

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

IN THE MATTER OF: :
: :
Temporary License :
Application, :
Date of Event: June 15, :
2019 :
Event: Afro-Carib Music :
Food Culture : Fact Finding
Applicant: Joseph Ghirmay: Hearing
(East Coast Sound Patrol, :
LLC) :
Neighborhood: 15 K Street:
NE :
Size of Event: (1500 :
attendees, 20 security) :
:

Wednesday
June 12, 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, JR., Member
MIKE SILVERSTEIN, Member
REMA WAHABZADAH, Member

ALSO PRESENT:

JOSEPH GHIRMAY, Applicant

INVESTIGATOR KEVIN PUENTE

MARK RUIZ

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

2 1:39 p.m.

3 CHAIRPERSON ANDERSON: All right. Our
4 next case then it's a fact-finding hearing. A
5 Temporary License Application dated June 15,
6 2019.

7 It's the Afro-Carib Music Food
8 Culture. Will the parties please approach and
9 identify themselves for the record?

10 And we'll start with the Investigator.

11 MR. RUIZ: ABRA Investigator Ruiz,
12 Mark Ruiz.

13 CHAIRPERSON ANDERSON: Good afternoon
14 Mr. Ruiz.

15 MR. PUENTE: Investigator Kevin
16 Puente.

17 CHAIRPERSON ANDERSON: Good afternoon
18 Mr. Puente. Yes, sir?

19 MR. GHIRMAY: Joseph Ghirmay.

20 CHAIRPERSON ANDERSON: Your last name
21 again?

22 MR. GHIRMAY: Ghirmay.

1 CHAIRPERSON ANDERSON: How do you
2 spell that, please?

3 MR. GHIRMAY: G-H-I-R-M-A-Y.

4 CHAIRPERSON ANDERSON: Mr. Ghirmay,
5 good afternoon, sir.

6 MR. GHIRMAY: Good afternoon.

7 CHAIRPERSON ANDERSON: And the sign-in
8 sheet, please sign in.

9 All right, Mr. Ghirmay, you had -- you
10 were here last week. And there were some
11 concerns that we had.

12 I think that we're trying to find out
13 the sign off from -- you had some sign off to do
14 from the Special Events Unit.

15 And so maybe you could update us on
16 the sign off. And where you were at?

17 MR. GHIRMAY: DCRA signed off and
18 emailed Investigator Peru (phonetic). It's
19 caused DCRA some concern.

20 Everybody else has signed off except
21 the Police Department. Who are waiting for you
22 guys to sign off on it, Lieutenant Backshaw

1 (phonetic).

2 The Fire and Medic, and the Health
3 Department, which are -- kind of work together on
4 it, they said that Cynthia Harris was a vic --
5 was available only two days this week.

6 And that by Thursday or Friday at the
7 latest that they would have everything signed
8 off. I did get the Medic.

9 They recommended that I get one CPR
10 Technician. But, it would be better to have two
11 mobile medics onsite for public safety.

12 I did upgrade and get the two public,
13 the two certified EMTs that will be mobile
14 throughout the whole event. I have the invoice
15 from Westlink for that. And I have my medical
16 plan.

17 So, we're just waiting for -- it takes
18 two people to sign off on it for the Fire and
19 Medic. And they've got to get together.

20 And they assured me that they would
21 have that for me by close of business on Friday
22 at the latest. Hopefully we can get it tomorrow.

1 CHAIRPERSON ANDERSON: Now, there was
2 an issue with Elevate. I think was it Elevate,
3 right? Elevate then.

4 So, what's -- what -- what's occurred
5 with Elevate if you're aware?

6 MR. GHIRMAY: Okay. With Elevate they
7 did sign a letter. And I forward it also to
8 Investigator Peru saying that they would not be
9 operating from the hours of 2:00 p.m. until 10:00
10 p.m.

11 And they would resume operations at
12 10:00 p.m. that evening.

13 CHAIRPERSON ANDERSON: Where there --
14 Mr. Ruiz or Mr. Puente, were there any other
15 issues that came up last week that have not been
16 addressed, or need to be addressed?

17 MR. PUENTE: No. Those were the only
18 main ones. Ms. Stewart from DCRA contacted
19 through Supervisor Peru.

20 They signed off on it. They're okay
21 with the plan. And Supervisor Peru did speak
22 with the owner of Elevate. And they're not going

1 to be operating until 10:00 p.m., so.

