

IN THE MATTER OF: :
 :
Red River Grill, :
t/a Union Pub :
Event: Expo to Kick Off :
the Cherry Blossom 10 :
Miler Weekend :
Event date: 4/5/2019 : Fact Finding
Hours of event: 5:00 pm- : Hearing
8:00 pm :
Location: The National :
Building Museum :
License #22105 :
(One Day Substantial :
Change Application, 1000 :
Attendees Throughout :
Event) :

Wednesday
March 20, 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
NICK ALBERTI, Member
BOBBY CATO, JR., Member
JAMES SHORT, Member
MIKE SILVERSTEIN, Member
REMA WAHABZADAH, Member

ALSO PRESENT:

MATTHEW WEISS, Licensee

**ANNA FINLAY, Credit Union Cherry Blossom Ten Mile
Committee**

INVESTIGATOR KEVIN PUENTE, ABRA

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

2 4:17 p.m.

3 CHAIRPERSON ANDERSON: All right, our
4 next case is a fact finding hearing on Red River
5 Grill, Union Pub, a one-day substantial change
6 application. Will the parties please approach
7 and identify themselves for the record, please?

8 MR. WEISS: Matthew Weiss, owner of
9 the Union Pub.

10 CHAIRPERSON ANDERSON: Good afternoon,
11 Mr. Weiss.

12 MS. FINLAY: Anna Finlay, committee
13 member of Credit Union Cherry Blossom Ten Mile
14 Run.

15 CHAIRPERSON ANDERSON: I'm sorry; what
16 organization do you belong to, ma'am?

17 MS. FINLAY: I'm sorry?

18 CHAIRPERSON ANDERSON: What
19 organization do you belong to?

20 MS. FINLAY: There we go. I am a
21 committee member of the Credit Union Cherry
22 Blossom Ten Mile Run.

1 CHAIRPERSON ANDERSON: Mr. Weiss,
2 right?

3 MR. WEISS: Yes.

4 CHAIRPERSON ANDERSON: You requested
5 a one-day substantial change. Can you explain to
6 me what it is that you're -- what is it you're
7 seeking?

8 MR. WEISS: Sure. This is a
9 charitable organization that puts on a ten-mile
10 cherry blossom run on Sunday, April 7th, on the
11 Mall. For the last five years, we have been
12 hired by them, also donating our time, to provide
13 beer and a mocktail, non-alcoholic mocktail, to
14 the race participants as part of the event to
15 pick up their race stuff.

16 In other words, at the Building
17 Museum, from 3:00 p.m. to 8:00 p.m., participants
18 that have registered come and pick up their
19 registration materials. Then in the great hall,
20 they will have a number of vendors and sponsors,
21 including sneaker company, power bars, granola
22 bars, and then we're one part of it, where we'll

1 be serving beer and a non-alcoholic beverage from
2 5:00 to 8:00 p.m.

3 When the race participants gather
4 their materials, they will be given a drink
5 ticket. They will come to our portion, which
6 will be in part of the great hall, where we will
7 have our staff serving. They will ID each
8 participant. If they are of age, with valid ID,
9 and they want a beer, they will be given one
10 6-ounce pour of beer of their choice, or if
11 they'd prefer or they're under age, they can have
12 the non-alcoholic mocktail.

13 It's really only one drink per person,
14 only six ounces. The main course of this event
15 is not even a food and beverage festival or
16 anything in that way. It's really just an
17 opportunity for the race participants to get
18 their stuff early, so they don't have to register
19 everybody that morning, and then get off at 7:12
20 in the morning, and for the sponsors to have a
21 little tent and promotions.

22 CHAIRPERSON ANDERSON: You say you

1 have been doing this, so you have applied for
2 this type of license before from us?

3 MR. WEISS: Yes.

4 MEMBER ALBERTI: Real quick, was it
5 always at the Building Museum?

6 MS. FINLAY: The race expo has always
7 been (Simultaneous Speaking).

8 MEMBER ALBERTI: Okay.

9 CHAIRPERSON ANDERSON: Do you have any
10 questions, Mr. Puente?

11 MR. PUENTE: Just a few.

12 CHAIRPERSON ANDERSON: Go ahead,
13 please.

14 MR. PUENTE: Kevin Puente,
15 investigator. Will the national hall -- is that
16 what it's called?

17 PARTICIPANT: National Building
18 Museum.

19 MR. PUENTE: Will they have security
20 inside the building?

21 MR. WEISS: Yes.

22 MR. PUENTE: Will you guys be giving

1 out wristbands to anyone that's over 21?

