

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

2 11:20 a.m.

3 CHAIRPERSON ANDERSON: The next case on
4 our calendar it is a fact finding hearing
5 regarding Ingleside Presbyterian Retirement
6 Community -- excuse me, Ingleside at Rock Creek,
7 3050 Military Road NW. They are applying for a
8 CX license. Mr. Orellana, can you please elevate
9 the parties in this case. Thank you.

10 MR. ORELLANA: Jason Basile, your
11 access has been elevated. That is all Chairman.

12 CHAIRPERSON ANDERSON: Thank you.

13 MR. BASILE: Good morning.

14 CHAIRPERSON ANDERSON: Good morning,
15 Mr. Basile. Can you please spell and state your
16 name for the record and your relationship to this
17 establishment?

18 MR. BASILE: Yes, Jason Basile, J-A-S-
19 O-N, B-A-S-I-L-E, and I am the executive director
20 at Ingleside at Rock Creek.

21 CHAIRPERSON ANDERSON: All right. Mr.
22 Basile, it is my understanding that this is a
23 fact finding hearing. Let me just explain to you
24 what a -- a fact finding hearing is that the
25 Board is just asking questions. You are not

1 under oath. The Board cannot order anyone to --
2 the Board cannot -- in a fact finding hearing
3 cannot order a party to make any specific type of
4 action, but it appears that you have applied for
5 a multi-purpose license. The Board is unsure if
6 this is the right license category for you, for
7 your establishment. So what I would like you to
8 do is to tell us about this establishment, why is
9 it that you are applying for this particular type
10 of license, and just provide us with as much
11 information that you can regarding this
12 establishment and why this type of license being
13 requested. Then the Board might have some
14 questions of you. Okay? So tell us about this
15 establishment and what it is that you are
16 applying for.

17 MR. BASILE: Yes, thank you so much.
18 I appreciate you all's time. Ingleside at Rock
19 Creek is a senior living retirement community.
20 We serve over 400 individuals that are DC
21 residents everyday. About 75 percent of our
22 resident population are independent living
23 residents who live here. Some still work in the
24 District, some travel, this is their home. We
25 have two dining venues as well as we are in the

1 process of opening a pub location. So for
2 residents who currently bring alcohol to the
3 dining room, they serve it themselves, this is
4 their home. We would like to open up a pub so
5 that before dinner, after dinner, just comradery,
6 socialization, for the group of individuals that
7 live here. In addition to the pub, we would also
8 like the opportunity to have ability to provide
9 alcohol services in both of our dining venues as
10 well.

11 CHAIRPERSON ANDERSON: So that is what
12 you are asking for? That is the extent of --
13 well then I think just off the cuff, if you want
14 to open a pub you probably need to apply for a
15 tavern license, not a multi-purpose license. Why
16 did you apply for a multipurpose license, because
17 it is a multipurpose CX license is what you had
18 applied for. I am just asking why did you apply
19 for that specific license, I mean, it appears if
20 all that you are applying -- if you are trying to
21 open pub. So when you said you are trying to
22 open a pub tell me what do you mean by that?

23 MR. BASILE: Good question. It is a
24 little different than a pub because -- that is
25 what we are calling it. We are not trying to

1 serve food we are just --

2 CHAIRPERSON ANDERSON: You do not have
3 to serve food with a pub. Restaurant you have to
4 serve food, but with a pub there are no
5 requirement that you serve food.

6 MR. BASILE: Okay. I mean, I think the
7 idea is, again, pub may be the correct
8 application that we need to resubmit to -- I
9 think it is to have -- the goal is in this area -
10 -

11 CHAIRPERSON ANDERSON: No, you tell me
12 what is that -- tell me everything you want to do
13 if we were to give you this license, and then --
14 I do not want to say -- I do not want to off the
15 top of the cuff to day, okay, you need a tavern.
16 You tell me everything that you imagine that if
17 this license was granted what you would do, what
18 your facility would do.

19 MR. BASILE: So the goal of this
20 location is in the morning hours we have got
21 coffee, we have got newspapers, we have got
22 television, we have got the news on. Throughout
23 the day we will have specific hours where we may
24 have a bartender during happy hour. We also are
25 looking into a system called PourMyBev, which is

1 a innovative technology system where individuals
2 can self-serve themselves alcohol if they have
3 fobs connected to their apartments. Then have
4 some small snacks and things of that issue that
5 we are just having throughout the day if they
6 wish to have it, not a full menu, as we have two
7 dining establishments, but that is really the
8 gist of it, and to be able to charge residents
9 for that alcohol.

