

IN THE MATTER OF:	:
	:
East Coast Sound Patrol,	:
LLC,	:
Afro-Carib Music Food	:
Culture	:
15 K Street NE	: Fact Finding
Date of Event: June 15,	: Hearing
2019	:
Size of Event: 1500	:
Attendees, 20 Security	:
Temporary License	:
Application	:

Wednesday  
June 5, 2019

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Donovan W. Anderson, presiding.

**PRESENT :**

DONOVAN W. ANDERSON, Chairperson  
BOBBY CATO, JR., Member  
JAMES SHORT, Member  
MIKE SILVERSTEIN, Member

**ALSO PRESENT:**

**JOSEPH GHIRMAY, APPLICANT**

**INVESTIGATOR MARK BRASHEARS, ABRA**

**INVESTIGATOR KEVIN PUENTE, ABRA**

**INVESTIGATOR MARK RUIZ, ABRA**

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

9:56 a.m.

CHAIRPERSON ANDERSON: All right, thank you. We have a fact-finding hearing of a temporary license application for June 15, 2019. It's the Afro-Caribbean Music Food Culture, Joseph Ghirmay. Let's do the identification, starting with the investigators.

MR. PUENTE: Kevin Puente.

CHAIRPERSON ANDERSON: Good morning, Mr. Puente.

MR. BRASHEARS: Supervisory Investigator Mark Brashears, with ABRA.

CHAIRPERSON ANDERSON: Mr. Brashears.

MR. RUIZ: Investigator Mark Ruiz.

CHAIRPERSON ANDERSON: Mr. Ruiz. Sir.

MR. GHIRMAY: Joseph Ghirmay.

CHAIRPERSON ANDERSON: Good morning, Mr. Ghirmay. There's a sign-in sheet. Make sure you sign those sign-in sheets if you have not done so before, sir. Mr. Ghirmay, can you tell us -- give us -- have you ever done an event like

1       this before?

2                   MR. GHIRMAY: I was a part of one.  
3       This is the first time I've ever applied for a  
4       special events permit and a one-day license. I  
5       was a part of one before, but this is the first  
6       time that I'm stepping out and doing it in this  
7       fashion.

8                   CHAIRPERSON ANDERSON: Can you give me  
9       your background and what it is that you bring to  
10      -- and why should the Board consider -- if the  
11      Board was going to consider this event, why  
12      should the Board do that? Also, is there an  
13      establishment at this location? If there's an  
14      establishment at this location, what is your  
15      relationship with the establishment that's at the  
16      location?

17                  MR. GHIRMAY: My background, I've been  
18      in entertainment, doing sound, DJ'ing, production  
19      for about 20 years now. I also throw a New  
20      Year's Eve event at the W Hotel, Omni Shoreham  
21      Hotel. That's pretty much what I've been -- my  
22      business has been for the past five years.

1 I do the W Hotel ballrooms twice a  
2 year, and then I also do a New Year's Eve event  
3 at the Omni Shoreham. That's what I've been  
4 doing for the past five years. Wanted to do a  
5 festival and bring something together with music,  
6 food, and culture in D.C. I wanted to do it the  
7 right way. I applied for the whole special event  
8 permit and acquired a fire marshal, two medics.  
9 The fire marshal has approved -- there's going to  
10 be two of his men there. The police are also  
11 going to be on site. This is something that I've  
12 been really wanting to do for a very long time.  
13 In terms of my relationship with the owner,  
14 you're saying?

15 CHAIRPERSON ANDERSON: What business  
16 is there?

17 MR. GHIRMAY: The business that's  
18 there is Club Elevate. It's behind Club Elevate,  
19 in the parking lot. I have rented it from the  
20 parking lot owners and gotten their approval that  
21 I can have the event there. It's the parking lot  
22 behind Club Elevate.

1                   CHAIRPERSON ANDERSON: Who owns the  
2 parking lot? I'm asking is it -- does Club  
3 Elevate own the parking lot, or is this a  
4 separate --

5                   MR. GHIRMAY: It's another entity who  
6 -- it's being managed under U Street Parking. U  
7 Street Parking leases the land and has authority  
8 to -- it's just a parking lot. It's operated as  
9 a parking lot. It won't be operated as a parking  
10 lot for that day, so we have the letter from U  
11 Street Parking that I've also submitted to you  
12 guys, as well. I have additional copies here if  
13 you guys need them.

14                  CHAIRPERSON ANDERSON: Do you know  
15 whether or not Club Elevate -- if you don't know,  
16 you can say you don't know. Do you know whether  
17 or not Club Elevate utilizes the parking lot?

18                  MR. GHIRMAY: Utilizes the parking  
19 lot?

20                  CHAIRPERSON ANDERSON: Yes.

21                  MR. GHIRMAY: I don't know. I know  
22 that it's not -- when I go there in the daytime,

1 it's a parking lot full of cars, and it's daytime  
2 that I've been there.

