

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

In the Matter of:)		
)		
Lindy Promotions LLC)	Case No.:	N/A
Event: Leprechaun Lap)	License No:	N/A
Event Date: March 12, 2016)	Order No:	2016-101
)		
Application for a Pub Crawl)		

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

ALSO PRESENT: Lindy Promotions LLC, Applicant

Christine Brenner, on behalf of the Applicant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING MOTION FOR RECONSIDERATION

INTRODUCTION

The Alcoholic Beverage Control Board (Board) denied the Pub Crawl Application (Application) filed by Lindy Promotions LLC (Applicant) based on concerns regarding public safety and litter. *In re Lindy Promotions LLC*, Board Order No. 2016-054, ¶ 1 (D.C.A.B.C.B. Feb. 10, 2016). In its denial Order, the Board noted that “the Applicant did not present an adequate or compliant litter control plan”; the plan did not provide specific details regarding the nature and timing of the cleanup; the pub crawl competes with another pub crawl in Gallery Place; the geographic distribution of neighborhoods selected by the Applicant could not be adequately supervised and risked disturbances in multiple neighborhoods; and the large size of the pub crawl was inappropriate for Dupont Circle. *Id.* at ¶ 7. The Order also noted that the Applicant did not provide a “mechanism that limits participants to one neighborhood during the” event. *Id.* at ¶ 1.

In a Motion for Reconsideration, the Applicant proposes to amend the Application by, among other things, eliminating the Gallery Place location; limit the number of tickets sold in

Dupont Circle to 1,500; and limit the number of tickets sold in U Street to 500 tickets. *Mot. for Recon.*, at 2. The Applicant addresses the Board's concern regarding the geographic distribution of the pub crawl by (1) arguing, based on experience, that customers tend to remain in one neighborhood; (2) the physical ticket will promote staying in one neighborhood; and (3) the registration sites will have maps that will display the itinerary for a specific neighborhood.

The Board is not persuaded by the proposed amendment because the Applicant cannot guarantee that customers will not walk from the Dupont Circle neighborhood to the U Street neighborhood, and vice-versa. It is common knowledge that these two neighborhoods are within walking distance from each other. We are also not convinced that the Applicant can state with authority that the vast majority of patrons will remain in one neighborhood during the event. Indeed, the Applicant has not taken any steps to prevent participants from using their tickets in both areas. Therefore, the Board's concerns regarding the geographic area of the event and the Applicant's ability to maintain order in the areas in between, as expressed in the prior Order, remain unalleviated.

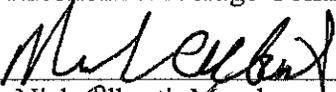
ORDER

Therefore, the Board, on this 2nd day of March 2016, **DENIES** the Motion for Reconsideration filed by Lindy Promotions LLC for the reasons stated above. The Board notes that this denial does not prevent the Applicant from proposing additional events in the future.

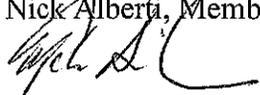
IT IS FURTHER ORDERED that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision.

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

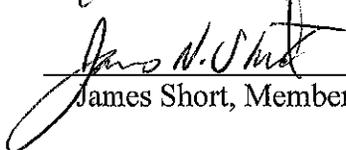
District of Columbia
Alcoholic Beverage Control Board



Nick Alberti, Member



Mike Silverstein, Member

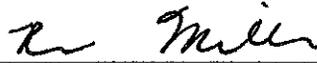


James Short, Member

I dissent from this order.



Donovan Anderson, Chairperson



Ruthanne Miller, Member

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).