

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF:
Cleveland Q, LLC,
t/a Cantina Marina
600 Water Street, SW
Retailer-Caterer - ANC 6D
License No. 107994
Case #18-CMP-00044
(Catered an Event Without
Providing Food, Failed to
Have Warning Signs Posted,
Failed to Have License
Posted)

IN THE MATTER OF:
Date of Event: April 7,
2018
Event: Festival
Applicant: Richard Hemmer,
on behalf of Wharf DC
Neighborhood: 960 Wharf
Street, SW
Size of Event (500
attendees)

Wednesday
March 28, 2018

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
NICK ALBERTI, Member
BOBBY CATO, JR., Member
DONALD ISAAC, SR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member

ALSO PRESENT:

INVESTIGATOR MARK BRASHEARS, ABRA
CORALIE FARLEE, Chair, ANC 6D
MICHAEL FONSECA, Attorney for Licensee
NICK FONTANA, Owner, Cantina Marina
RICHARD HEMMER, Owner, Cantina Marina

T-A-B-L-E O-F C-O-N-T-E-N-T-S

STATEMENTS

Mark Brashears, Investigator 8
Michael Fonseca, attorney.10
Coralie Farlee, ANC-6D28

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

2 3:06 p.m.

3 CHAIRPERSON ANDERSON: Our next case
4 is a Fact-Finding Hearing, Case No. 18-CMP-00044,
5 Cantina Marina. And we are also including the
6 temporary license application dated April 7, 2018
7 with this case.

8 So could the parties, all the parties,
9 please, approach and identify themselves for the
10 record, please?

11 MR. FONSECA: Michael Fonseca, F-O-N-
12 S-E-C-A, on behalf of the licensee and the
13 applicant.

14 CHAIRPERSON ANDERSON: Good afternoon,
15 Mr. Fonseca.

16 MR. FONSECA: Good afternoon.

17 MR. FONTANA: Nicholas Fontana,
18 Cantina Bambina.

19 CHAIRPERSON ANDERSON: Good afternoon,
20 Mr. Fontana.

21 MR. FONTANA: Hi.

22 MR. HEMMER: Richard Hemmer, Cantina

1 Bambina. I'm the licensee and the applicant.

2 CHAIRPERSON ANDERSON: Just a quick
3 question, Mr. Hemmer, what is your relationship
4 with Cantina Marina? What's your legal
5 relationship, if there is any between you --

6 MR. HEMMER: I'm one of the partners
7 at Cantina Marina.

8 CHAIRPERSON ANDERSON: So you are one
9 of the owners?

10 MR. HEMMER: Yes, sir.

11 CHAIRPERSON ANDERSON: Okay. All
12 right. Go ahead.

13 INVESTIGATOR BRASHEARS: Investigator
14 Mark Brashears, ABRA.

15 CHAIRPERSON ANDERSON: Good afternoon,
16 Mr. Brashears.

17 MS. FARLEE: Coralie Farlee, Chair,
18 ABC Committee ANC-6D.

19 CHAIRPERSON ANDERSON: All right.
20 Good afternoon, Ms. Farlee.

21 I mean, one of the reasons why we
22 issued -- hold on. There are two issues and I

1 guess I can do the easy one first. The first one
2 is Mr. Hemmer had requested a temporary license
3 application, which the Board probably, it's for
4 next week, would probably be inclined to grant
5 it.

6 But the issue for the Board is for
7 Cantina Marina and Cantina Marina has been
8 operating with a Caterer's License. And it is
9 clear for a Caterer's License that alcohol needs
10 to be incidental towards the sales. I'm sorry,
11 that food should be the major premise of this
12 license.

13 And it's the Board's understanding
14 that, for whatever reason, Cantina Marina has
15 been utilizing a Caterer's License without
16 serving food.

17 I'm going to have the Investigator
18 further report on that. And based on the letter
19 that the Board -- I'm sorry, that the Agency
20 provided the licensee regarding this hearing, is
21 that the Board is -- I'm trying to make sure that
22 I'm not giving the wrong information to say

1 whether or not the Board was -- had placed the
2 licensee on notice that we were inclined to at
3 least issue a Cease & Desist.

4 And I want to make sure that -- I'm
5 trying to read the notice that was given to you,
6 Mr. Fonseca, because -- to see whether or not
7 that was a part of it, but --

8 MR. FONSECA: No, it did not say that,
9 but perhaps I could assist by making the Board's
10 job a lot easier, in that we have already told
11 Investigator Brashears --

12 CHAIRPERSON ANDERSON: All right.
13 Well, so --

14 MR. FONSECA: -- we acknowledged they
15 did wrong.

16 CHAIRPERSON ANDERSON: Right.

17 MR. FONSECA: They didn't have food.

18 CHAIRPERSON ANDERSON: And so --
19 right. And so I wanted to make sure. I was
20 trying to read the notice to see whether or not
21 you were put on notice that the Board is very
22 concerned that this license is not being used

1 properly. So but I'll go with the Investigator.
2 You can provide us a report and then I'll have
3 Mr. Fonseca and applicant fill in after.