2 MR. WEISS: No.

3 MR. PUENTE: Will your area be -- it
4 won't be fenced in or anything, just open, people
5 come up to the table?

6 MR. WEISS: Yes.

7 MR. PUENTE: Okay, that's all I have.

8 MEMBER SHORT: I have one question.

9 CHAIRPERSON ANDERSON: Yes, Mr. Short.

10 MEMBER SHORT: How would your event --
11 first of all, good afternoon.

12 MR. WEISS: Good afternoon.

13 MEMBER SHORT: How would your event
14 handle, unfortunately, if someone -- what are the
15 ages of the people that you're reaching out to
16 for this event? What are the ages?

17 MR. WEISS: What's the age range of
18 the participants?

19 MS. FINLAY: There are no age ranges
20 to participate in the race, so we do have all age
21 ranges, but we will be ID'ing them for the beer.

22 MEMBER SHORT: How will you

1 differentiate a teenager or someone under the
2 legal drinking age from getting a drink when --
3 what safeguards are you going to have in place to
4 take care of that?

5 MR. WEISS: My staff will ID every
6 single person, regardless of how old they look,
7 when they come to redeem their drink ticket. If
8 they don't have valid ID, or they're not of age,
9 they will not be served.

10 MEMBER SHORT: I'm very familiar with
11 the building. You're going to be using the great
12 hall. Once people come in to get checked at the
13 door, then they'll mingle.

14 MR. WEISS: Right.

15 MEMBER SHORT: If I'm somebody who
16 thinks my 18-year-old friend needs a drink and I
17 hand him a cup, what's going to stop that from
18 happening? What do you have in place?

19 MR. WEISS: We discussed that. Again,
20 the nature of the event, I think, A, that doesn't
21 really -- it's not a concern as much. I'm not
22 saying it's not a concern, but not as much as in,

1 maybe, perhaps, other applications. We have
2 coordinated with them.

3 They're going to have 10 to 20
4 volunteers that will be walking around. Our
5 staff will also rotate walking around. If we see
6 anybody that doesn't -- we don't recall serving a
7 drink to or looks under age, we will certainly
8 stop them.

9 MEMBER SHORT: How many people are
10 going to be in that great hall?

11 MR. WEISS: It's about 1,000 people,
12 but coming and going. I don't know how many will
13 be there at one time.

14 MEMBER SHORT: Can I make a suggestion
15 to you?

16 MR. WEISS: Sure.

17 MEMBER SHORT: Probably to alleviate
18 some of the problems. Someone asked about
19 wristbands. Will you be serving only alcohol,
20 serving sodas, water?

21 MR. WEISS: Yes, there will be a
22 non-alcoholic option.

1 MEMBER SHORT: If soda's in a red cup
2 and water's in a red cup, what a lot of events do
3 is they put water in a clear cup, making them
4 different colors. What we normally do with
5 groups that large, wristbands.

6 It helps if our investigator happens
7 to come, just to pop in to see if you're doing
8 things legally, and he sees three or four people
9 drinking, and he checks on one and they happen to
10 be under age, and you say well, we have 1,000
11 people, we checked as much as we could, we try to
12 alleviate that. We try to nip it in the bud
13 before it happens, so you won't have a problem,
14 the City won't have -- and you can have a very
15 wonderful event. Will you have a problem with
16 wristbands and working with the investigators to
17 -- they can tell you how to do that because they
18 do this all the time.