2 CHAIRPERSON ANDERSON: And if -- and
3 if -- if the Board approves the event, do you
4 know whether or not the AB -- the Agency will be,
5 will be monitoring this event?

6 Do you know whether or not that's in
7 the plan?

8 MR. PUENTE: I know Supervisor
9 Brashears' team is on this weekend. And I know
10 he said he was going to definitely be watching it
11 this week, and monitoring it.

12 CHAIRPERSON ANDERSON: If the ag -- if
13 the Board decides to sign off on this event, I'm
14 going to strongly urge that the Agency monitors
15 this event.

16 And it's because this is not the first
17 time this event has occurred. As more so, I'm
18 concerned about Elevate since there were some
19 concerns.

20 And I don't want, I don't want us to
21 have the concerns that we -- that as an Agency
22 had last year as far as the public is concerned.

1 Because there were some -- there were some major
2 concerns that had to be addressed.

3 And I want to make sure that if we
4 sign off on this event, that that does not prove
5 -- that does not repeat itself.

6 But I also say sorry. For if the
7 Agency -- or if the Board signs off on this
8 event, if this is the first -- if you intend to
9 have this event again?

10 So, I'll leave it at that. Are there
11 any other questions that will need to be ad --
12 yes, Mr. Short?

13 MEMBER SHORT: The EMTs that you have,
14 sir, are they certified by the City?

15 MR. GHIRMAY: Yes, sir.

16 MEMBER SHORT: And you sent that
17 information to the -- does ABRA have that
18 information?

19 MR. GHIRMAY: No. ABRA does not have
20 that. I have that information here with me. But
21 that is technically information for the Health
22 Department.

1 But I do have the --

2 MEMBER SHORT: No. You'd have to show
3 it to us also.

4 MR. GHIRMAY: Okay. I wasn't aware of
5 that. This is my first time.

6 MEMBER SHORT: Can you -- wait. Can
7 you pass this step? And one other -- one other
8 question I had Mr. Chair is, is the business that
9 is there, what is the name of it again?

10 CHAIRPERSON ANDERSON: Elevate.

11 MEMBER SHORT: Elevate. They're not
12 allowed to have those kind of, or that kind of
13 music with their license, correct?

14 MR. GHIRMAY: Yes.

15 MEMBER SHORT: So, the neighborhood
16 has an agreement with Elevate not to do that. So
17 this is getting around the community, correct.

18 MR. GHIRMAY: Yes.

19 MEMBER SHORT: All right. I just --
20 I'm just having one vote. But I'm just -- I have
21 a situation with that.

22 CHAIRPERSON ANDERSON: Well I -- I

1 mean, I'm concerned. But, it is not an Elevate
2 event.

3 This is a -- this is --

4 MEMBER SHORT: Okay, Mr. Chair, please
5 let me say this to you. We have in any community
6 in this city, they have an agreement with the
7 community you can't have certain kind of
8 entertainment.

9 So now, when they find out this one
10 happens, what's to stop it from happening all
11 over town?

12 Okay. Don't worry about our
13 settlement agreement. We'll just get an outside
14 promoter to come in, and let him do it. And
15 we'll claim he's not a part of us.

16 CHAIRPERSON ANDERSON: Well, I hear
17 it. And I don't disagree with you, sir.

18 MEMBER SHORT: Okay. Not a problem.
19 I just want that on the record.

20 CHAIRPERSON ANDERSON: I don't
21 disagree with you Mr. Short. And that's one of
22 the reasons why I stated that if the ABC Board

1 approved this, I am suggesting to the Directors
2 that this matter be monitored to ensure that
3 since it was brought up by Elevate, --

4 MEMBER SHORT: Yeah.

5 CHAIRPERSON ANDERSON: That if it's an
6 Elevate event. That it will take -- that it
7 would take whatever appropriate action needs to
8 be taken about, as far as Elevate is concerned,
9 if it -- if this occurs.

10 MEMBER SHORT: Okay. So this event,
11 this event ends at ten o'clock.

12 CHAIRPERSON ANDERSON: Yes.

13 MEMBER SHORT: He stops operating.
14 But now Elevate opens up. So what's that crowd
15 going to do?

16 They're going to go right into
17 Elevate.

18 CHAIRPERSON ANDERSON: Right.

19 MEMBER SHORT: But we don't have
20 anything to do with that. But I understand, the
21 bottom line is, the community has an agreement
22 through a settlement agreement if I understand

1 it, that they can't have outside events.

