- I'm not in a sense that we're talking about  
7 having an event, it was agreement that it's two -- two a  
8 month or three a month or whatever. I was not a part --  
9 I was not privy to that. So I can only have board  
10 members who were here who can make the decision. And so  
11 the major concern we're -- why you're here today is  
12 whether or not there was some agreement that there's two  
13 event or three event. And so I think it's clear to you.  
14 And so moving forward I think what The Board is saying  
15 that there is some understanding -- whether or not it's  
16 written or unenforceable or not that The Board is not  
17 going to approve more than two events in a month. So  
18 if -- if you're going to have another event in this --  
19 this establishment and if you're going to come before  
20 this Board, then there can -- there cannot be -- they --  
21 whoever else is having an event, that I'm letting you  
22 know --

1 MR. NITTI: Sure.

2 CHAIRPERSON ANDERSON: -- that if you're  
3 coming forward, The Board is concerned about this issue.  
4 So you need to make sure you clear it with the owner --

5 MR. NITTI: Sure.

6 CHAIRPERSON ANDERSON: -- that no one is  
7 having more than two events at this establishment.

8 MR. ALBERTI: So is that part -- is that  
9 part of your ruling?

10 CHAIRPERSON ANDERSON: No. That's not part  
11 of the ruling.

12 MR. ALBERTI: I want to know if that's part  
13 of the your ruling because --

14 CHAIRPERSON ANDERSON: That's not part of  
15 the ruling.

16 MR. ALBERTI: No. Because -- because that  
17 hasn't been decided. And -- and in fact, I think that  
18 that's unfair to future -- future applicants. I think  
19 it's really unfair that you're going to say oh, this  
20 applicant is privileged and we're just going to give him  
21 a bye, but future applicants we're -- we're not going to  
22 do it. I don't know how you -- I don't know how you

1 decide that. I don't know how you privilege one -- one  
2 individual and -- and exclude others.

3 CHAIRPERSON ANDERSON: All I'm -- all I'm  
4 saying to this applicant -- all I'm saying to this  
5 applicant -- to say to this applicant that the -- this  
6 applicant has sat here, and the applicant has heard  
7 information regarding there's another event the same day  
8 and there's been events -- there's conversations whether  
9 or not there's two -- there can be two events or three  
10 events. And I'm saying to this applicant that if this  
11 applicant is going to have another event at the  
12 establishment, then these are some of the things that he  
13 should look at. I don't know what it is. I'm just  
14 saying to this applicant to say that this applicant  
15 should be cognisant of the fact based on the concerns  
16 that he heard here that The Board is concerned about  
17 having two events at the same time, the same day or  
18 whether or not there can be more than two events in a  
19 month. I'm only speaking to this applicant. I'm not  
20 saying whether or not --

21 MR. ALBERTI: I understand.

22 CHAIRPERSON ANDERSON: -- what we're going

1 to do for anyone else. I'm just saying to this  
2 applicant. Because the applicant said today that yes,  
3 I'm somewhat familiar, I -- I don't know the time, I  
4 don't know this. So I'm saying to this applicant if  
5 he's going to come back before The Board, he -- he's  
6 clear what some of The Board concerns are. And so  
7 therefore if he's going to have an event, these are some  
8 of the clearances that he should do. I -- that's --  
9 that's all I'm addressing. All right.

10 MR. ALBERTI: All right. No problem. I  
11 understand.

12 CHAIRPERSON ANDERSON: All right. So  
13 there's nothing else to say. The license are granted.  
14 The -- the -- ABRA is closed for the day, so you can  
15 come tomorrow and pick up your -- your license, sir.

16 MR. NITTI: And you need is it signed like  
17 consent from the landlord and the other promoter for the  
18 late event that our event is potentially going to be  
19 happening inside due to inclement weather and updating  
20 the hours?