19 MR. WEISS: Yes, I'm familiar. Do you
20 guys mind if we have the wristbands?

21 MS. FINLAY: No, anything that we can
22 do to make sure that --

1 MEMBER ALBERTI: I'm going to
2 interject here and just sort of -- I hate to
3 contradict you like this, but I'm sort of
4 familiar with these types of events. I,
5 personally, don't see the need for wristbands.
6 Your suggestion of having different-colored cups
7 --

8 MR. WEISS: Absolutely.

9 MEMBER ALBERTI: -- if you have even
10 labeled cups with whatever brand of beer you're
11 selling, or a brand of beer, and only serve
12 alcohol in those, that's a great recommendation.
13 I think it's a little overkill because it's only
14 -- you only get one drink, only if you have a
15 number. You're going to have to present to them,
16 probably, your registration materials, right?

17 MR. WEISS: Right --

18 MEMBER ALBERTI: You get a ticket.

19 MR. WEISS: -- one ticket, and then
20 that's it.

21 MEMBER SHORT: Mr. Alberti, thank you
22 very much (Simultaneous Speaking). I understand.

1 MEMBER ALBERTI: I don't want to
2 burden them with something that's --

3 MEMBER SHORT: I understand. I don't
4 want to burden many groups that come in here, but
5 I don't cherry pick, either. To address you
6 appropriately, I hope, as I possibly can, and
7 respectfully.

8 We can't say because I do something
9 with this group -- because there's some groups
10 that come here that I do things with, but I still
11 would like to see us to have a standard, where
12 everybody's on the same playing field, so if
13 anything does come up, we've taken every
14 necessary step.

15 I understand, Mr. Alberti, that you
16 know this, and you know them well. They didn't
17 seem to have a problem thinking that wristbands
18 were -- or do you have a problem with that?

19 MR. WEISS: Honestly, we would prefer
20 not to. I think it's an extra layer. If it was
21 something where we were providing a bar that was
22 open, where people could come for multiple

1 drinks, absolutely, without -- we would have
2 totally --

3 MEMBER SHORT: I'm open for new
4 things, but again, normally, when people come in
5 with 1,000 or some people and there's drinking
6 going on -- we have cases here -- we had cases
7 here today -- most people would say that would
8 never happen in my business, but there's always a
9 slip-up or some people who want to out-slick
10 other people. I know because Mr. Alberti goes to
11 very outstanding events, he wouldn't vouch for
12 you if you weren't good. He wouldn't.

13 But the bottom line is, again, if we,
14 as a Board and a City, say the rule applies to
15 everyone, then someone can't come in and say they
16 had an event down at the National Museum and they
17 didn't have to have wristbands, and they didn't
18 have to have different color cups. What's the
19 difference between that group and -- oh, Mr.
20 Alberti spoke up for this group. To save Mr.
21 Alberti in this -- I would just suggest that you
22 talk with Kevin Puente. He can tell you how to

1 do this, probably, inexpensively and do it in a
2 way that you will make him comfortable, and
3 investigators who come -- because there will be
4 investigators that will come into your -- it
5 won't be Mr. Alberti, I think.

6 What I'm asking you is -- I'm not
7 trying to put any burden on you that we don't put
8 on any other group that's 1,000 people or more.
9 The City has a lot of things going on. We read
10 the paper every day about things happening in
11 different places.

12 The police work a little better when
13 we know who's doing what and who's where. Things
14 with the wristbands and things, it would help law
15 enforcement; it would help public safety; it
16 would help a lot of things.

17 MR. WEISS: Sure, I appreciate --

18 MEMBER SHORT: I say that because I
19 have a little background in that.

20 MR. WEISS: Certainly. I've also had
21 a liquor license here for 25 years, so I
22 understand. I want to make it clear; I'm not

1 saying that we won't do it. I want to put on a
2 good charitable event. I'm only answering your
3 question to say that I would prefer not to have
4 to do the extra level for this type of event, but
5 absolutely, if it's the recommendation of the
6 Board, we will absolutely do it, no problem.

7 MEMBER SHORT: I'm just one Board
8 member. Mr. Alberti's another. At any rate, I
9 think if you talk with -- in fact, let me ask the
10 investigator. I'm not trying to -- what is your
11 opinion, Mr. Puente, investigator?

12 MR. PUENTE: With this event, I've
13 been to events like this similar in the past.
14 Will there be a lot of underage drinking? From
15 my experience, no, but just to safeguard, I would
16 recommend either a wristband or maybe put an X on
17 patrons who are over 21.