3 CHAIRPERSON ANDERSON: Investigator  
4 Ruiz, what, if anything, can you provide us about  
5 this application?

6 MR. RUIZ: From my understanding, it  
7 will be a festival on the 15th of June. The  
8 time's from 2:00 p.m. to 10:00 p.m. Expected  
9 turnout of persons is 1,500. The age for the  
10 event is 18 and older. Has this event occurred  
11 before?

12 MR. GHIRMAY: This event occurred  
13 before at the same location. It was held through  
14 the venue at that time. As far as organization  
15 of it and putting it together, that was my end.  
16 The other aspects of the event was supposed to be  
17 done by the venue.

18 MR. RUIZ: I understand that your  
19 security's going to be provided by Massive  
20 Entertainment.

21 MR. GHIRMAY: Yes.

22 MR. RUIZ: They're going to have 20

1 security personnel.

2 MR. GHIRMAY: Minimum.

3 MR. RUIZ: ID check procedures what is  
4 it going to be for that?

5 MR. GHIRMAY: They will be doing the ID  
6 check. They also do Events D.C. events at RFK,  
7 and so they have their system of what they're  
8 going to wear and being out front and ID'ing  
9 everybody coming in, making sure that it's --

10 MEMBER SHORT: We can't hear you.  
11 Please speak up. Speak up, so we can hear you.

12 MR. GHIRMAY: Sure, no problem.  
13 Massive Entertainment will be ID'ing upon arrival  
14 into the gate, making sure that it's 18 minimum,  
15 21 and over, they get two different wristbands.  
16 Bartenders and anybody serving drinks will be  
17 looking at to see if they have the proper  
18 wristband saying that they're 21 and over.  
19 They'll also be checking other things, as well,  
20 making sure people are not too inebriated or if  
21 they need water. We also have a detox station,  
22 as well.



1 MR. RUIZ: How will the drinking area  
2 of the lot be controlled?

3 MR. GHIRMAY: What area?

4 (Simultaneous Speaking.)

5 MR. RUIZ: Drinking.

6 MR. GHIRMAY: It will be controlled  
7 with the 20 security guards that are going to be  
8 throughout the area.

9 MR. RUIZ: Is it fenced in?

10 MR. GHIRMAY: Barricades. It's an  
11 enclosed area, so if you -- it's buildings on  
12 each side. You can't penetrate it without coming  
13 through the front gate.

14 MR. RUIZ: How will the staff be  
15 communicating with security and other personnel?

16 MR. GHIRMAY: Wireless ear phones,  
17 headsets that the security company will be  
18 providing, also through cell phone, text message,  
19 group chats.

20 MR. RUIZ: Will there be  
21 pre-determined positions, as far as placement of  
22 security?

1 MR. GHIRMAY: Yes, we do. We have a  
2 security plan and their placement already  
3 assigned, as well.

4 MR. RUIZ: You have a security plan,  
5 you said.

6 MR. GHIRMAY: With a chart, yes. I  
7 can forward that to you. I didn't bring that  
8 today.

9 MR. BRASHEARS: Question for you, sir.  
10 Where would the alcohol for the event be procured  
11 from?

12 MR. GHIRMAY: There are parking  
13 garages there. Within the parking garage, we  
14 will set up the tables and the bars there.

15 MR. BRASHEARS: No, I'm saying where  
16 will you get the alcohol for the event?

17 MR. GHIRMAY: Oh, Breakthru/Republic  
18 have sponsored the event and have been donating  
19 most of the product for us.

20 MR. BRASHEARS: Just to let you know,  
21 you've listed approximately 1,500 people and 20  
22 security personnel. Typically, the ratio we like

1 to see is a 50 to 1 ratio. If you're going to  
2 have 1,500, you may want to think about getting a  
3 few more security personnel.

4 MR. GHIRMAY: It was 20, minimum,  
5 inside. We were going to do five outside, that  
6 three additional police were also going to be  
7 hired. I don't know if they qualify as security.

8 MR. BRASHEARS: You're going to have  
9 a police presence, as well.

10 MR. GHIRMAY: Yes, sir.

11 MR. PUENTE: What do you mean by  
12 inside?

13 MEMBER SHORT: What do you mean by  
14 inside and outside?

15 MR. GHIRMAY: Inside the venue, inside  
16 the gated area, and then outside -- I don't think  
17 the police are actually allowed to be inside of  
18 the festival grounds.

19 MEMBER SHORT: You don't think so?  
20 Let me ask you a question. When you say inside,  
21 you're talking about -- so you're going to be  
22 expanding through the parking lot to

1 (Simultaneous Speaking).

2 CHAIRPERSON ANDERSON: No, he said  
3 inside the parking lot. That's what he's talking  
4 about.

5 MR. GHIRMAY: Inside the parking lot.

6 MEMBER SHORT: What do you mean  
7 outside?

8 MR. GHIRMAY: Outside meaning outside  
9 of the gate coming in, meaning -- from what I was  
10 told, the Metropolitan Police will be out at the  
11 gate. When I say outside, I mean outside of the  
12 festival grounds, not inside the venue, not in  
13 any other venue.