10 CHAIRPERSON ANDERSON: Now, the only
11 thing that I want to point to, who would have the
12 ability to utilize the services? Can I walk off
13 the street and come and utilize your pub?

14 MR. BASILE: You would not be able to.

15 CHAIRPERSON ANDERSON: It is only for
16 the residents within the facility.

17 MR. BASILE: Correct.

18 CHAIRPERSON ANDERSON: What --

19 MR. BASILE: Or guest of a resident,
20 right?

21 CHAIRPERSON ANDERSON: Now, one of the
22 things that I want to bring to your attention
23 whichever license that is granted, whenever
24 alcohol is being served you have to have an owner
25 or an ABC manager available during the time that

1 the alcohol is exposed unless it is secure. I
2 hear you mentioned that residents would have a
3 fob ad they can self-serve themselves, but during
4 that period of time that the alcohol is available
5 for service, if an investigator was to come to
6 the facility and if the alcohol is freely
7 available to anyone we are going to ask who is
8 the ABC manager on duty.

9 MR. BASILE: Can you define available
10 to anyone?

11 CHAIRPERSON ANDERSON: That I can have
12 access to it. You just talked about that a
13 resident -- explain to me this fob situation,
14 explain that to me a little bit more, please.

15 MR. BASILE: Sure. So the fob system,
16 it is called PourMyBev, and the ideal behind this
17 is that residents they have a card that is
18 connected to their account and it tells us to the
19 tenth of the ounce how much alcohol they are
20 pouring. It charges them to the tenth of the
21 ounce, and it does not require that we have a
22 bartender in that area at all times of the
23 operation.

24 CHAIRPERSON ANDERSON: I do not believe
25 you can serve alcohol in a commercial space

1 without having, not necessarily a bartender, but
2 an ABC manager, someone. So you would have to
3 have --

4 MR. BASILE: The general manager of
5 dining services in the vicinity or the operations
6 manager and things of that nature.

7 CHAIRPERSON ANDERSON: No, that person
8 would have to be an ABC manager, would have to
9 get a license from us, an ABC manager's license.
10 So anytime alcohol is available there has to be
11 someone who is supervising the service of
12 alcohol. So that is what I meant is that if it
13 is available then there has to be an owner or ABC
14 manager who is accountable for what is going on
15 with the alcohol, so it cannot be that the
16 alcohol is sitting on the table and anyone -- you
17 know what I mean, that anyone --

18 MR. BASILE: Yes.

19 CHAIRPERSON ANDERSON: -- one of the
20 residents can come and serve themselves without an
21 owner or an ABC manager being in the vicinity to
22 account for what is going on. You also need to
23 have some type of mechanism over serve, because a
24 bartender -- one of the jobs of a bartender is to
25 make sure that folks are not over served. I know

1 that you are saying that the facility with the
2 liquor would only be -- the alcohol would only be
3 available to residents and their guests. How is
4 it that you would ensure that minors do not have
5 access to -- that alcohol is not being served to
6 minors?

7 MR. BASILE: Yes. So, again, clearly
8 there has got to be some oversight in that area,
9 and then for over serving you can put a limit on
10 that system. So if the bartender is not
11 providing the beverage you can limit the number
12 of beverages consumed with the resident's card,
13 but if you are telling me that DC does not like
14 the use of that operation then we have to adjust.

15 CHAIRPERSON ANDERSON: I am not saying
16 that I do not like the use of the operation, I am
17 just pointing out to you what are some of the
18 requirements of the law.

