

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

In the Matter of:)		
)		
RegMoPromo Holdings, Inc.)	Case No.:	N/A
Event: Pub Crawl)	License No:	N/A
Event Date: April 16, 2016)	Order No:	2016-117
)		
Application for a Pub Crawl)		
)		

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

ALSO PRESENT: RegMoPromo Holdings, Inc., 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 (Application) filed by RegMoPromo Holdings, Inc. (Applicant) based on the failure of the Application to comply with § 712.5 of the new pub crawl rules and § 500.1 of Title 23 of the District of Columbia (D.C.) Municipal Regulations.

Procedural Background

The Applicant filed a Pub Crawl Application on January 29, 2016. The Board held a fact finding hearing related to the Application on March 9, 2016. *Pub Crawl Application*, RegMoPromo Holdings, Inc. (filed Jan. 29, 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. At the time of submission there was no indication that the application was provided to the Metropolitan Police Department. There was also no operational and security plan, litter control plan, contracts for cleaning services, or approval from the Department of Public Works submitted with the Application.

2. On March 9, 2016, at the Fact Finding Hearing related to the Application, the Applicant filed a two page document. *Overview and Operational Plan*, at 1. While the document attempted to comply with the new pub crawl regulations, the Applicant failed to submit the contact information of any staff providing security at the event or checking identification and did not include any contracts for litter control and removal services.

CONCLUSIONS OF LAW

3. Under the new pub crawl regulations, “[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.

4. “The issuance of a pub crawl license shall be solely in the Board’s discretion.” *Id.* at § 712.18. Under § 712.5, the new pub crawl rule requires applicants to submit an operational and security plan and a “plan for litter prevention, control and removal” within 45 days of the event. *Emergency Rulemaking*, at § 712.5 (e), (f). Under §712.6, the operational and security plan must include the name and contact information of security staff. *Id.* at § 712.6(a). Furthermore, under §712.7, the regulations further require the applicant to “(a) Include proof of signed contracts between the Promoter/Organizer and litter removal vendors; and (b) Set a timeframe, by no later than twelve (12) hours from the conclusion of the event, within which litter will be removed.” *Id.* at § 712.7. As part of the application, “The litter plan shall be approved, in writing, by the District Department of Public Works (DPW) within forty-eight (48) hours of the Promoter/Organizer filing the litter plan with DPW.” *Id.* at § 712.9.

5. It should be further noted that under § 500.1, “The Board shall not accept as filed, and shall take no action upon, any application that is not complete.” 23 DCMR § 500.1 (West Supp. 2016).

6. In this case, the Applicant did not file a completed or timely Application, based on the failure to submit the operational and security plan, the litter control plan, all contracts related to litter control services obtained for the event. *Supra*, at ¶¶ 1-2. Moreover, even if the Board accepted the materials filed at the Fact Finding Hearing, the Applicant’s materials are not complete or provide the required information identified in Paragraph 2 above. *Supra*, at ¶ 2. Consequently, the Board is not able to approve the Application and denies the Application because it is incomplete and untimely pursuant to §§ 712. 5 and 500.1

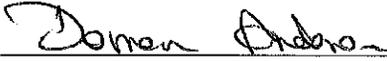
ORDER

Therefore, the Board, on this 9th day of March 2016, **DENIES** the Pub Crawl Application filed by Project D.C. Events 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 if the Applicant files a request for hearing, the Board will convert this Order into a Proposed Order and will hold a contested fact finding hearing for the purpose of allowing the Applicant to challenge this determination and to allow the submission of additional evidence into the record. Otherwise, if the Applicant fails to file a request for a hearing within ten (10) days of receipt of this Order, this Order shall be deemed final.

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

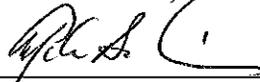
District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



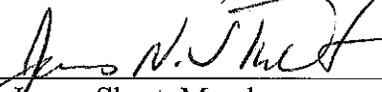
Nick Alberti, Member



Mike Silverstein, Member



Ruthanne Miller, Member



James Short, Member

If you request a hearing, please note the following: under D.C. Official Code § 2-509(b), you may personally appear at the hearing, and you, as well as the applicant, may be represented by legal counsel. At your scheduled hearing, you have the right to produce witnesses and evidence on your behalf and to cross-examine witnesses. You may also examine evidence produced and have subpoenas issued on your behalf to require the production of witnesses and evidence.

The Board reserves the right to amend this notice in accordance with D.C. Official Code § 2-509 based on new information that is discovered during the hearing process. The Board also reserves the right to schedule additional hearings to address preliminary motions or additional information received by the Board during the hearing process.

All hearings are conducted before the Board in the English language. If a party or witness is deaf, or because of a hearing impediment cannot readily understand or communicate the spoken English language, the party or witness may apply to the Board for the appointment of a qualified interpreter.

Please note that under § 2-509, your failure to appear at the time and place set for the hearing, either in person or through counsel, or both, will not preclude the Board from proceeding in this matter or entering a default judgment.

If no request for a hearing is received, please note the following: pursuant to 23 DCMR § 1719.1, 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