4 INVESTIGATOR BRASHEARS: Yes, sir. On
5 Tuesday, February 13, 2018, myself, ABRA
6 Investigators Puente and Todd were down in the
7 Wharf area doing monitoring for the Mardi Gras
8 concert and, while in the area, we were doing
9 license checks, ABC manager checks, so we visited
10 the establishment Cantina Bambina.

11 We identified ourselves. We went into
12 the establishment. We found Mr. Hemmer,
13 basically, stated that he was in charge of the
14 establishment. He said he was an owner and he
15 produced an ABC Manager's License and a driver's
16 license. When I asked him about the ABC license,
17 he stated it was down in the office. So we all
18 went down to the office and he produced, at that
19 point, a Caterer's License for Cantina Marina.

20 So I instructed him that, obviously,
21 if the establishment is going to utilize the
22 Caterer's License, food would need to be, you

1 know, present, that alcohol sales were incidental
2 to the food. And that the warning sign and all
3 the licensure needed to be posted. He
4 acknowledged that there was no food and we went
5 from there.

6 When I got back to ABRA, I followed up
7 on the situation with the Licensing Department.
8 So the actual Cantina Bambina License, there was
9 some issue with the Certificate of Occupancy as
10 to why there was no ABC license given, so a
11 Caterer's License was authorized under Cantina
12 Marina to allow them to open for the grand
13 opening. And then at such time, my understanding
14 was, that they would get the C of O and get the
15 appropriate licensure.

16 Since that time, I have spoken with
17 our licensing folks. The establishment does have
18 or has gotten a C of O and they are working
19 toward a BBL and the actual process to get an
20 actual license for Cantina Bambina.

21 So my concern, it was more than just
22 a Caterer's License being used without food, an

1 ABC establishment, in my belief, was being ran
2 off of the Caterer's License and it kind of -- to
3 further the evidence of that, social media and
4 different outlets were advertising Cantina
5 Bambina as being in operation.

6 So all of those things considered, I
7 felt, at the very least you know, the Board
8 should be made aware of it and, you know, be
9 given the opportunity to get to the bottom of the
10 situation.

11 CHAIRPERSON ANDERSON: Okay. Mr.
12 Fonseca, so where are we in this establishment
13 getting a permanent license? So basically, where
14 are we?

15 MR. FONSECA: Yeah, no, we are very
16 close. On Monday the 26th of March, they finally
17 were issued their Certificate of Occupancy for
18 the structure with a concession stand and the
19 summer garden bartop roof. The Transit Pier,
20 which is a second summer garden, has been hung-
21 up. We have gotten word that the DCRA principal,
22 who is holding this up for having an

1 accommodation with The Wharf on the correct
2 number of bathrooms for that size of space, has
3 worked it out. They will sign-off on it.

4 So we don't know when we are going to
5 get the superseding Certificate of Occupancy, but
6 we have the Health Department inspection
7 scheduled for tomorrow. We are hopeful that if
8 not by the end of the day tomorrow, by Friday we
9 would have the Restaurant License coming in time
10 to get the liquor license, with just the one
11 summer garden. And then backfill as we get the
12 Certificate of Occupancy to deal with the Transit
13 Pier.

14 So we are very, very, very close.

15 CHAIRPERSON ANDERSON: But this is an
16 establishment that is still open. Are they open?
17 Is the establishment open?

18 MR. FONSECA: No. Cantina Bambina?
19 Sir, sorry.

20 CHAIRPERSON ANDERSON: The
21 establishment we are here for is Cantina Marina.

22 MR. FONSECA: Correct.

1 CHAIRPERSON ANDERSON: And Cantina
2 Marina, it's my understanding, does not have a
3 license. And it is -- maybe --

4 MR. FONSECA: No, a Caterer's.

5 MR. HEMMER: Caterer, sir.

6 MR. FONSECA: Yes, they have a
7 Caterer's License. They have catered a few
8 things at their wharf, you know, the boat parade,
9 some other things.

10 CHAIRPERSON ANDERSON: Hold on.

11 MR. FONSECA: And then they catered
12 functions at the location of what is Cantina
13 Bambina.

14 CHAIRPERSON ANDERSON: All right. The
15 reason why I'm asking, okay, this hearing, okay,
16 is scheduled -- okay. This hearing is about
17 Cantina Marina.