18 At least that way, the volunteers and
19 security know if they see someone with a cup in
20 their hand without an X or something, they know
21 they're possibly under age and drinking.

22 MEMBER SHORT: Thank you very much for

1 your opinion. That's all I have.

2 CHAIRPERSON ANDERSON: Thank you, Mr.
3 Short. Any other questions by any other Board
4 members?

5 MEMBER WAHABZADAH: Are there any
6 other vendors, besides Union Pub, that will be
7 serving alcohol at this event?

8 MR. WEISS: No.

9 MEMBER WAHABZADAH: About how many
10 other vendors are there, in general,
11 non-alcoholic establishments?

12 MS. FINLAY: We have, I'm going to
13 estimate, about 25 other vendors around the
14 National Building Museum, like what Matt said
15 earlier. They're power bar vendors, clothing
16 vendors, things like that for the race
17 participants.

18 MEMBER WAHABZADAH: Thank you.

19 CHAIRPERSON ANDERSON: For the record,
20 that was Ms. Wahabzadah. Any other final
21 comments you want to make, sir?

22 MR. WEISS: No. I would only say, for

1 the wristbands, that I don't -- I think we
2 should, as Union Pub -- because we're going to be
3 the ones responsible for ID'ing, so when they
4 check in, instead of having the burden be on the
5 race coordinators of confirming who's 21 or not,
6 that when they come to our station, they will be
7 ID'd, and then either an X or the wristband will
8 have to be given by our staff. I think that is
9 the best course of action for us to be
10 responsible for what we know how to do, as
11 opposed to the race coordinators.

12 CHAIRPERSON ANDERSON: If there's a
13 violation, you're the one we're coming after, so,
14 therefore --

15 (Simultaneous Speaking.)

16 MR. WEISS: I don't want to do this
17 anymore. I'm getting scared.

18 CHAIRPERSON ANDERSON: If you think
19 that's the best way to do it, then -- I was just
20 saying if there's a violation, we're not going to
21 go after the young lady beside you. We're going
22 after you. So whichever way you believe that you

1 can more appropriately protect your
2 establishment, then that's fine with the Board.

3 MR. WEISS: Very good.

4 CHAIRPERSON ANDERSON: With that said,
5 I make a motion that we approve the one-day
6 substantial change. Is there a second?

7 MEMBER SHORT: Second.

8 CHAIRPERSON ANDERSON: Mr. Short has
9 seconded the motion. All those in favor, say
10 aye.

11 (Chorus of ayes.)

12 CHAIRPERSON ANDERSON: All those
13 opposed.

14 (No audible response.)

15 CHAIRPERSON ANDERSON: The matter
16 passed 6-0-0. The office is closed, but you can
17 pick up your license tomorrow.

18 MR. WEISS: Okay.

19 (Simultaneous Speaking).

20 MR. WEISS: Oh, yes, I know. I've
21 seen you many times here.

22 (Simultaneous Speaking.)

1 CHAIRPERSON ANDERSON: All right,
2 thank you. As chairperson of the Alcoholic
3 Beverage Control Board for the District of
4 Columbia, and in accordance with D.C. Official
5 Code Section 2.574(b) of the Open Meetings Act --
6 hold on, before I say that, let me make sure --
7 All right. As chairperson of the Alcoholic
8 Beverage Control Board for the District of
9 Columbia, in accordance with D.C. Official Code
10 Section 2.574(b) of the Open Meetings Act, I move
11 that ABC Board hold a closed meeting on March 27,
12 2019, for the purpose of seeking legal advice
13 from our counsel on the matters identified on the
14 Board's legal license and investigation agenda
15 for March 27, 2019, as published in the D.C.
16 Register on March 22, 2019. Is there a second?

17 MEMBER CATO: Second.

18 MEMBER SHORT: Second.

19 CHAIRPERSON ANDERSON: Mr. Cato and
20 Mr. Short have seconded the motion. I will now
21 take a roll call vote on the motion before us,
22 now that it has been seconded. Ms. Wahabzadah?

