

Wednesday,  
September 18, 2019

**KEVIN PUENTE, ABRA INVESTIGATOR**

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

2 10:26 a.m.

3 CHAIRPERSON ANDERSON: All right. We  
4 are back on the record. Our next case is a Fact-  
5 Finding Hearing, Case No. 19-CMP-00101, Allen M.  
6 Tubis regarding the Giant Barbeque Battle,  
7 License No. 113678.

8 Would the parties, please, approach  
9 and identify themselves for the record, please?

10 INVESTIGATOR PUENTE: Kevin Puente,  
11 Investigator.

12 CHAIRPERSON ANDERSON: Good morning,  
13 Mr. Puente. And I see that Mr. Tubis is not  
14 here. We will move forward with this matter.

15 Mr. Puente, can you tell us if you are  
16 aware why this -- why we had a Fact-Finding  
17 Hearing in this matter, please?

18 INVESTIGATOR PUENTE: Yes. Myself and  
19 a team of ABRA Investigators were assigned to  
20 monitor and work the Barbeque Battle back on  
21 Saturday, June 22nd and Sunday, June 23rd. We  
22 observed multiple violations throughout the two-

1 day festival.

2 CHAIRPERSON ANDERSON: And so can you  
3 be specific? What are the violations?

4 INVESTIGATOR PUENTE: We observed  
5 people drinking. Due to the Giant Barbeque Plan,  
6 Site Plan or Security Plan, they said they were  
7 going to check IDs, put stamps on everyone's hand  
8 that was consuming alcohol and that's 21 and  
9 older.

10 We saw multiple people without stamps,  
11 multiple people that IDs were not being checked.  
12 We brought it up to the -- Mr. Tubis. He went to  
13 several of the beer gardens several times to  
14 remind them. Eventually he told us that all  
15 three beer gardens were being operated by  
16 independent organizations. He has no control  
17 over them.

18 I advised him he is the event  
19 organizer. He needs to have some kind of control  
20 or have someone assigned to each beer garden.  
21 They are all volunteer organizations. They are  
22 collecting the money. He is not, so he can't

1 tell people what to do.

2 I advised him again as the event  
3 organizer, he needs to step up and be in charge  
4 and tell people what to do.

5 Investigator Pleitez advised that one  
6 female, that the ID was not checked. She said  
7 she is not checking IDs, they look over 21. We  
8 observed multiple people being served closed  
9 containers of alcohol, numerous patrons grabbing  
10 two, usually get two beers or two bottles of wine  
11 at a time. The alcohol was closed, not open.

12 I advised Mr. Tubis that alcohol has  
13 to be opened. He said the event -- the  
14 volunteers stated their hands were starting to  
15 hurt from opening the beer cans and I told him he  
16 needs to get some can openers or bottle openers  
17 in the future.

18 I advised him that every patron should  
19 be wristbanded and not stamped, because it was  
20 hard to tell who was non-consuming and who was.  
21 Then ultimately on Sunday, I observed a patron  
22 walking around with a 30-pack of Bud Light

1 passing it out to his friends. It appeared that  
2 someone from one of the beer gardens handed it to  
3 him completely.

4 So there was a lot of concerns with  
5 how things were operating.

6 CHAIRPERSON ANDERSON: Thank you. Are  
7 there any questions from the Board for Mr.  
8 Puente? Yes, Mr. Short?

9 MEMBER SHORT: Good morning,  
10 Investigator Puente.

11 INVESTIGATOR PUENTE: Good morning.

12 MEMBER SHORT: Is this the first year  
13 that you have dealt with Mr. Tubis?

14 INVESTIGATOR PUENTE: No, I have  
15 worked his event every year since I have been  
16 here, the last four years.

17 MEMBER SHORT: And this one compared  
18 to the others, where it had violations like you  
19 had never seen before. Is that --

20 INVESTIGATOR PUENTE: Yeah, this was  
21 probably, in my experience, the last four years  
22 this was the worst I have seen it, especially

1       when he told me that he can't tell these  
2       volunteers what to do. They are independent  
3       organizations collecting the money.

4               MEMBER SHORT: And approximately how  
5       many years has Mr. Tubis been running this  
6       function?

7               INVESTIGATOR PUENTE: He told me, I  
8       think, almost like 20 plus years.

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

11              CHAIRPERSON ANDERSON: Any other  
12      questions by any other Board Members?

13              Thank you, Mr. Puente. I'm concerned.  
14      This has been an issue. It appears that -- not  
15      appears. There are some major violations that  
16      occurred at this matter.

17              It's my understanding that Mr. Tubis  
18      was contacted by the Agency and was aware that  
19      this Fact-Finding Hearing was scheduled today for  
20      10:00.

21              On August 13, Mr. Tubis was contacted  
22      by the Agency and informed that the Fact-Finding

1       Hearing was scheduled for today at 10:00 a.m. We  
2       have had the hearing on some serious violations  
3       and he did not appear.