18 MR. FONSECA: Yes.

19 CHAIRPERSON ANDERSON: Okay. That's
20 what this hearing is for, that's a case number
21 that is -- it's a Fact-Finding on Cantina Marina.
22 So what I'm trying to find out from Cantina

1 Marina and the temporary license application is
2 also -- that Mr. Hemmer has requested for the
3 festival is regarding, I thought also regarding,
4 Cantina Marina and that is why I asked him what
5 was his relationship. So maybe I'm confused.

6 MR. FONSECA: No, no, I'm confused.

7 Well, the --

8 CHAIRPERSON ANDERSON: Mr. Fonseca?

9 MR. FONSECA: -- let the lawyer tell
10 them why this is confusing. On advice of
11 counsel --

12 CHAIRPERSON ANDERSON: All right.

13 MR. FONSECA: -- they have stopped
14 using the Caterer's License.

15 CHAIRPERSON ANDERSON: Which --

16 MR. FONSECA: They plan --

17 CHAIRPERSON ANDERSON: -- is Cantina
18 Marina?

19 MR. FONSECA: Cantina Marina. They
20 plan not to pay the fees to carry it through next
21 year, which would keep it current. And they will
22 surrender it or cancel it or at the Board's

1 leniency or desire, to do a staff settlement on
2 the violation before us.

3 But the point is, if they are going --
4 this was to get us to the point where we get the
5 Transit Pier on a Certificate of Occupancy. So
6 this event for the one day --

7 CHAIRPERSON ANDERSON: Right.

8 MR. FONSECA: -- application was in
9 anticipation if they weren't able to get it --

10 CHAIRPERSON ANDERSON: All right.

11 MR. FONSECA: -- they had to meet the
12 20-day filing deadline.

13 CHAIRPERSON ANDERSON: Okay. And I
14 said that the Board probably will be inclined to
15 issue this. This hearing was -- we were supposed
16 to have had this hearing last week.

17 MR. FONSECA: Yes.

18 CHAIRPERSON ANDERSON: And but because
19 of the weather, and also -- and so it was on the
20 temporary -- it was on our agenda also for last
21 week. And so because we knew that there was this
22 issue with Cantina Marina and with Mr. Hemmer who

1 was applying for it, so that's one of the reasons
2 why I started off by asking you what was your
3 relationship, because I knew I wasn't confusing
4 myself.

5 So that's why I had asked you -- okay,
6 why are you asking me that question, but was not
7 that question, but the Board is more -- the Board
8 will probably grant the temporary, but we just
9 want to get clarification what is going on with
10 Cantina Marina, since that was the establishment
11 that was using a Caterer's License.

12 And so that's what I was asking is
13 Cantina Marina still operating, serving alcohol?

14 MEMBER ALBERTI: Well, can I just --

15 CHAIRPERSON ANDERSON: Hold on, Mr.
16 Alberti.

17 MEMBER ALBERTI: -- just to clarify.
18 So Cantina Marina really is a Caterer's License?

19 MR. FONSECA: Yes.

20 MR. HEMMER: Yes.

21 MEMBER ALBERTI: So Cantina Marina
22 doesn't exist physically really?

1 MR. FONSECA: Correct.

2 MEMBER ALBERTI: Now, I mean, your old
3 building is probably still there, but it doesn't
4 really exist physically.

5 What the problem, the issue was, and
6 I think Mr. Fonseca recognizes this, is that they
7 were using the Caterer's License at Cantina
8 Bambina. And so that's why it is important for
9 us to know what is happening with Cantina Bambina
10 and I thank you for your representation.

11 MR. FONSECA: Yes.

12 MEMBER ALBERTI: Does that help?

13 MR. FONSECA: Yes.

14 CHAIRPERSON ANDERSON: But that's not
15 -- but although -- but as far as the record is
16 concerned though, there is no Cantina Bambina on
17 the public record. We are not -- there is
18 nothing on the public record today saying that we
19 are having a hearing on Cantina Bambina.

20 What the public record says and what
21 the Fact-Finding letter states is that we are
22 having a hearing on Cantina Marina.

1 MEMBER ALBERTI: On the -- we are
2 having a hearing on the Caterer's License, right?

3 CHAIRPERSON ANDERSON: Right.

4 MEMBER ALBERTI: Right?

5 CHAIRPERSON ANDERSON: Yes.

6 MEMBER ALBERTI: But it is relevant
7 the physical location --

8 MR. FONSECA: No, and --

9 MEMBER ALBERTI: -- of Cantina Bambina
10 is relevant to the Caterer's License.

11 MR. FONSECA: Well, frankly, and I --
12 maybe I have misread or over-read, you know, the
13 four items, Item 3 in the letter, as to what the
14 Board wanted to have this hearing about was
15 whether the establishment intends to complete its
16 application for licensure at 900 Water Street.