21 MS. MILLER: Mr. Chairman.

22 CHAIRPERSON ANDERSON: I'm sorry.

1 MS. MILLER: Okay. So he's -- he's  
2 addressing that question about getting the permissions  
3 from the other two entities, being the owner of the  
4 building and the other event holder, that in the event  
5 of inclement weather they have -- he has their  
6 permission to use that space, at least the builder  
7 who -- yeah.

8 CHAIRPERSON ANDERSON: Hold on. Hold on.  
9 Hold on. Just hold on one minute please.

10 MS. MILLER: Prior to getting what --

11 CHAIRPERSON ANDERSON: Just hold on one  
12 minute. I'll -- I'll answer that. I'm going to look.  
13 There's a -- I don't think that's necessary because the  
14 letter from the owner that's dated May 13th, 2016  
15 basically says I authorize this person to use the  
16 property. It doesn't -- it doesn't specifically state  
17 that -- that it -- it doesn't -- his authorization  
18 doesn't specifically state that it's limited to outside.  
19 So --

20 MS. MILLER: I think that our concern was  
21 about the two events though overlapping and --

22 MR. ALBERTI: Well, they can't.

1 MS. MILLER: Right. Now they're going to be  
2 inside.

3 CHAIRPERSON ANDERSON: But it's -- but  
4 they're not overlapping.

5 MR. ALBERTI: They're an hour apart. You --  
6 you voted on it.

7 MS. MILLER: Okay.

8 MR. ALBERTI: You -- you made the  
9 suggestion, they're an hour apart.

10 MS. MILLER: I made the suggestion with  
11 the -- with the permissions, but if you all want to  
12 remove that --

13 CHAIRPERSON ANDERSON: They're an hour  
14 apart. So there's no overlap ping. And based on --  
15 based on the --

16 MR. ALBERTI: There should be no alcohol  
17 during that hour.

18 CHAIRPERSON ANDERSON: Right. Based on --  
19 based -- based on the -- based on the authorization  
20 that's in the application it clearly states -- it  
21 doesn't state that it's specific to the -- to the  
22 outside.

1 MS. MILLER: Outside?

2 MR. ALBERTI: And Mr. Nitti strikes me as  
3 understanding that completely. But --

4 MS. MILLER: Well, I -- I would say this,  
5 if -- if we're not going to require it, I would think  
6 you would -- you should as a matter of course --

7 MR. NITTI: Oh, absolutely.

8 MS. MILLER: -- let them know and  
9 everything.

10 MR. NITTI: Yeah.

11 MS. MILLER: Because it's -- it's not -- you  
12 know, there's party set-up and then there's party --  
13 when people leave and what kind of trash they leave  
14 behind and all that. So it shouldn't be a surprise to  
15 them.

16 MR. NITTI: No. Absolutely not.

17 MS. MILLER: Okay.

18 CHAIRPERSON ANDERSON: All right, sir. The  
19 -- you can come to ABRA tomorrow and pick up the license  
20 because the agency is closed for the day.

21 MR. NITTI: I appreciate you all being so  
22 accommodating. Thank you.

1 CHAIRPERSON ANDERSON: And as I see -- and  
2 it's clear applying for different licenses --

3 MR. NITTI: Right.

4 CHAIRPERSON ANDERSON: -- if you come back  
5 in front of this Board, you are -- you are aware of  
6 the -- some of the concerns that The Board has. So  
7 therefore if you apply --

8 MR. NITTI: For this venue, yeah.

9 CHAIRPERSON ANDERSON: -- for another  
10 license, then you -- since you are aware, it's expected  
11 that you will be prepared --

12 MR. NITTI: Sure.

13 CHAIRPERSON ANDERSON: -- for what -- where  
14 The Board stands as far as your license is concerned.

15 MR. NITTI: And if -- is the way I'm looking  
16 at it is now that I know that, you know, I wouldn't -- I  
17 would never apply to use it if I know there are going to  
18 be two other events there that month. I would just kind  
19 of respect the -- the party that has existed there  
20 predated us.