4               I'm very concerned and I'll put this  
5       on the record and I'll be very concerned if  
6       another application comes in next year for Mr.  
7       Tubis to apply to run this event. I'm very  
8       concerned.

9               I have and I always keep an open mind,  
10       but his disrespect for the proceeding gives me  
11       pause whether or not I will look favorable on  
12       applying for -- on approving an application. But  
13       I'll keep an open mind, but it is difficult to  
14       keep an open mind if these violations and you are  
15       informed about the hearing and you did not show  
16       up.

17               Thank you for being here, Mr. Puente.  
18       Have a good day. Thank you.

19               (Whereupon, the Fact-Finding Hearing  
20       was concluded at 10:32 a.m.)  
21  
22

<p><b>A</b></p> <p>a.m 2:2 7:1,20  <b>ABRA</b> 1:22 2:19  <b>advised</b> 3:18 4:2,5,12 4:18  <b>Agency</b> 6:18,22  <b>alcohol</b> 3:8 4:9,11,12  <b>Alcoholic</b> 1:2,10,14,14  <b>Allen</b> 1:6 2:5  <b>ANC</b> 1:7  <b>Anderson</b> 1:16,18 2:3 2:12 3:2 5:6 6:11  <b>appear</b> 7:3  <b>appeared</b> 5:1  <b>appears</b> 6:14,15  <b>application</b> 7:6,12  <b>apply</b> 7:7  <b>applying</b> 7:12  <b>approach</b> 2:8  <b>approving</b> 7:12  <b>approximately</b> 6:4  <b>assigned</b> 2:19 3:20  <b>August</b> 6:21  <b>Ave</b> 1:7  <b>aware</b> 2:16 6:18</p>	<p><b>COLUMBIA</b> 1:1  <b>comes</b> 7:6  <b>compared</b> 5:17  <b>completely</b> 5:3  <b>concerned</b> 6:13 7:4,5,8  <b>concerns</b> 5:4  <b>concluded</b> 7:20  <b>consuming</b> 3:8  <b>contacted</b> 6:18,21  <b>containers</b> 1:9 4:9  <b>control</b> 1:2,14,14 3:16 3:19  <b>CROCKETT</b> 1:20</p>	<p><b>grabbing</b> 4:9</p> <p><b>H</b></p> <p><b>hand</b> 3:7  <b>handed</b> 5:2  <b>hands</b> 4:14  <b>hard</b> 4:20  <b>hearing</b> 1:7,14 2:5,17 6:19 7:1,2,15,19  <b>hurt</b> 4:15</p> <p><b>I</b></p> <p><b>ID</b> 4:6  <b>identify</b> 2:9  <b>IDs</b> 3:7,11 4:7  <b>independent</b> 3:16 6:2  <b>informed</b> 6:22 7:15  <b>Investigator</b> 1:22 2:10 2:11,18 3:4 4:5 5:10 5:11,14,20 6:7  <b>Investigators</b> 2:19  <b>issue</b> 6:14</p> <p><b>J</b></p> <p><b>JAMES</b> 1:19  <b>JR</b> 1:19  <b>June</b> 2:21,21</p>	<p><b>needs</b> 3:19 4:3,16  <b>never</b> 5:19  <b>non-consuming</b> 4:20  <b>numerous</b> 4:9  <b>NW</b> 1:7</p> <p><b>O</b></p> <p><b>observed</b> 2:22 3:4 4:8 4:21  <b>occurred</b> 6:16  <b>Okay</b> 6:9  <b>older</b> 3:9  <b>open</b> 4:11 7:9,13,14  <b>opened</b> 4:13  <b>openers</b> 4:16,16  <b>opening</b> 4:15  <b>operated</b> 3:15  <b>operating</b> 5:5  <b>organizations</b> 3:16,21 6:3  <b>organizer</b> 3:19 4:3</p> <p><b>P</b></p> <p><b>P-R-O-C-E-E-D-I-N-G-S</b> 2:1  <b>parties</b> 2:8  <b>passing</b> 5:1  <b>patron</b> 4:18,21  <b>patrons</b> 4:9  <b>pause</b> 7:11  <b>Pennsylvania</b> 1:7  <b>people</b> 3:5,10,11 4:1,4 4:8  <b>Plan</b> 3:5,6,6  <b>please</b> 2:8,9,17  <b>Pleitez</b> 4:5  <b>plus</b> 6:8  <b>PRESENT</b> 1:17,21  <b>presiding</b> 1:16  <b>probably</b> 5:21  <b>proceeding</b> 7:10  <b>Provided</b> 1:10  <b>Puente</b> 1:22 2:10,10,13 2:15,18 3:4 5:8,10,11 5:14,20 6:7,13 7:17  <b>put</b> 3:7 7:4</p>
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Hearing

Before: Alcoholic Beverage Control Board

Date: 09-18-19

Place: Washington, DC

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
true and accurate record of the proceedings.

  
-----  
Court Reporter

**NEAL R. GROSS**

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