17 MEMBER ALBERTI: Yeah, right.

18 MR. FONSECA: Which isn't exactly the
19 exact -- it's 960 isn't it?

20 MR. HEMMER: 960 Wharf.

21 MR. FONSECA: 960 Wharf, so it becomes
22 a question of was this all about only Cantina

1 Marina? But I think you can't really understand
2 what is going on without discussing Cantina
3 Bambina.

4 CHAIRPERSON ANDERSON: All right. All
5 right.

6 MEMBER ALBERTI: Can I ask a question
7 about the temporary license?

8 CHAIRPERSON ANDERSON: Yes, Mr.
9 Alberti.

10 MEMBER ALBERTI: Because it's
11 something that Mr. -- everyone is going to hate
12 me for this, I know, but, Mr. Fonseca, I know
13 this is going to be a tough one.

14 You are telling me that there is no C
15 of O for the -- here and yet you are getting a
16 license to hold an event there. Is DCRA okay
17 with this?

18 MR. FONSECA: They --

19 MEMBER ALBERTI: I mean, that's my job
20 to ask tough questions.

21 MR. FONSECA: -- this has always been
22 a difficult one for me. And frankly, I'm of the

1 mind that the Certificate of Occupancy for the
2 Transit Pier should be in the Wharf ownership
3 name.

4 MEMBER ALBERTI: Oh, yeah.

5 MR. FONSECA: This is -- if you recall
6 from our original Fact-Finding --

7 MEMBER ALBERTI: Oh, I assumed that it
8 was.

9 MR. FONSECA: -- you know, this is a
10 publicly accessible space --

11 MEMBER ALBERTI: Yeah.

12 MR. FONSECA: -- that happens to have
13 an exclusive food and beverage relationship with
14 Cantina Bambina.

15 MEMBER ALBERTI: Yeah.

16 MR. FONSECA: So the people that are
17 out there aren't all necessarily patrons of
18 Cantina Bambina. So we are putting on ours,
19 because it looks like it's going to work itself
20 out, but it really seems more appropriately it
21 would be in the wharf's name and then through the
22 food and beverage agreement, we would be able to

1 then essentially get the second summer garden
2 endorsement, because they are tied together.

3 MEMBER ALBERTI: This is news to me
4 that it's not. I had assumed they had been.

5 MR. FONSECA: Yes.

6 MEMBER ALBERTI: Not that it matters,
7 but I had assumed that that's where it was going
8 to.

9 MR. FONSECA: Originally, we were told
10 that the Corps of Engineers, who essentially
11 built that out, said that they don't issue
12 Certificates of Occupancy, because it's all
13 beyond the bulkhead.

14 So I mean, there have been a whole lot
15 of stories about that.

16 MEMBER ALBERTI: Just so we know,
17 since I brought it up, what is the issue with the
18 C of O for the outdoors space?

19 MR. FONSECA: We understand that it
20 has been okayed, so now we need to get the permit
21 expert out here to go back and secure it.

22 MEMBER ALBERTI: So why was -- just

1 why was it held up?

2 MR. FONSECA: Bathrooms.

3 MEMBER ALBERTI: Okay. All right.

4 Thank you.

5 MR. FONSECA: If you had been there,
6 you would realize there is only two that are
7 right on the Transit Pier --

8 MEMBER ALBERTI: Right.

9 MR. FONSECA: -- structure with a
10 ticket.

11 MEMBER ALBERTI: So I just wanted to
12 make sure it wasn't something beyond that.

13 MR. FONSECA: No, that's what it has
14 always been.

15 MEMBER ALBERTI: So our job is to ask
16 the questions and make sure that, you know,
17 public safety is being that.

18 MR. FONSECA: Yeah.

19 MEMBER ALBERTI: And that's why I
20 wanted to make sure it is on the record.

21 MR. FONSECA: Yes, it's -- we
22 understand it will now be met --

1 MEMBER ALBERTI: Okay.

2 MR. FONSECA: -- with the --

3 MEMBER ALBERTI: Okay.

4 MR. FONSECA: -- assortment of --

5 MEMBER ALBERTI: All right.

6 MR. FONSECA: -- restrooms near where
7 the fish market is.

8 MEMBER ALBERTI: All right.

9 MR. FONSECA: Which is a short, very
10 brief, walk away.

11 MEMBER ALBERTI: Okay.

12 MEMBER SHORT: The old fish market?

13 MR. FONSECA: The old fish -- the
14 original fish market.

15 MEMBER ALBERTI: And the structure has
16 bathrooms, too, right?

17 MR. FONSECA: The structure what?

18 MEMBER ALBERTI: The structure has
19 bathrooms?

20 MR. FONTANA: It has two, that's why
21 they would do the 150 and so --

22 MEMBER ALBERTI: Right.

1 MR. FONTANA: -- we found out
2 yesterday Chris Bailey, whose deputy buildings,
3 approved them working it out with the Wharf that
4 he would be the extra 600.