1 MEMBER WAHABZADAH: I agree.

2 CHAIRPERSON ANDERSON: Mr. Silverstein.

3 MEMBER SILVERSTEIN: I agree.

4 CHAIRPERSON ANDERSON: Mr. Short.

5 MEMBER SHORT: I agree.

6 CHAIRPERSON ANDERSON: Mr. Alberti.

7 MEMBER ALBERTI: I agree.

8 CHAIRPERSON ANDERSON: Mr. Cato.

9 MEMBER CATO: I agree.

10 CHAIRPERSON ANDERSON: Mr. Anderson,

11 I agree. As it appears that the motion has
12 passed, I hereby give notice that ABC Board will
13 hold the closed meeting, pursuant to the Open
14 Meetings Act.

15 Notice will also be posted on the ABC
16 Board Hearing Room bulletin board, placed on
17 electronic calendar and ABRA's website, and
18 published in the D.C. Register in as timely a
19 manner as practical. It is 4:35 p.m., and we are
20 adjourned for the day. Thank you.

21 (Whereupon, the above-entitled matter
22 went off the record at 4:33 p.m.)

<p>A</p> <p>ABC 19:11 20:12,15 above-entitled 20:21 ABRA 2:14 ABRA's 20:17 absolutely 11:8 13:1 15:5,6 Act 19:5,10 20:14 action 17:9 address 12:5 adjourned 20:20 advice 19:12 afternoon 3:10 7:11,12 age 5:8,11 7:17,19,20 8:2,8 9:7 10:10 15:21 agenda 19:14 ages 7:15,16 agree 20:1,3,5,7,9,11 ahead 6:12 Alberti 1:20 6:4,8 11:1 11:9,18,21 12:1,15 13:10,20,21 14:5 20:6 20:7 Alberti's 15:8 alcohol 9:19 11:12 16:7 Alcoholic 1:2,15,16 19:2,7 alleviate 9:17 10:12 Anderson 1:17,19 3:3 3:10,15,18 4:1,4 5:22 6:9,12 7:9 16:2,19 17:12,18 18:4,8,12,15 19:1,19 20:2,4,6,8,10 20:10 Anna 2:12 3:12 answering 15:2 anybody 9:6 anymore 17:17 appears 20:11 application 1:11 3:6 applications 9:1 applied 6:1 applies 13:14 appreciate 14:17 approach 3:6 appropriately 12:6 18:1 approve 18:5 April 4:10 area 7:3 asked 9:18 asking 14:6 Attendees 1:12 audible 18:14 aye 18:10 eyes 18:11</p>	<p>bar 12:21 16:15 bars 4:21,22 beer 4:13 5:1,9,10 7:21 11:10,11 believe 17:22 belong 3:16,19 best 17:9,19 better 14:12 beverage 1:2,15,16 5:1 5:15 19:3,8 blossom 1:7 2:12 3:13 3:22 4:10 board 1:2,15 13:14 15:6 15:7 16:3 18:2 19:3,8 19:11 20:12,16,16 Board's 19:14 BOBBY 1:20 bottom 13:13 brand 11:10,11 bud 10:12 building 1:10,16 4:16 6:5,17,20 8:11 16:14 bulletin 20:16 burden 12:2,4 14:7 17:4 business 13:8</p>	<p>color 13:18 colors 10:4 Columbia 1:1 19:4,9 come 4:18 5:5 7:5 8:7 8:12 10:7 12:4,10,13 12:22 13:4,15 14:3,4 17:6 comfortable 14:2 coming 9:12 17:13 comments 16:21 committee 2:13 3:12,21 company 4:21 concern 8:21,22 confirming 17:5 contradict 11:3 Control 1:2,15,16 19:3 19:8 coordinated 9:2 coordinators 17:5,11 counsel 19:13 course 5:14 17:9 Credit 2:12 3:13,21 cup 8:17 10:1,2,3 15:19 cups 11:6,10 13:18</p>	<p>10:15 13:16 15:2,4,12 16:7 events 10:2 11:4 13:11 15:13 everybody 5:19 everybody's 12:12 experience 15:15 explain 4:5 expo 1:6 6:6 extra 12:20 15:4</p>
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In the matter of: Union Pub

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