14 MEMBER SHORT: What is the square  
15 footage of -- Mr. Chair, might I ask him a  
16 question?

17 CHAIRPERSON ANDERSON: Sure, yes.

18 MEMBER SHORT: What is the square  
19 footage of the intended area, where you're going  
20 to have 1,500 people? What's the square footage?

21 MR. GHIRMAY: Approximately about  
22 65,000 square feet.

1 MEMBER SHORT: Approximately?

2 MR. GHIRMAY: That's the number I was  
3 told. I cannot verify that, but that's  
4 (Simultaneous Speaking).

5 MEMBER SHORT: If you can't verify  
6 that, how can we approve it? Because if you have  
7 1,500 and it really can't support 1,500, then we,  
8 as city officials, are giving you permission to  
9 break the law. What is the square footage?

10 MR. GHIRMAY: I don't know. I can't  
11 say that.

12 MEMBER SHORT: You're saying 1,500  
13 people, and you don't know the square footage,  
14 right?

15 MR. GHIRMAY: Correct.

16 MEMBER SHORT: Is that your testimony  
17 for the record?

18 MR. GHIRMAY: Yes, sir, that's  
19 correct.

20 MEMBER SHORT: I'm glad we established  
21 that now. Let me also ask you how many 18 year  
22 olds will be a part of that 1,500?

1 MR. GHIRMAY: I can't give you a  
2 definite number, but I would say about 10 to 15  
3 percent.

4 MEMBER SHORT: Which is what number?  
5 I need you to give me a number.

6 MR. GHIRMAY: Two hundred.

7 MEMBER SHORT: Two hundred 18 year  
8 olds will be there.

9 MR. GHIRMAY: Yes, sir.

10 MEMBER SHORT: What's going to stop  
11 someone who's 21 from giving the 18 year old a  
12 drink of their alcohol?

13 MR. GHIRMAY: What's going to stop it  
14 is --

15 MEMBER SHORT: Yes, what's going to  
16 stop it?

17 MR. GHIRMAY: -- the security that's  
18 going to be watching everything, watching all of  
19 the interactions that are going on. We have a  
20 good security team that will be paying attention  
21 to --

22 MEMBER SHORT: Let's don't go too

1 fast. If you don't know the square footage, how  
2 can you approve 1,500? I, as a Board member,  
3 have some public safety background, and I'm not  
4 going to approve it, I'm telling you right now,  
5 until you can say to me exactly what the square  
6 footage is. I think that's fair.

7 MR. GHIRMAY: That's fair.

8 MEMBER SHORT: Because we approve  
9 something that's not legal, 1,500 might not be  
10 allowed in that space. What's the name of the  
11 club that's there, the business that's there?

12 MR. GHIRMAY: Elevate.

13 MEMBER SHORT: What is their  
14 occupancy? How many people can they have at  
15 their location? Does that matter? It should  
16 because we have to look at the whole picture.  
17 You're painting a very rosy picture, but you  
18 don't have all the information to really put the  
19 color into the roses.

20 I would like for you to be able to  
21 tell us a little bit more, if you can, at another  
22 time. With the information that's been provided

1 to me, today, as a Board member, I can't vote for  
2 this. That's all I have, Mr. Chair.

3 CHAIRPERSON ANDERSON: Did you say you  
4 went to the mayor's task force to have this event  
5 approved? Did you apply --

6 MR. GHIRMAY: Special event permit.

7 CHAIRPERSON ANDERSON: What  
8 information did you provide to them? Tell me  
9 about the process. That's what I'm trying to  
10 find out from you.

11 MR. GHIRMAY: I had to go get signed  
12 off with the Metropolitan Police, the Department  
13 of Health, the Fire and Emergency Medical, the  
14 Office of the Fire Marshal, the Corporations  
15 Division, the Office of Tax and Revenue, and  
16 Alcohol and Beverage Regulation is where I'm at  
17 now.

18 CHAIRPERSON ANDERSON: You're saying  
19 all those other agencies have signed off on your  
20 plans?

21 MR. GHIRMAY: All of them except,  
22 right now, the Department of Health needs some



1 more documents from me. I have to certify that  
2 EMS is going to be there or a certified CPR  
3 practitioner will be there. Once I get those  
4 papers, the process will move forward. For all  
5 that I know (Simultaneous Speaking).

6 CHAIRPERSON ANDERSON: Let him finish,  
7 then you can ask him. Go ahead and finish, then  
8 Mr. Short can ask another question.

9 MR. GHIRMAY: Out of all of them, one,  
10 two, three, four, I have four signatures right  
11 now. I need one, two, three more.

12 CHAIRPERSON ANDERSON: What are the  
13 three you now require?

14 MR. GHIRMAY: The Department of  
15 Health, they need to know that somebody will be  
16 there for public safety. Once I get them the  
17 proper documents that they need, then the Fire  
18 and Emergency Medical Service will also sign off  
19 is what I've been told. They're waiting for the  
20 Department of Health to make sure that there's  
21 going to be safety there and somebody that can  
22 respond right away, so those two.

1                   After that, I don't need the  
2                   Department of Transportation because there's no  
3                   road closures. The police basically -- I  
4                   submitted everything to them. They said they're  
5                   just going to review it with the district  
6                   commander and sign it and send it back. After  
7                   those three, the only one that I need is ABRA.