19 MR. BASILE: Correct.

20 CHAIRPERSON ANDERSON: So I am not
21 saying you cannot have this operation. I am just
22 saying to you generally whatever license type is
23 provided to you anytime that alcohol is being
24 served there has to be an ABC manager or a owner
25 physically present so if one of our investigators

1 show up then we are going to ask you -- in order
2 for us to make sure that you are complying with
3 the law one of the first things that the
4 investigator does is that the investigator is
5 there a ABC manager or owner available so we can
6 do our regulatory inspection. So that is one of
7 the reasons why I am saying whatever type of
8 license that is granted that is the requirement
9 that has to occur, and you also have to have some
10 provision how do you ensure that minors do not
11 have access to the alcohol. So if it is there a
12 resident could potentially give their card to a
13 minor, and the minor could go and serve himself
14 alcohol. So what mechanisms would you have in
15 place to ensure that the alcohol is not available
16 to minors or minor, and also there are hours,
17 because this is a commercial -- you need to have
18 hours of operation in the sense that, okay, you
19 cannot serve alcohol in a commercial facility 24
20 hours.

21 MR. BASILE: Correct.

22 CHAIRPERSON ANDERSON: So there has to
23 be some established hours when alcohol would be
24 available in the commercial space. So those are
25 some of the issues and concerns that -- just

1 generally whatever type of license that is
2 provided you have to be aware of.

3 MR. BASILE: One hundred percent.
4 Again, with bartender serving, or you can put a
5 timer on the system so that it only serves at
6 particular hours.

7 CHAIRPERSON ANDERSON: But, as I
8 stated, there has to be supervision.

9 MR. BASILE: Correct.

10 CHAIRPERSON ANDERSON: Someone has to
11 supervise the service of the alcohol during that
12 period of time. It cannot be that anyone -- any
13 member would have access to the alcohol without
14 some bartender. When I said bartender you know
15 what I mean.

16 MR. BASILE: Sure, there needs to be an
17 ABC manager --

18 CHAIRPERSON ANDERSON: Or owner.

19 MR. BASILE: or owner on site in the
20 vicinity --

21 CHAIRPERSON ANDERSON: Yes.

22 MR. BASILE: -- if alcohol is being
23 served with a license.

24 CHAIRPERSON ANDERSON: Right, because
25 when an investigator comes, if we are going to

1 come, which we routinely will. With all
2 licensees we do regulatory inspections, and so we
3 are going to -- as soon as the investigator shows
4 up they come in and say is there an owner or ABC
5 manager available, and they will show their ID,
6 and that is who they normally ask for. If an
7 owner or ABC manager is not available and if the
8 alcohol is out and available then that is a
9 violation of our rules and regulation. Now, if
10 the alcohol is not available for someone to
11 access it then there is no need to have an ABC
12 manager or owner, because the alcohol is not
13 available for someone to access it, meaning that
14 it would have to be secured and so one can say
15 the alcohol is secured so it is not readily
16 available to residents. Any questions by any
17 Board members? Go ahead, Mr. Short, and then Mr.
18 Grant.

19 MEMBER SHORT: Thank you very much.
20 Mr. Jason Basile, how are you today?

21 MR. BASILE: I am doing very well.
22 Thank you, sir.

23 MEMBER SHORT: That is great.
24 Apparently, from the questions that have been
25 answered, your answers that were given, you are

1 not familiar with ABC Alcoholic Licensing in the
2 District of Columbia. Would that be a --

3 MR. BASILE: That is a true statement.

4 MEMBER SHORT: Can I make a
5 recommendation to you?

6 MR. BASILE: Please, sir.

7 MEMBER SHORT: Can you get in contact
8 with our licensing agents at ABCA, and they will
9 direct you to what licenses you are really
10 qualified for, how to apply for them, and all the
11 steps you need to take to fulfill everything that
12 our chairman has laid out to you. When you do
13 that it makes it a lot easier along the process
14 whatever license you qualify for.

15 MR. BASILE: Thank you, sir.

16 MEMBER SHORT: That is all I have, Mr.
17 Chairman.

18 CHAIRPERSON ANDERSON: Mr. Grant.

19 MEMBER GRANT: Mr. Basile, thank you
20 for being with us this morning. Just had a
21 couple of quick questions. One, in this pub area
22 that you are looking to have added to your
23 facility, my assumption is that the consumption
24 of the alcohol would happen in the pub area and
25 that they would not be able to go back to their

1 residence. Is that correct or am I wrong on
2 that?

3 MR. BASILE: It is a good question.
4 The pub is right next to the dining room. So the
5 idea would be if they could have the alcohol in
6 the pub and then just go to their dining room,
7 which is at the least 20 steps away from where
8 the pub is.