2 So this is saying to the system, if
3 you want to get around that, you just get an
4 outside promoter to come in and say, he's not
5 associated with the club at all. He's not
6 associated with anything.

7 But, the same crowd that goes to
8 Elevate will be at this event. So they'll have
9 it all day long.

10 CHAIRPERSON ANDERSON: Well, I think
11 one of the events, and one -- one thing that like
12 it came up obvious still, to at least me last
13 year, that Elevate would have been operating at
14 the same time, between 2:00 to 10:00.

15 Because I think what became known last
16 time was that Elevate was planning to be open, I
17 think from 2:00 a.m., 2:00 p.m. until 2:00 or
18 3:00 p.m.

19 And we were provided now assurance
20 from Elevate that they will not be operating in
21 the afternoon, so.

22 MEMBER SHORT: And Elevate's the same

1 person who signed off for him to be able to use
2 part of their -- for this event, correct?

3 CHAIRPERSON ANDERSON: Um --

4 MEMBER SHORT: Can I see, can I see
5 those documents?

6 CHAIRPERSON ANDERSON: This is not the
7 real one. This is one of that. This is the
8 actual document. What -- the document that came
9 --

10 MEMBER SHORT: No, I want to see the
11 EMS document.

12 CHAIRPERSON ANDERSON: Oh, I'm sorry.

13 MEMBER SHORT: See that first.

14 CHAIRPERSON ANDERSON: It's -- I -- as
15 you see, sir, you -- this is your second week in
16 front of us. So, you are aware of some of the
17 concern that the Board has had.

18 And I think you're aware that if the
19 Board agrees to sign off on this event this year,
20 and if you agree, if you decide to have another
21 event next year, and if it -- if the concerns
22 that the Board has this year, if those concerns

1 materialize, you know what that means.

2 MR. GHIRMAY: Yes. I do.

3 CHAIRPERSON ANDERSON: So, I can only
4 -- but you are here. And you hear the concerns.

5 MR. GHIRMAY: And those concerns, just
6 to be clear, are that -- that Elevate does not
7 operate at the same time as my event.

8 CHAIRPERSON ANDERSON: But, I think
9 you're missing the point, sir.

10 MR. GHIRMAY: Okay.

11 CHAIRPERSON ANDERSON: As testified by
12 Mr. Puente last week, Elevate had events based on
13 their settlement agreement. This event could not
14 occur.

15 Elevate could not occur, because there
16 is a settlement agreement, and what can be done
17 in the sense of noise for the community.

18 And a lot of community, we've got a --
19 I mean, maybe -- all right, Mr. Puente, can you,
20 if you recall, what were the concerns, if any,
21 that were raised last year? If you recall,
22 approximately?

1 MR. PUENTE: Approximately around
2 9:00, 9:30 at night, noise complaints started to
3 come into the ABRA hotline about the loud music.

4 So that's what got our attention. And
5 for ABRA Investigators to go out there and see
6 what's happening.

7 CHAIRPERSON ANDERSON: You said around
8 9:00? About what time?

9 MR. PUENTE: Around 9:00, 9:30 at
10 night.

11 CHAIRPERSON ANDERSON: All right.

12 MEMBER SHORT: Can I make a
13 suggestion, Mr. Chair?

14 CHAIRPERSON ANDERSON: Yes. Just a
15 minute, Mr. Short.

16 MEMBER SHORT: Okay. Go ahead.

17 CHAIRPERSON ANDERSON: All right, so
18 you've heard.

19 MR. GHIRMAY: I understand.

20 CHAIRPERSON ANDERSON: Yes, Mr. Short?
21 Go ahead.

22 MEMBER SHORT: The hours that the

1 Applicant is asking for, from --

2 CHAIRPERSON ANDERSON: It's from 2:00
3 to 10:00.

4 MEMBER SHORT: Okay. I would strongly
5 suggest that we have it from 2:00 to 8:00. That
6 way it would give a chance for all of his persons
7 to clear away before Elevate opens up.

8 So you won't have a mingling of the
9 crowd, and double the capacity with you. Because
10 you're going to have people coming and going.