8                   CHAIRPERSON ANDERSON: You have  
9                   another question, Mr. Short?

10                  MEMBER SHORT: Yes. Did you testify  
11                  earlier that you got a sign-off from the Fire  
12                  Department or Fire Marshal's Office?

13                  MR. GHIRMAY: Fire marshal, yes.

14                  MEMBER SHORT: What did they sign off?

15                  MR. GHIRMAY: They signed off that --  
16                  they signed the paper for the special event. Not  
17                  the Fire and Emergency Medical Services, the fire  
18                  marshal.

19                  MEMBER SHORT: It's only one  
20                  department in this city. It's the Fire and  
21                  Emergency Medical Services. It's one department.

22                  MR. GHIRMAY: I know (Simultaneous

1 Speaking).

2 MEMBER SHORT: So the fire marshal --  
3 okay, but you gave testimony that the Fire  
4 Department said it was okay.

5 MR. GHIRMAY: The Office of the Fire  
6 Marshal.

7 MEMBER SHORT: Did you give them the  
8 number of people you're going to have?

9 MR. GHIRMAY: I submitted the  
10 questionnaire with everything that was on it,  
11 yes, sir.

12 MEMBER SHORT: So you have 1,500 for  
13 the Fire Marshal's Office.

14 MR. GHIRMAY: Yes, sir.

15 MEMBER SHORT: You are trying now to  
16 get established that you're going to have an EMS  
17 presence, someone there who can perform CPR.

18 MR. GHIRMAY: Yes, sir.

19 MEMBER SHORT: You haven't got that  
20 yet.

21 MR. GHIRMAY: No, not yet.

22 MEMBER SHORT: What are the items that

1       you don't have?

2                   MR. GHIRMAY:   The other ones that need  
3       to be signed off are the Fire and Emergency  
4       Medical Services and the Department of Health.  
5       Once I submit that the EMS technician will be at  
6       the event, then they said I go to the Fire  
7       Marshal after I do that.

8                   MEMBER SHORT:   When is your -- what's  
9       the date of your event?

10                  MR. GHIRMAY:   It's Saturday, June  
11       15th, sir.

12                  MEMBER SHORT:   Next Saturday.

13                  MR. GHIRMAY:   Yes, sir.

14                  MEMBER SHORT:   Suppose you don't get  
15       all the signatures and we sign off today.   What  
16       does that do for us?   When are you going to get  
17       the other signatures?

18                  MR. GHIRMAY:   I'm going to go to the  
19       Department of Health today with the CPR  
20       certification and move forward from there.

21                  MEMBER SHORT:   We have one more  
22       meeting, Mr. Chair, before this event, correct?

1 I'm just asking do --

2 CHAIRPERSON ANDERSON: Yes, we do, but  
3 I would not want to postpone this event until  
4 next Wednesday, which is three days before --  
5 which would be three days before the event.

6 MEMBER SHORT: Can I ask him one more  
7 question?

8 CHAIRPERSON ANDERSON: Yes, sure.

9 MEMBER SHORT: How long have you been  
10 planning this?

11 MR. GHIRMAY: About six months.

12 MEMBER SHORT: In six months, you  
13 weren't able to get the Fire Department to give  
14 you the signatures, the Health Department to give  
15 you the signatures, so now you're pressing --  
16 this is my opinion -- the ABC Board with less  
17 than two weeks.

18 If you had six months, and you don't  
19 have all the signatures, that you want us now to  
20 sign off and give you permission to have 1,500  
21 people down there with, as you're saying, maybe a  
22 couple of hundred under 18 people there, drinking

1 alcohol or being where alcohol is being served,  
2 and you don't have anything from the Department  
3 of Health and the other ones. Why would you wait  
4 until the last minute?

5 CHAIRPERSON ANDERSON: To his credit,  
6 though, Mr. Short, this application was submitted  
7 to ABRA on June -- I'm sorry, May 16th, which is  
8 a month before --

9 MEMBER SHORT: I would simply say this,  
10 Mr. Chair. He said six months ago he planned  
11 this. Six months ago, he could have -- I don't  
12 think he would have had a problem getting all the  
13 sign-offs before he got here six months ago.

14 That's just my personal opinion.,  
15 having worked for the D.C. Government for 33  
16 years. Normally, it doesn't take that long or  
17 that hard of a time to do that. One last  
18 question I'd like to ask him, Mr. Chair. You're  
19 going to have loud music?

20 MR. GHIRMAY: Yes, sir.

21 MEMBER SHORT: What size speakers are  
22 you going to have?

1 MR. GHIRMAY: I have the email with  
2 the size of the speakers and the capacity of  
3 them. We have a generator. We're going to pull  
4 a permit. We have --

5 (Simultaneous speaking.)