9 MEMBER GRANT: Got you, but they would
10 not be able to take it up to their units where
11 they reside.

12 MR. BASILE: Correct, we would not want
13 them to do that.

14 MEMBER GRANT: All right, and just one
15 other question just to kind of get some feeling
16 for what you are thinking through. There was a
17 little discussion between you and the chairman
18 about the guests being able to accompany the
19 residents in the pub area. Have you all thought
20 about how we verify that the guests are actually
21 with the residents? Would they ever be able to
22 go unaccompanied, or how will you verify the
23 connection between the guests and the actual
24 resident?

25 MR. BASILE: Sure, so the plan of that

1 system, again, if we are using the bartender for
2 those hours that is a little bit easier to
3 determine because we have staff member there.
4 The question you are asking is if there are using
5 the PourMyBev system with the card how do we
6 ensure that that person is related to a resident.
7 So, again, the goal would be that that card is
8 only provided to residents of the community. So
9 to access the system they would have to be with
10 an individual that is a resident.

11 MEMBER GRANT: Two other questions, one
12 a clarification on that question, then on final
13 question. In the event that there was a
14 bartender, right, if we take out the PourMyBev
15 option and we just had a bartender that was
16 dedicated to working that space, would you all
17 still allow guests to go into the space
18 unaccompanied by a resident?

19 (Simultaneous speaking.)

20 MEMBER GRANT: Yes, if my grandmother
21 lived on the third floor, I came to go visit her,
22 I signed in, I went downstairs to grab something
23 to eat, and I went to get a drink next door to
24 the dining hall in the pub. Have you thought
25 about how that process would work?

1 MR. BASILE: You are saying they wish
2 to order a drink in the pub without the family
3 member with them.

4 MEMBER GRANT: Right, but minus the
5 PourMyBev option if there was a actual bartender
6 there.

7 MR. BASILE: Again, in the type of
8 organization we -- clearly we have never had an
9 alcohol license in the hundred plus years that we
10 have been in operation, but it is a good
11 question. I do not believe we would serve a
12 resident alcohol -- or a guest alcohol without
13 that resident being there, kind of like a country
14 club where you are -- you have to be a member of
15 the country club, because we are going to charge
16 it to the resident's account. So there is no
17 cash being exchanged, there is no credit card, it
18 is all going to go to their apartment.

19 MEMBER GRANT: One final question, with
20 the PourMyBev concept, are there any other
21 jurisdictions you can refer to that currently
22 have this, because I am just curious about it? I
23 have never heard of it before.

24 MR. BASILE: Yes, there are other
25 states that use this system. We have been in

1 contact that company. They used to be called
2 PourMyBeer. I do not know if you all have heard
3 of that either of those companies, but they are
4 used a lot in country clubs, they are used a lot
5 in senior retirement communities, they are used a
6 lot for different convention centers, things of
7 that nature.

8 MEMBER GRANT: Thank you. No further
9 questions, Mr. Chair.

10 CHAIRPERSON ANDERSON: Thank you. Any
11 other questions by any other Board members? Do
12 you have any other representations that you want
13 to make, Mr. Basile?

14 MR. BASILE: I guess the only question
15 I have that is really of importance to me is in a
16 pub area in DC if a resident -- if we have
17 alcohol in a pub, and then we also have two
18 dining venues, once you have this liquor license,
19 or alcohol license, are residents able to bring
20 in their own bottle of wine rather than the
21 purchased bottles of wine. I think that is -- we
22 want to make sure residents are wanting to still
23 be able to bring in their own alcohol if they
24 choose so. So I just wanted to ask that
25 question.

1 CHAIRPERSON ANDERSON: They are
2 bringing their alcohol where?

3 MR. BASILE: So they leave their
4 apartment and they come downstairs to the main
5 dining room where they are serving themselves
6 wine. It is their house, it is their home.

7 CHAIRPERSON ANDERSON: Well, I mean, I
8 guess restaurants will -- some restaurants allow,
9 or some establishments allow folks to come into
10 their establishment with a bottle and I guess
11 they charge them a corkage fee. So there is
12 some, and do not quote me on that, so I am going
13 to direct you back to licensing. These are
14 questions you can ask licensing to say if a
15 resident wants to come in with a commercial
16 license how do we go about doing that. Now, you
17 applied for a license, and you applied for a CX
18 license, is that correct?

