

**ALCOHOL BEVERAGE CONTROL BOARD
FACT FINDING HEARING
SALE TO MINORS POLICY**

OCTOBER 15, 2008

**TESTIMONY OF
GREGORY CASTEN**

**Executive Committee At-Large, Board of Directors,
Restaurant Association Metropolitan Washington (RAMW)
Chairman of the Board, RAMW Education Foundation
Partner in Tony & Joe's Seafood, Cabanas, Nick's and The Dancing Crab
Restaurants and ProFish Wholesale Seafood Company**

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Good morning Councilmember Graham and members of the Committee. My Name is Gregory Casten and I am a partner in four separate Washington, DC restaurants as well as a wholesale seafood company located in Ivy City. I am also an At-Large Executive Committee member of the Board of Directors of the Restaurant Association Metropolitan Washington.

I have been personally involved in restaurant operations since 1986. I am in my restaurants every day. In the twenty two years that I have been in the industry, my establishments have been cited three times in minor sting operations. Even so, we have been visited by more ABRA inspectors in the past year than during the entire prior decade. The frequency and capricious nature of these inspections make it increasingly difficult – and increasingly expensive – to do business in the District of Columbia.

Today's economy is shaky at best, and we need not remind the Committee that the restaurant industry is already a particularly vulnerable segment of the business community. The fines and suspensions hurt, yes, but the skyrocketing number of fines being written is particularly onerous and paint ABRA and the ABC board as more a ticket writing body than a true oversight or educational partner.

While inspections and citations are certainly a necessary evil, there is some question as to the judgment of the inspectors in handing out citations. There is absolutely no consideration for reasonable and common occurrences in the day-to-day, hour-by-hour operation of a business. One citation was issued when one of my managers was off-premise – *by fifteen feet!* We paid the fine

and try to laugh this off as business as usual in the District, but really, this is absurd. We need to address these types of overzealous and unreasonable enforcement actions and we need to inject a whole lot more common sense into the inspection process. Bill 17-983 does not do this, but instead proposes adding to its enforcement arsenal.

Thank you for this opportunity to be heard – it's a rare privilege for a small business person like me to be able to address the decision makers at a time and in a manner when my ideas might affect their thought process. I am grateful for the opportunity.