6 MEMBER SHORT: For the permit, someone  
7 has to sign off on that -- DCRA, correct?

8 MR. GHIRMAY: Yes, sir.

9 MEMBER SHORT: Have you talked to them  
10 yet?

11 MR. GHIRMAY: Yes, I have.

12 MEMBER SHORT: Do you have a sign-off  
13 from them?

14 MR. GHIRMAY: Not yet.

15 MEMBER SHORT: You're going to have  
16 loud music. You're going to have a wide range.  
17 You're going to have a generator. What size  
18 generator are you going to be using?

19 MR. GHIRMAY: 70K diesel.

20 MEMBER SHORT: You know you have to  
21 have a permit for that, correct?

22 MR. GHIRMAY: Yes, sir.

1                   MEMBER SHORT: And you don't have one  
2 yet.

3                   MR. GHIRMAY: I've been talking and  
4 dealing with Ms. Stewart over there at DCRA.  
5 I've explained to her everything. I started this  
6 process about a month and a half ago. According  
7 to her, the stage has been approved. The  
8 schematics has been signed by an engineer.

9                   MEMBER SHORT: Do you have a copy of  
10 that today?

11                  MR. GHIRMAY: I didn't bring that  
12 copy, no, sir.

13                  MEMBER SHORT: You didn't bring it.

14                  MR. GHIRMAY: No.

15                  MEMBER SHORT: Did you know the things  
16 you would need to have today for us to sign off  
17 for you? Did you know those things?

18                  MR. GHIRMAY: No --

19                  MEMBER SHORT: You say you've done  
20 other events. What other events have you done  
21 and where?

22                  MR. GHIRMAY: I've done -- events in



1       what capacity, where I needed to --

2               MEMBER SHORT: Just like you're doing  
3       this one, outside.

4               MR. GHIRMAY: No.

5               MEMBER SHORT: So you've never done  
6       anything like this before.

7               MR. GHIRMAY: I was a part of the one  
8       last year, but no, I, personally, have not done  
9       and went through all of these procedures before.

10              MEMBER SHORT: Who got all the  
11       paperwork done last year?

12              MR. GHIRMAY: I don't know. I wasn't  
13       responsible for that. I was responsible for  
14       organizing the event last year, not responsible  
15       for this --

16              MEMBER SHORT: Let me -- Mr. Chair?

17              CHAIRPERSON ANDERSON: Yes, sir.

18              MEMBER SHORT: If I could, I think the  
19       investigators have some information --

20              CHAIRPERSON ANDERSON: Yes, I'm going  
21       to -- the investigators would, but then you  
22       jumped in.

1                   MEMBER SHORT: I would like to ask  
2 some more questions after the investigators, Mr.  
3 Chair, if I could.

4                   CHAIRPERSON ANDERSON: Any other  
5 investigator wants to add anything any further.

6                   MR. BRASHEARS: As the Applicant  
7 stated, this is not technically the first time  
8 that this event has happened in this area. ABRA  
9 was involved with it last year, when it was  
10 hosted by Elevate. Investigator Puente can speak  
11 to some of the issues that occurred last year, in  
12 reference to this event.

13                  MR. PUENTE: Last year, on Saturday,  
14 May 19, 2018, at 9:30, ABRA received a complaint  
15 for noise. ABRA investigators responded. They  
16 observed a large concert taking place.  
17 Investigator observed that patrons were occupying  
18 the entire rear parking lot, which included  
19 concert stages and tents. The building  
20 immediately behind the establishment housed  
21 multiple outdoor open garage bar areas, with  
22 patrons dancing and alcohol being served, as well

1 as an adjacent parking lot next to the  
2 establishment hosting port-a-potties, and  
3 multiple food vendors were stationed at that  
4 time.

5 The investigator spoke to the owner of  
6 Club Elevate, who advised him that he owned the  
7 entire parking lot, as well as the surrounding  
8 buildings, and that --

9 MEMBER SHORT: Wait a minute. Can you  
10 please repeat that?

11 MR. PUENTE: The owner of Club  
12 Elevate, Mr. Aspha (phonetic), advised  
13 investigator that he owned the entire development  
14 that was being used, to include the two other  
15 buildings and the parking area, and was approved  
16 to utilize each of those areas.

17 The investigator told him that his  
18 summer garden does not encompass that entire  
19 area. The investigator also conducted a search  
20 and saw that this event was being hosted by Spill  
21 Events D.C., tickets being sold, the highest  
22 ticket being \$250, which included a table, as

1 well as bottle service. The establishment, Club  
2 Elevate, has a settlement agreement for the  
3 establishment, which states the summer garden can  
4 only be open and operating until 1:00 a.m. on  
5 Friday and Saturdays, no outdoor alcohol service,  
6 and talks about the noise.

7 No amplified noises can be heard to  
8 the nearby residences. With that being said,  
9 have you talked to the owner of Club Elevate  
10 about this event?

11 MR. GHIRMAY: He signed off on it.

12 MR. PUENTE: Is he going to be open  
13 and operating while you have this event?

14 (No audible response.)