5 MEMBER ALBERTI: All right. Thank
6 you. I'm sorry to --

7 MR. FONSECA: It has been painful for
8 all of us, but this has been one of those this
9 day is coming, this day is coming.

10 MR. FONTANA: But we were hearing all
11 this when we originally talked about the security
12 plan.

13 MEMBER ALBERTI: I know.

14 MR. FONSECA: We got our program.

15 MEMBER ALBERTI: Yes. We talked about
16 your security and how you would secure the summer
17 garden and I remember that whole conversation.

18 MR. FONSECA: Yeah.

19 MR. FONTANA: And everybody was able
20 to get building permits, but then it's a snack
21 bar with a little bar and it was -- and it's in
22 the same building as the ticket office for

1 Anthem. The water taxi has a ticket booth.

2 MEMBER ALBERTI: I've been there. I
3 watched the fireworks from there.

4 MR. FONTANA: It's great.

5 CHAIRPERSON ANDERSON: Yes, Mr. Short?

6 MEMBER SHORT: I guess my question
7 would be to the owner. What is a solution that
8 would satisfy this Board to make myself as a
9 Board Member vote in favor of some of the things
10 that were suggested by other Board Members today?
11 What is the solution? What are you saying to the
12 Board you want to do to make this right?

13 MR. FONSECA: Well, we will continue,
14 at this point, we have terminated use of the
15 Caterer's License.

16 MEMBER SHORT: No more use of the
17 Caterer's License?

18 MR. FONSECA: No. We haven't since
19 this incident.

20 MEMBER SHORT: Okay. That we have
21 corrected now?

22 MR. FONSECA: Yes.

1 MEMBER SHORT: You're going to
2 surrender that?

3 MR. FONSECA: We will surrender it
4 unless the Board decides they want to keep the
5 license open for a staff settlement or -- I mean,
6 because it seems to me there is three potential
7 charges. Two of them are warnings for sure.

8 I'm not sure about what would be
9 probably a primary on not having the food.

10 MEMBER ALBERTI: I would just
11 recommend you discuss that with the OAG's office,
12 yes. It would be the easiest, I bet.

13 MR. FONSECA: You know, at this point,
14 we are just going to, you know, submit it for
15 cancellation.

16 MEMBER SHORT: What I wanted to take
17 advice, so we're step two, as far as the
18 operations are concerned, future operations.

19 MR. FONSECA: Future operations? Once
20 we get the initial C of O business license where
21 we won't need another business license, because
22 DCRA for whatever reason only counts seats. They

1 don't count the seats in a summer garden or
2 sidewalk cafe, so we already have our number. So
3 we won't have to get another business license
4 once we get the second summer garden. It's
5 really just an ABC endorsement.

6 So until we have the endorsement for
7 the Transit Pier, there will be no beer or wine
8 served out of the concession stand for the
9 public.

10 MEMBER SHORT: No service on the beer,
11 no service on the what again?

12 MR. FONSECA: From the -- the way it
13 was meant to be is there is a concession stand --

14 MEMBER SHORT: Right.

15 MR. FONSECA: -- where the food is
16 prepared and the public can come up to the
17 concession stand and order food or not, order a
18 beer or glass of wine, so that won't happen until
19 we have, as it shouldn't, the second summer
20 garden endorsement on the liquor license.

21 MEMBER SHORT: I'll have to write that
22 down. There is no service until such time as you

1 get the Certificate of Occupancy?

2 MR. FONSECA: Well, yes, of course,
3 because that won't be put on until the -- we will
4 either get a superseding Certificate of
5 Occupancy, which will have what we already have,
6 I think you all have a copy of the one from March
7 26th, which will then add an additional Transit
8 Pier summer garden with 600 for the occupancy.