11 As one is shutting down, the other is
12 opening, they're going to commingle. I think the
13 only way -- and the noise complaints started
14 after nine o'clock last year.

15 So, if -- okay, so if the outside
16 music stops at eight o'clock, it might be
17 something the community can live with.

18 But after nine, and then into ten
19 o'clock, I think we're kind of pressing it, too.
20 Especially in light of the community has a
21 settlement agreement with Elevate.

22 It's just a -- it's just a suggestion.

1 CHAIRPERSON ANDERSON: Yeah. But I
2 think -- I think Elevate's settlement agreement -
3 -

4 MEMBER SHORT: No outside
5 entertainment.

6 CHAIRPERSON ANDERSON: No, but that
7 goes -- no, that's -- well, the Settlement
8 Agreement for Elevate talks -- says that they can
9 have a -- a summer garden until 10:00 p.m.

10 But that the playing of recorded music
11 shall cease at least half hour or prior to the
12 designated closing time for the summer garden.

13 That's what the -- that's what the --
14 so, 9:30 if it -- 9:30 is actually the time that
15 Elevate's -- 9:30 is actually the time that
16 Elevate's --

17 MEMBER SHORT: They won't be open
18 then. They said they're not opening until ten
19 o'clock.

20 CHAIRPERSON ANDERSON: No, but I --
21 no, but I'm just saying though, as far as the
22 community is concerned, they could use their

1 summer garden. If they were open, they could use
2 their summer garden until ten o'clock.

3 But the music has to have -- but the
4 music, but there can be no recorded music half an
5 hour, until 9:30.

6 So, I would agree to address the
7 community events, is that you would -- if you'd
8 agree -- I'll propose that you cease music at
9 9:30.

10 Would you -- is that something that
11 you would -- is that something sir, that you
12 would -- I think it should -- this is where the
13 problem occurred as far as the community was last
14 year.

15 The complaints to our Agency came at
16 9:30, because the community was aware that a --

17 MEMBER SHORT: I'm going to get a copy
18 just for the record.

19 CHAIRPERSON ANDERSON: Yes. They were
20 aware, the community was aware that they should
21 not be hearing noise from the summer gardens,
22 from Elevate at 9:30.

1 And, I believe, and although I'm not
2 saying that you're -- that you are part of
3 Elevate. So, I'm taking you at your word you are
4 a separate entity?

5 MR. GHIRMAY: Yes.

6 CHAIRPERSON ANDERSON: But, as far as
7 the community is concerned, the community is not
8 aware of that.

9 MR. GHIRMAY: 9:30 is fine.

10 CHAIRPERSON ANDERSON: And so -- so,
11 I'll ask that you -- that's what I would ask Mr.
12 -- to Mr. Short that we -- the event can end at
13 nine -- at ten o'clock.

14 However, you have to cease the music
15 at 9:30. Because that would be consistent with
16 what the community.

17 And I -- it appears to me that the
18 neighbors in that area, they are -- if the Agency
19 had told me that they were getting noise
20 complaints at eight o'clock, or seven o'clock.

21 But it appears that the community was
22 cognizant of the fact that yes, we can have some

1 noise. But, at 9:30, we've agreed. And I think
2 that would be consistent.

3 So, if you would agree to vet, and if
4 you would agree, Mr. Short, this is what I would
5 propose. That they cease, the music should --
6 that they are consistent with Elevate.

7 MEMBER SHORT: I concur with you, Mr.
8 Chair.

9 CHAIRPERSON ANDERSON: Yes. That they
10 cease recorded music at --

11 MEMBER SHORT: I concur. I concur.

12 CHAIRPERSON ANDERSON: At 9:30. And
13 the event can end. At least that will give you
14 an opportunity to end the event.

15 Would you agree to that, sir?

16 MR. GHIRMAY: I do agree to that.

17 CHAIRPERSON ANDERSON: Okay. Any
18 other questions by the Board members?

19 Mr. -- you're new staff, so I'll keep
20 on looking at your name. Mr. Ruiz? Any com --
21 any final comments?

22 MR. RUIZ: No.

1 CHAIRPERSON ANDERSON: Mr. Puente?

2 MR. PUENTE: Supervisor Brashears
3 wanted me to let the Board know that he spoke
4 with the Applicant at length last week after the
5 hearing.

6 CHAIRPERSON ANDERSON: Yes.

7 MR. PUENTE: To let them know that
8 going forward, if this event is going to be a
9 future thing, it's going to -- it should start
10 looking at other areas in the city where other
11 festivals are held at.