19 MR. BASILE: Correct.

20 CHAIRPERSON ANDERSON: The reason why
21 we are having this hearing is to see if you
22 qualify for this particular type -- to see
23 whether or not you qualify to apply for this
24 particular type of license. Based on the
25 presentation made today, this is not the

1 appropriate type of license for the facility
2 because the law has -- in order to be a CX
3 license you have to be what is called either a
4 legitimate theater -- that license is only
5 granted to a legitimate theater, universities,
6 museums, conference centers, art galleries,
7 facilities for the performance of sports,
8 cultural, or tourist related activities, to
9 indoor parks, buildings, and facilities that
10 primarily serve as recreational playgrounds, or
11 work spaces. So that is specifically what a
12 multi-purpose license requirement to have, a
13 multi-purpose license. Based on the
14 presentation, if you talk about a pub, a multi-
15 purpose license is not the appropriate license
16 category for you to apply for. So what we are
17 going to do, what the Board is going to do, is to
18 direct you back to licensing for you to sit down
19 with licensing to explain to them your concept,
20 what it is that you want to do, and our licensing
21 division will provide you, based on your concept,
22 the type of license that you should apply for,
23 because I believe that based on the presentation
24 that is why you are having this fact finding
25 hearing today. If you had applied for a

1 different type of license you would not have a
2 fact finding hearing you would have had
3 conversations with licensing. So what I would
4 say is that we are going to direct you back to --
5 we are going to have our licensing division
6 contact you and for you to sit down someone in
7 the division. You can explain to them what is it
8 you are trying to do with the concept, and they
9 will let you know the proper type of license that
10 you should apply for and provide you with
11 background information about what is it that you
12 can do. You can talk to them also about
13 residents who still want to enter the space, the
14 commercial space, with their own alcohol, and
15 they can provide you with some instructions or
16 some guidance how to work that process. You also
17 talk about PourMyBeer, I think. What is the
18 concept again, I'm sorry?

19 MR. BASILE: PourMyBev.

20 CHAIRPERSON ANDERSON: Pour my Bev, and
21 so they can share with you their reasonable
22 interpretation of what does that mean to have
23 that in the facility. They can explain that to
24 you, but I just think that based on the
25 presentation that you made this is not the -- a

1 CX license is not the appropriate license. I do
2 not know what is the appropriate license for you
3 to apply for, but clearly the presentation does
4 not -- it does not appear to fit the guidelines
5 for a CX license.

6 MR. BASILE: Well, I appreciate you
7 all's time, and appreciate your assistance, and I
8 am sorry to have hopefully not wasted too much of
9 your time as you are helping us get this program
10 started.

11 CHAIRPERSON ANDERSON: It is not a
12 waste. The bottom line is that you applied for a
13 license category, and because this license is not
14 a license that is granted. There are not that
15 many CX licenses that have been issued, so
16 anytime someone applied for type of license we
17 always have a fact finding hearing for you to
18 tell us why is it that you believe that this is
19 the appropriate type of license for you. Then
20 based on the questions that you provide then we
21 would say, I am not sure if this is the type of
22 license for you, but then we are going to have
23 you sit down with licensing and they can tell you
24 the type of license to apply for. I just want to
25 say to you that outside of a restaurant you do

1 not have to serve food. So if that was the
2 issue, if it was the issue because of food then
3 you are not a restaurant so there are other types
4 of licenses that have no food requirement. So we
5 will make sure that licensing connect with you to
6 provide you the guidance regarding the type of
7 license to apply for. What we are going to do is
8 direct licensing to connect with you to review
9 your plans of what is it that you want to do, and
10 they will provide you the proper guidance of the
11 proper type of licensing to apply for because the
12 CX license, based on the presentation today, is
13 not the appropriate category for you. Okay?

14 MR. BASILE: Thank you so much.

15 CHAIRPERSON ANDERSON: All right.

16 Thank you, sir. Have a great day.

17 MR. BASILE: Thank you.

18 CHAIRPERSON ANDERSON: All right. I
19 need everyone to mute their lines, please. With
20 that said, we are at the end of our morning
21 calendar.

22 (Whereupon, the above-entitled matter
23 went off the record at 11:49 a.m.)
24
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In the matter of: Ingleside at Rock Creek

Before: DC ABCA

Date: 10-02-24

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