9 MR. FONTANA: The downstairs.

10 MR. FONSECA: Yeah, the downstairs.

11 MR. FONTANA: The health inspection is
12 tomorrow for the C of O.

13 MR. FONSECA: That's for the --
14 correct.

15 MEMBER ALBERTI: The rooftop you will
16 be able to use as soon as you get your regular --

17 MR. FONSECA: Yeah, there won't be
18 another --

19 MR. FONTANA: Yes.

20 MR. FONSECA: Oh, yes.

21 MR. FONTANA: The health inspection is
22 tomorrow and hopefully we will have the business

1 license, the liquor license before this weekend.

2 MR. FONSECA: Correct.

3 MR. FONTANA: Knock on wood.

4 MR. FONSECA: And then sometime,
5 hopefully next week, we will be back then to get
6 a superseding license filing another -- either an
7 all encompassing or an accessory Certificate of
8 Occupancy for just the Transit Pier.

9 MEMBER SHORT: Thank you. That's all
10 I have, Mr. Chair.

11 CHAIRPERSON ANDERSON: All right. Dr.
12 Farlee, as you're here, is there anything that
13 you want to add to any of this?

14 MS. FARLEE: Well, my only comment was
15 I was -- my comment at the earlier hearing was
16 why did Cantina Bambina have to assume
17 responsibility for the entertainment endorsement
18 when, to me, it was a wharf responsibility. You
19 guys may agree with me eventually, but it is in
20 the cooperative agreement that you have the
21 entertainment endorsement.

22 MR. FONSECA: That is correct.

1 MS. FARLEE: Yeah.

2 MR. FONSECA: This -- that's why we
3 had a Fact-Finding originally.

4 MS. FARLEE: You were not going -- you
5 are not going to be doing the entertainment, but
6 you have, in the agreement and in the license, I
7 guess, that you are going to have the
8 responsibility for the entertainment.

9 MR. FONSECA: Understood. And for the
10 new Board Members, welcome aboard. I know you
11 haven't seen me. I have had a little breathing
12 problem here, which they are working on. When we
13 went through this, this is a novel situation as
14 far as premises for operation. And I know Member
15 Short was none too pleased with a size this large
16 nor was Member Alberti. And we just had to work
17 through it.

18 And of course, we are sorry to be
19 here, you know, with an infraction. But we are
20 finally going to get this thing right.

21 MS. FARLEE: I do have other comments
22 about the April 7 event.

1 CHAIRPERSON ANDERSON: About the?

2 Yeah, go ahead.

3 MS. FARLEE: Are you there yet? Are
4 you --

5 CHAIRPERSON ANDERSON: They are both
6 tied in together.

7 MS. FARLEE: Both tied in?

8 CHAIRPERSON ANDERSON: Yes. So if you
9 have something to say?

10 MS. FARLEE: Yes. Well, my question
11 there is I understand from the agenda, I haven't
12 been able to get a copy of the application yet --

13 CHAIRPERSON ANDERSON: Okay.

14 MS. FARLEE: -- but I understand from
15 the agenda that the size of the event says 500
16 attendees. This is for the Cherry Blossom
17 Festival?

18 MR. HEMMER: Yes, ma'am.

19 MS. FARLEE: And at the ANC meeting,
20 it was announced through -- the information was
21 given that the proposed expected attendance for
22 the Cherry Blossom is that, at that time, they

1 were talking about a Caterer's License would be
2 50 to 75,000 people.

3 MR. HEMMER: Well, that --

4 MS. FARLEE: Not 500.

5 MR. HEMMER: -- that --

6 MS. FARLEE: So what is happening to
7 the rest of the people?

8 MR. HEMMER: No, it -- I mean, I think
9 that is the expected attendance for the entire
10 event.

11 MS. FARLEE: The Cherry Blossom?

12 MR. HEMMER: But --

13 MS. FARLEE: But the response was --

14 MR. HEMMER: -- on the Transit --

15 MS. FARLEE: -- it would be under the
16 Caterer's License. The alcohol would be under
17 the Caterer's License for the 50 to 75,000 who
18 wanted to buy alcohol.

19 MR. HEMMER: Well, there is -- we
20 are --

21 MS. FARLEE: Okay.

22 MR. HEMMER: I didn't answer that.

1 I'm not sure --

2 MS. FARLEE: No, you --

3 MR. HEMMER: -- about that. Right.

4 MS. FARLEE: -- weren't there at the
5 meeting.

6 MR. HEMMER: The -- so right now,
7 instead of the Caterer's License, there is two
8 different one-day licenses being applied for.
9 One is being applied for Transit Pier, which has
10 my name on that license. One is being applied
11 for on District Pier and the attendance we put on
12 those are the expected number of people we can
13 have physically on that pier. That's why mine
14 for Transit Pier says 500 people.