21 CHAIRPERSON ANDERSON: Thank you, sir.

22 MR. NITTI: Thank you.

1 MS. MILLER: Okay. Thank you.

2 CHAIRPERSON ANDERSON: Yes, Mr. Silverstein.

3 MR. SILVERSTEIN: Our concerns are greater  
4 than this small -- our concerns are far greater than  
5 this modest event.

6 MR. NITTI: Right.

7 MR. SILVERSTEIN: That what happened 30  
8 years ago that -- when Jim was a fireman and I was -- I  
9 was living here very much in the closet at the time, and  
10 the Cinema Follies fire was a transformative event in  
11 our lives. And we cannot as a city turn a blind eye to  
12 events that are occurring in places where doors are  
13 locked, where laws are -- -- are looked askance or  
14 looked the other way. And we have as -- as a Board an  
15 ongoing problem with things happening illegally in  
16 unlicensed nightclubs and things like that. Our concern  
17 wasn't Christopher Nitti or it wasn't this event. It's  
18 a much larger and much more serious --

19 MR. NITTI: Right.

20 MR. SILVERSTEIN: -- situation. And if  
21 anything goes wrong, we will never live it down.

22 MR. NITTI: Right.

1 MR. SILVERSTEIN: And it's not that anybody  
2 on The Board had any animus toward you or -- or anything  
3 of this type. But it's -- it's a very serious trust  
4 that's placed on us. I don't feel particularly sanguine  
5 myself in supporting this, but I felt like let's --  
6 let's do it because you were caught in the middle and  
7 it's a very modest event. Please don't let us down.

8 MR. NITTI: Sure. I -- I will not, and I  
9 completely understand why you all brought me in to ask  
10 questions.

11 MR. SHORT: Thank you, Mr. Silverstein, for  
12 those comments.

13 MR. SILVERSTEIN: Thank you, sir.

14 CHAIRPERSON ANDERSON: All right. As  
15 chairperson -- thank you, sir. As chairperson of the  
16 Alcoholic Beverage Control Board -- you -- you're free  
17 to go. As -- as chairperson of the Alcoholic Beverage  
18 Control Board for the District of Columbia in accordance  
19 with D.C. Official Code Section 2574B, closed meetings  
20 and 2574 notice of meetings -- hold on one minute before  
21 I do that I want to make sure -- oh, I did close that  
22 last case -- yeah -- closed meetings and Section 2574,

1 notice of meetings of the Open Meetings Act I move that  
2 the ABC Board hold a closed meeting on May 25th, 2016  
3 for the purpose of discussing and hearing reports  
4 concerning ongoing or planned investigations of alleged  
5 criminal or civil misconduct or violations of law or  
6 regulations and seeking legal advice from our counsel on  
7 The Board's investigative legal and licensing agenda for  
8 May 25th, 2016 as published in the D.C. Register on May  
9 20, 2016. Is there a second?

10 MR. SILVERSTEIN: Second.

11 CHAIRPERSON ANDERSON: Mr. Silverstein has  
12 seconded the motion. I will now take a roll call vote  
13 on the motion before us now that it has been seconded.  
14 Mr. Silverstein.

15 MR. SILVERSTEIN: I agree, sir.

16 CHAIRPERSON ANDERSON: Mr. Short.

17 MR. SHORT: I agree.

18 CHAIRPERSON ANDERSON: Ms. Miller.

19 MS. MILLER: Agree.

20 CHAIRPERSON ANDERSON: Mr. Anderson, I  
21 agree. As it appears that the, motion has passed I  
22 hereby give notice that the ABC Board will hold this

1     aforementioned closed meeting pursuant to the Open  
2     Meetings Act. Notice will also be posted on the ABC  
3     Board hearing room bulletin board, placed on the  
4     electronic calender on ABRA's website, and published in  
5     the D.C. Register in as timely a manner as practical.  
6     We are adjourned for the day. Thank you.

7                     (Whereupon the above-entitled matter was  
8     concluded.)

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