15 MR. PUENTE: So he'll be completely  
16 shut down?

17 MR. GHIRMAY: He'll be shut down.

18 MR. PUENTE: He won't be providing no  
19 alcohol, nothing.

20 MR. GHIRMAY: Excuse me?

21 MR. PUENTE: He won't be providing any  
22 alcohol or anything to you guys.

1 MR. GHIRMAY: No.

2 MR. PUENTE: Where do you plan to have  
3 your restrooms at?

4 MR. GHIRMAY: If you see the schematic  
5 -- I don't know if you saw the site plan. It's  
6 on the back end.

7 MR. PUENTE: How many food vendors do  
8 you plan to have?

9 MR. GHIRMAY: Right now, we have one.

10 MR. PUENTE: One food vendor for  
11 1,500.

12 MR. GHIRMAY: Food truck. We have one  
13 food truck with five food vendors.

14 MR. PUENTE: Where do you plan to have  
15 1,500 people parking at? I know K Street's  
16 highly condensed over there already.

17 MR. GHIRMAY: There's a very large  
18 parking lot on North Capitol and K that we used  
19 last year. There'll be valet parking, as well,  
20 to guide the cars over there and direct the  
21 traffic to the two -- there's two large parking  
22 lots that people parked at last year, as well.

1 MR. PUENTE: How many bars do you plan  
2 to have?

3 MR. GHIRMAY: Four.

4 MR. PUENTE: Would there be any bottle  
5 service?

6 MR. GHIRMAY: Yes, sir.

7 MR. PUENTE: Can you talk about that?  
8 How does that work?

9 MR. GHIRMAY: They pay in advance.  
10 They get a section where they can sit and be  
11 closest to the stage and closest to the area  
12 where the performances are going to be. We'll be  
13 occupying -- part of the parking lot will have a  
14 bone room. We'll get the bottle. Once we get  
15 payment, we'll deliver the bottle to the table  
16 section.

17 MR. PUENTE: You stated earlier that  
18 you intend to have 18 and up. How would an ABRA  
19 investigator or MPD officer be able to  
20 differentiate between an 18 year old and a 20  
21 year old at the event?

22 MR. GHIRMAY: Wristbands. Red

1 wristbands is 18 and over. They cannot be served,  
2 and the bartenders have been instructed that if  
3 they see somebody that looks young, they can ID,  
4 as well, at the bars.

5 MR. PUENTE: You're going to have one  
6 entrance into the venue, or would there be more  
7 entrances?

8 MR. GHIRMAY: One entrance, two exits.

9 MR. PUENTE: Where would the exits be?

10 MR. GHIRMAY: On that back end here,  
11 that end right there. This will be two exits,  
12 here, so this is an exit; this is an exit, as  
13 well. That's the entrance, but they can also  
14 exit through here, and that's also an exit.

15 MR. PUENTE: What's your plan for  
16 lighting? Because once sunset happens around  
17 8:30, it tends to get dark, so what's your guys'  
18 plan?

19 MR. GHIRMAY: This year, the Capital  
20 Media System's providing large light that, as it  
21 gets dark, will illuminate the whole area.

22 MR. PUENTE: Just for the Board, the

1 Board fined Club Elevate, for this event last  
2 year, \$2,850. The fine was paid on January 16,  
3 2019, for the unauthorized festival.

4 MR. BRASHEARS: My concern, and one of  
5 the reasons I asked Investigator Puente to come  
6 up, was because the Applicant says he has an  
7 agreement with the parking garage, yet last year,  
8 the owner of the establishment acknowledged  
9 owning all of that. The Board found that using  
10 the parking lot in that manner was a violation of  
11 the establishment's settlement agreement. I'm  
12 kind of curious as to how that's going to play  
13 out.

14 CHAIRPERSON ANDERSON: Who is the  
15 owner from Elevate, do we know? Who's on the  
16 license?

17 MR. PUENTE: Irmes Aspha (phonetic).

18 CHAIRPERSON ANDERSON: This letter is  
19 signed by Ben Tsfaye, who said that he's the  
20 owner/authorized agent for the premises, which is  
21 the parking lot. That's what this -- at least  
22 the documentation that's on USP letterhead,



1       that's notarized.

2                   I'm not -- it says that this Ben  
3       T-S-F-A-Y-E, he has provided something that's  
4       notarized that says he's the owner of the parking  
5       lot. That does not appear to me that's the same  
6       name that the agency has who owns Elevate.

7                   I know that, at least from my  
8       perspective, when the investigators go out,  
9       there's a lot of folks who said that they're the  
10      owner of an establishment. Then when we look at  
11      our records, it says something different. At  
12      least the document that I have in front of me  
13      that is with this application --

14                  MR. GHIRMAY: Irmes signed off on the  
15      --

16                  CHAIRPERSON ANDERSON: This is to help  
17      you, sir. You can stay quiet. What I'm saying  
18      is to help you.

19                  MEMBER SHORT: Mr. Chair, can I ask a  
20      question?

21                  CHAIRPERSON ANDERSON: Yes, go ahead,  
22      Mr. Short.

1                   MEMBER SHORT: Again, sir, you  
2 testified that this is your very first time ever  
3 doing anything like this, correct?

4                   MR. GHIRMAY: Yes.

5                   MEMBER SHORT: Then you also made a  
6 statement what we did there last year. What is  
7 it? Did you participate with this event last  
8 year?