15 MR. FONTANA: Yes.

16 MR. HEMMER: The one from On Tap says
17 a couple thousand, I believe.

18 CHAIRPERSON ANDERSON: Well, the only
19 one that is in front of us today --

20 MR. HEMMER: Right. But that's --

21 CHAIRPERSON ANDERSON: -- is the
22 temporary license for -- that says for April 7th

1 and that one says 700 people. I'm sorry, 500.

2 MS. FARLEE: 500.

3 MR. HEMMER: Right. Because that's
4 our capacity for that space.

5 CHAIRPERSON ANDERSON: Right, yes.

6 MR. HEMMER: It's not the number of
7 people coming to Southwest D.C. at that time.

8 CHAIRPERSON ANDERSON: Right. Yes,
9 Mr. Fonseca?

10 MR. FONSECA: If I could correct the
11 record, especially since my representations were
12 to Member Short's questions? In the event we do
13 not have the superseding or accessory C of O for
14 the Transit Pier, and I think we are going to
15 operate under this one-day, because we will have
16 the liquor license.

17 Actually, no, never mind because we
18 won't be able to endorse. We will have to
19 operate off of this is what I mean.

20 MEMBER ALBERTI: Yes.

21 MR. FONSECA: Because we won't have
22 the second one.

1 MR. HEMMER: It's our safety net.

2 MR. FONSECA: So in other words, even
3 though we may serve some of this out of there,
4 we're going to have to figure it out, because
5 before it was a lot easier when we weren't
6 licensed.

7 MEMBER ALBERTI: So as I understand
8 it, correct me if I'm wrong, I mean, one of the
9 reasons I'm asking too many questions about this
10 is because my assumption was this 500 people is
11 500 people on that pier.

12 MR. FONSECA: Correct.

13 MEMBER ALBERTI: And if you are not
14 going to -- you are -- people aren't going to be
15 leaving the pier with or walking down that road
16 where, whatever you want to call it --

17 MR. FONSECA: No.

18 MEMBER ALBERTI: -- with alcohol,
19 right?

20 MR. FONSECA: Right.

21 MEMBER ALBERTI: So to that point, Ms.
22 Farlee, I don't believe that we have, I could be

1 wrong, we will ask licensing, but I'm not sure we
2 have an application for alcohol throughout the --

3 MS. FARLEE: The ward.

4 MEMBER ALBERTI: -- ward. I think we
5 have individual -- we have this Transit Pier and
6 we have -- what's the other pier called?

7 MR. HEMMER: The District Pier.

8 MEMBER ALBERTI: The District Pier.

9 MR. HEMMER: Right.

10 MEMBER ALBERTI: So we have alcohol
11 licenses for those individual piers and unless
12 I'm wrong about having an overall license, we
13 shouldn't see people walking around with beers on
14 the roadway.

15 MR. HEMMER: That's correct.

16 MEMBER ALBERTI: Which would be a
17 nightmare for all of the licensees, not just for
18 us, so --

19 MS. FARLEE: Can I ask what is the
20 District Pier section and whose license is that?

21 MR. HEMMER: Jennifer Curry from On
22 Tap, I think, is the one who filed that license.

1 MEMBER ALBERTI: Yes, it's Jennifer
2 Curry. We have seen that.

3 MR. FONTANA: District Pier, she has
4 done a few there with 9th Street --

5 MR. HEMMER: 9th Street.

6 MR. FONTANA: Pier.

7 MEMBER ALBERTI: Yes, that was on
8 last weekend. We were -- that was approved.

9 MR. HEMMER: Yes.

10 CHAIRPERSON ANDERSON: Yes, we have
11 approved the temporary license application last
12 week for, I guess, that Jennifer On Tap, that was
13 approved last week.

14 MEMBER ALBERTI: Yes.

15 CHAIRPERSON ANDERSON: Well, also we
16 weren't here, but that was -- their temporary
17 license application was approved.

18 MS. FARLEE: How many attendants?

19 CHAIRPERSON ANDERSON: I'm sorry?

20 MS. FARLEE: Do you remember how many
21 attendants that covers?

22 MEMBER ALBERTI: I don't know. I

1 think it's maybe a thousand or more.

2 CHAIRPERSON ANDERSON: I don't, but
3 you could ask our Agency. I mean, it should have
4 been published. Yeah, you should ask the Agency.
5 It was on -- that information was published last
6 week.