12 Where it's held at an ABC established
13 property. And he's well aware of that. And he
14 still wanted to do that.

15 So Mr. Brashears advised him what to
16 do next year going forward.

17 CHAIRPERSON ANDERSON: All right.

18 Thank you Mr. Puente. All right.

19 All right. So with the caveat that I
20 then make a motion that we let -- I make a motion
21 that we approve this event.

22 The event should run from 2:00 p.m. to

1 10:00 p.m. However, the recorded, I'm asking
2 that with -- that the recorded music shall cease
3 at 9:30 p.m. on the day of the event.

4 Is there a second?

5 MEMBER SILVERSTEIN: Second.

6 CHAIRPERSON ANDERSON: Mr. Silverstein
7 has seconded the motion. All those in favor, say
8 aye.

9 (Chorus of ayes)

10 CHAIRPERSON ANDERSON: Those opposed?

11 (No response)

12 CHAIRPERSON ANDERSON: All right. So
13 the matter passes four to zero to zero.

14 So, we're signed off on this event.
15 You can go -- you can pick up, go pick up your
16 license then.

17 We'll give you if you haven't received
18 a stack, we'll give you the, your paperwork back.
19 And just keep in mind sir, that the Agency is
20 very concerned.

21 We're not against you having an event.
22 But, at the same time we have to protect the

1 population, the populous.

2 And it appears to me that this is a
3 neighborhood that they are amenable to having
4 some noise. However, but there has to be some, a
5 reasonable period of time that everyone should
6 agree that the noise should end.

7 And so you have your event. The
8 neighborhood should be happy, because the music
9 will cease at 9:30.

10 And you'll have half an hour for folks
11 to dissipate. So, maybe some will, most of them
12 will leave because since the music stopped,
13 people will probably start leaving. I don't
14 know.

15 All right?

16 MR. GHIRMAY: Thank you Mr. Chairman.

17 CHAIRPERSON ANDERSON: So once you --
18 you have the original, you can pick up your
19 license. Okay?

20 MR. GHIRMAY: Thank you Mr. Chairman.

21 CHAIRPERSON ANDERSON: Have a great
22 day.

1 MR. GHIRMAY: Thank you.

2 (Off mic comment)

3 CHAIRPERSON ANDERSON: As chairperson
4 of the Alcoholic Beverage Control Board for the
5 District of Columbia and in accordance with D.C.
6 Official Code Section 2574(b) of the Open
7 Meetings Act, I move that the ABC Board hold a
8 closed meeting for the purpose of seeking legal
9 advice from our -- from our -- hold a closed
10 meeting on June 26, 2019, for the purpose of
11 seeking legal advice from our counsel on the
12 matters identified on the Board's Legal License
13 and Investigative Agenda for June 26, 2019, as
14 published in the D.C. Register on June 14, 2019.

15 Is there a second?

16 MEMBER SILVERSTEIN: Second.

17 CHAIRPERSON ANDERSON: Mr. Silverstein
18 has seconded the motion. I will now take a roll
19 call vote on the motion before us now that it has
20 been seconded.

21 Ms. Wahabzadah?

22 MEMBER WAHABZADAH: I agree.

1 CHAIRPERSON ANDERSON: Mr.
2 Silverstein?

3 MEMBER SILVERSTEIN: I agree.

4 CHAIRPERSON ANDERSON: Mr. Short?

5 MEMBER SHORT: I agree.

6 CHAIRPERSON ANDERSON: Mr. Cato?

7 MEMBER CATO: I agree.

8 CHAIRPERSON ANDERSON: Mr. Anderson,
9 I agree. As it appears, that a motion has
10 passed, I hereby give notice that the ABC Board
11 will hold this closed meeting pursuant to the
12 Open Meetings Act.

13 Notice will also be posted on the ABC
14 Board Hearing Room bulletin board, placed on
15 electronic calendar, on ABRA's website, and
16 published in the D.C. Register in as timely a
17 manner as practical.

18 It is 2:00 p.m. And we are adjourned
19 for the day.

20 (Whereupon, the above-entitled matter
21 went off the record at 1:59 p.m.)
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In the matter of: Joseph Ghirmay

Before: DC ABRA

Date: 06-12-19

Place: Washington, DC

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