9                   MR. GHIRMAY: I participated with the  
10 event, but I did not get my own liquor license  
11 and apply for the whole event. Last year, it  
12 went through the venue. I participated in last  
13 year. They said they were going to do certain  
14 things. Then this year, I wanted to establish  
15 this festival in Washington, D.C. and wanted to  
16 do it all by myself.

17                   MEMBER SHORT: You understood that  
18 there were fines last year. Did you know that?  
19 They were fined by this agency last year.

20                   MR. GHIRMAY: I didn't know that then.  
21 I knew that today, when I came in.

22                   MEMBER SHORT: You had no clue last

1 year that --

2 MR. GHIRMAY: I knew there were issues.

3 MEMBER SHORT: What issues did you  
4 know -- if you didn't know about that, what  
5 issues did you know about last year?

6 MR. GHIRMAY: What issues?

7 MEMBER SHORT: Yes. You said issues,  
8 you knew there were issues.

9 MR. GHIRMAY: There were issues where  
10 ABRA came in and certain people were saying you  
11 need something for this; you need something for  
12 that. I saw people coming in.

13 MEMBER SHORT: Are you aware that  
14 there is an agreement between the person who owns  
15 that business and the community that they  
16 wouldn't have any loudspeakers out there and  
17 amplified music out there; they wouldn't have  
18 anything out there, on the outside; they could  
19 not do that? If someone were to circumvent what  
20 this agency is regulating, which is the agreement  
21 between the community, then they would get  
22 someone to come and say I didn't know anything

1 about what the business is doing.

2 I just went and had an event where  
3 that business just happens to be. I was there  
4 last year, and I was unaware that they didn't do  
5 anything this year. That's your testimony. Is  
6 that what you're saying to this Board?

7 MR. GHIRMAY: Which part?

8 MEMBER SHORT: When you were part of  
9 the event last year --

10 MR. GHIRMAY: I was a part of the  
11 event last year. I was not part of it in the  
12 capacity of taking full ownership of it. There  
13 was more than one partner. This year, I'm taking  
14 full ownership of it and responsibility for it.  
15 Did I help organize it last year? Was I part of  
16 it? Yes, I was, sir. Was I a part of it in this  
17 capacity? No, I wasn't.

18 MEMBER SHORT: Now, the sign-offs that  
19 you don't have four or five sign-offs from the  
20 city, were you a part of getting those sign-offs  
21 last year?

22 MR. GHIRMAY: I had nothing to do with

1       that aspect of it last year, sir.

2               MEMBER SHORT: But did you know they  
3       were required six months ago when you planned  
4       this? Did you know they were required when you  
5       planned this?

6               MR. GHIRMAY: When I planned it last  
7       year or this year?

8               MEMBER SHORT: This year. Did you  
9       plan it both years?

10              MR. GHIRMAY: Yes, sir.

11              MEMBER SHORT: Who was responsible for  
12       getting the sign-offs last year?

13              MR. GHIRMAY: The venue.

14              MEMBER SHORT: You realize there were  
15       issues last year, and you took full control of it  
16       this year, but you had to get permission from the  
17       person who owns the business to use it this year.

18              MR. GHIRMAY: Yes, sir.

19              MEMBER SHORT: You're not associated  
20       with them any other way, other than being a part  
21       of the event last year, organizing that event  
22       last year, and now, this year, taking total

1 ownership of the same event. Is that your  
2 testimony? Is that your testimony?

3 MR. GHIRMAY: I'm a little confused  
4 what you're saying. I'm listening very closely  
5 to you, but I'm trying to understand everything  
6 you're trying to say to me.

7 MEMBER SHORT: Last year, there were  
8 problems. The community complained. This year,  
9 you're planning to do the same thing, correct?

10 MR. GHIRMAY: The same festival, yes,  
11 sir.

12 MEMBER SHORT: What's going to be  
13 different about the complaints about noise this  
14 year that you're not going to have this year?  
15 How are you going to do that? You're going to  
16 have big speakers out there. You're going to have  
17 generators out there.

18 You're going to have 1,500 people.  
19 What are you going to do about the noise and the  
20 community says back to us I thought we had an  
21 agreement that people could not do that? Last  
22 year, they were fined.

1                   They're going to come right back to  
2                   this Board this year and say so what last year?  
3                   We've got not a new guy, but a guy who was on the  
4                   same event last year, who is now coming and  
5                   saying he -- are you going to use any of the  
6                   people they had last year?

7                   MR. GHIRMAY:   What people?

8                   MEMBER SHORT:   Security.   Let me ask  
9                   you this question.   You said you're going to have  
10                  a generator.   Who rented or purchased the  
11                  generator last year?

12                  MR. GHIRMAY:   I did.

13                  MEMBER SHORT:   What size were the  
14                  speakers last year?

15                  MR. GHIRMAY: I don't have that  
16                  information in front of me right now.

17                  MEMBER SHORT: But you were responsible  
18                  for the speakers with all the noise.

19                  MR. GHIRMAY:   I was.

20                  MEMBER SHORT: I have no further  
21                  questions, Mr. Chair.

22                  CHAIRPERSON ANDERSON:   Any other

1 questions?