7 MS. FARLEE: Oh the disposition.

8 CHAIRPERSON ANDERSON: Yeah, so you
9 can look for that last week, but I know that --
10 hold on.

11 MEMBER ALBERTI: Yeah, Mr. Gordy, who
12 is the tall man sitting in the back --

13 MS. FARLEE: Yes.

14 MEMBER ALBERTI: -- you can ask him.
15 He will be able to tell you.

16 CHAIRPERSON ANDERSON: Yeah, all
17 right. Any other questions by any other Board
18 Members?

19 MEMBER ALBERTI: No.

20 CHAIRPERSON ANDERSON: Any further
21 representation that anyone wants to make?

22 MS. FARLEE: Well, --

1 CHAIRPERSON ANDERSON: Yes, Ms.

2 Farlee?

3 MS. FARLEE: -- my other question was
4 about food. Now, you are not going to use the
5 Caterer's License at all, so are you going to
6 operate under the CT License of Cantina Bambina,
7 not CR from Cantina Marina?

8 MR. FONTANA: Yes, ma'am.

9 MS. FARLEE: Correct?

10 MR. FONTANA: Right.

11 MS. FARLEE: CT License?

12 MR. FONTANA: Um-hum.

13 MS. FARLEE: Bambina. Okay.

14 CHAIRPERSON ANDERSON: Mr. Brashears?

15 INVESTIGATOR BRASHEARS: No, sir.

16 CHAIRPERSON ANDERSON: Well, let me
17 take a vote on -- I make a motion that we approve
18 the one-day license issued to Mr. Richard Hemmer
19 for April 7th. Is there a second?

20 MEMBER SHORT: Second.

21 CHAIRPERSON ANDERSON: Mr. Short has
22 seconded the motion.

1 All those in favor say aye.

2 ALL: Aye.

3 CHAIRPERSON ANDERSON: Those opposed?
4 The matter passes 6-0-0. So will someone sign
5 this, please?

6 MR. FONTANA: Sure.

7 CHAIRPERSON ANDERSON: So you can go
8 pick up the one-day license for -- one-day
9 license and we will, based on the representation
10 by Mr. Fonseca, as I stated before, the Board --
11 the Cantina Bambina Caterer's License should not
12 be utilized the way it has been utilized, because
13 that's not the purpose of it.

14 And Cantina Marina should do whatever
15 -- or maybe again move around. I guess the
16 Catering License is under Cantina Marina?

17 MR. FONSECA: Yes.

18 CHAIRPERSON ANDERSON: And that
19 Cantina Bambina will -- I'm not going to even ask
20 any questions, but Cantina Bambina will continue
21 towards doing what is necessary to get a
22 permanent license. Okay. So we will just --

1 with that said then, if there are no further
2 comments, the parties are dismissed.

3 You can go pick up the temporary
4 license.

5 MEMBER ALBERTI: Mr. Fontana, I just
6 wanted to compliment you on a little club the
7 District Ward, the music menu.

8 MR. FONTANA: That's great. Thank you
9 very much.

10 MEMBER ALBERTI: Personally, I forgot
11 the name, but, yeah. I have been there several
12 times, it's great.

13 MR. FONTANA: Appreciate it.

14 MEMBER ALBERTI: A great little venue.

15 MR. FONTANA: Thank you.

16 MEMBER SHORT: Mr. Fonseca, I hope you
17 feel better.

18 MR. FONSECA: Yeah, unfortunately, as
19 you all -- many of you know, I have -- I did have
20 compromised lungs, but I was doing quite well
21 until the day after Halloween and I went into the
22 hospital for two weeks with pneumonia and it did

1 quite a number on me.

2 CHAIRPERSON ANDERSON: The reason I'm
3 smiling, Mr. Fonseca, is because Halloween is a
4 bad word around this Board. We avoid talking
5 about Halloween, so I think that maybe you were
6 enjoying Halloween too much, that's why --

7 MR. FONSECA: No.

8 CHAIRPERSON ANDERSON: -- the Board --
9 whenever we have pub crawls for Halloween, this
10 Board goes crazy.

11 MR. FONSECA: Yes, sir. When I was
12 staff director, there was a time when Georgetown
13 became Mardi Gras.

14 CHAIRPERSON ANDERSON: All right.
15 Okay.

16 MR. FONSECA: And I remember it being
17 all loose as the compliance officer looking down
18 and saying oh, my God.

19 CHAIRPERSON ANDERSON: All right. All
20 right. So that's why I smiled when you told us
21 that. It appeared that you were enjoying too
22 much of Halloween.

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MR. FONSECA: No.

MEMBER SHORT: Mr. Gordy is in the
back.

MR. FONSECA: Thank you all.

MR. HEMMER: Thank you very much.

MEMBER ALBERTI: Mr. Fontana, it's
good to see you.

(Whereupon, the Fact-Finding Hearing
was concluded at 3:36 p.m.)

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In the matter of: Cleveland Q, LLC

Before: DC ABRA

Date: 03-28-18

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