2 MR. BRASHEARS: I just have one  
3 question. I'm looking at the drawing of the  
4 proposed area. This VIP row that you have set  
5 up, that appears to be in the summer garden area  
6 of Elevate. Is that correct?

7 MR. GHIRMAY: Yes, sir.

8 MR. BRASHEARS: So, in fact, part of  
9 the Elevate space, the summer garden, is in play,  
10 although there are stipulates on the use of the  
11 summer garden, so Elevate is technically being  
12 used.

13 MR. GHIRMAY: I thought the summer  
14 garden was in front of the venue.

15 MR. BRASHEARS: No, sir. It's back  
16 here, is it not, the fenced area?

17 MR. PUENTE: That's the summer garden  
18 in front, just got that recently, but in the  
19 back, he's been using that as his smoking area  
20 for his patrons. He has a fence that he puts up  
21 when he's open.

22 MR. BRASHEARS: I don't have any other



1 questions.

2 CHAIRPERSON ANDERSON: This is what  
3 I'm going to ask. We need to have another  
4 hearing on this next week. I'm not going to --  
5 it appears that Elevate -- and this is on  
6 Eventbrite -- it appears that Elevate will be  
7 having a Spill Fest and after party from 2:00  
8 p.m. to 3:00 a.m. next Saturday. I'm not quite  
9 sure how -- if Elevate is having an after party  
10 from 2:00 p.m. to 3:00 a.m., and you're having  
11 your event from 2:00 p.m. to 10:00 a.m., how are  
12 you going to -- to 10:00 p.m. -- how we're going  
13 to distinguish what is Elevate and what is this  
14 event. I'm going to ask that we postpone this  
15 matter. You said that you're moving forward with  
16 the special events to sign off on this event.  
17 Let's see where we are.

18 Maybe the investigators can find out.  
19 It appears -- the reason why -- I was prepared to  
20 move forward with it because I think I don't  
21 necessarily want to say that we're not going to  
22 approve you, but we want to hold on to approve

1 the event a couple of days before the event.

2 Maybe if Elevate was closed, but from  
3 what was brought to the attention of the Board,  
4 there was an issue. When Elevate did it last  
5 year, the neighborhood complained. ABRA went  
6 there; we fined them.

7 It appears that Elevate is -- it would  
8 appear, based on what's on Eventbrite, that  
9 Elevate is doing the same thing, but now they've  
10 brought you in. What we'll do is we'll schedule  
11 this for another fact-finding hearing on June  
12 12th, at 1:30.

13 MEMBER SHORT: Okay, can I ask  
14 (Simultaneous Speaking).

15 CHAIRPERSON ANDERSON: 1:30 p.m., June  
16 12th, at 1:30 p.m. Yes, Mr. Short.

17 MEMBER SHORT: Again, sir, if you're  
18 going to rest to have 1,500 people in that space,  
19 will you please bring us back what city agency is  
20 going to approve you having 1,500 people there.  
21 I'm kind of familiar with the space, and 1,500 is  
22 going to be kind of tight in there. Did you have

1 1,500 last year?

2 MR. GHIRMAY: I think you guys had a  
3 number for how many people came. I would say --

4 MEMBER SHORT: I'm asking you.

5 MR. GHIRMAY: Around 1,500 people were  
6 there last year, and there was space to me.

7 MEMBER SHORT: Were you going to say  
8 something, Investigator?

9 MR. PUENTE: Yes, when the  
10 investigator went last year, he estimated between  
11 800 and 1,000, based off the clickers that were  
12 provided to him at the time, at 9:30.

13 CHAIRPERSON ANDERSON: You're saying  
14 you're still going through the process for the  
15 special events, so let's see if they sign off on  
16 that. I'm not quite sure what -- if Elevate was  
17 going to be open --

18 MR. GHIRMAY: That was an error on  
19 that Eventbrite.

20 CHAIRPERSON ANDERSON: I'm just saying  
21 that's public information that's out there. If  
22 there's public information that's out there, it

1 needs to be clarified because if Elevate is going  
2 to be open from 2:00 p.m. to 3:00 a.m., it would  
3 appear that Elevate is trying to use -- it's  
4 utilizing its summer garden from 2:00 to 10:00  
5 because the summer garden says they can use their  
6 summer garden, wherever it is at, in the back or  
7 front.

8 It says their summer garden, they can  
9 use their summer garden from 2:00 to 10:00. They  
10 can have a DJ, and that DJ would have to stop at  
11 9:30. That's what their settlement agreement  
12 states. You know what the concerns are.

13 If you can answer these concerns when  
14 we have our hearing on June 12th, at 1:30, I  
15 won't have a problem signing off on it, sir,  
16 okay? Thank you. Maybe you can also work with  
17 the investigators, especially Mr. Puente, since  
18 he was very involved last year in what was going  
19 on. I think that he's someone that you should  
20 talk to. Take care.

21 (Whereupon, the above-entitled matter  
22 went off the record at 10:35 a.m.)

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