

**OFFICE OF THE
WASHINGTON STATE LIQUOR CONTROL BOARD
Work/Review Session/ April 4, 2006**

The regular meeting of the Washington State Liquor Control Board was called to order at 10:00 a.m., on Tuesday, April 4, 2006 in the Board conference room, 3000 Pacific Avenue S.E., Olympia, Washington, by Chairman Merritt D. Long. Board Member Vera Ing and Board Member Roger Hoen were present. Tony Kim, Administrative Assistant to the Board summarized the minutes.

Licensing & Regulation Division and Enforcement & Education Division –
10:00 ~ 11:30 a.m.
Karen McCall, Licensing Manager & Tim Thompson, Regional Manager

(Darkened House Discussion Verbatim Transcription)

1 GLOSSARY OF PARENTHETICALS
2
3 (Indiscernible): Words were heard, but not
understood.
4
5 (Inaudible): Sounds were heard, which
was an apparent response,
6 but could not be understood.
7
(No audible response): There was no sound.

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7
8 MR. LONG: Good morning.
9 MS. ING: Good morning.
10 MR. HOEN: Good morning.
11 MS. McCALL: Good morning.
12 MR. LONG: How is everybody? Everybody is good?
13 Okay.
14 I would like to call the work-study session to order
15 of the Liquor Control Board. And the major item
16 that's up today, I believe, for discussion is the
17 darkened house rule, and alcohol service in a darkened
18 house, to be more specific.
19 And what I would like to do before we hear and get
20 public comment and testimony is ask our staff to give us
21 an update on that.
22 Karen, if you would be so kind.

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23 MS. McCALL: I will do that. Good morning.
24 MR. LONG: Good morning.
25 MS. ING: Good morning.

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1 MS. McCALL: Well, this brings to a point where
2 we have finished the pilot project for the darkened
3 house with the Tacoma Dome. And as we stated before, we
4 were going to look at all the facts and come to the
5 board with what we found during this. I just kind of
6 want to give a background of what brought us to this
7 point.

8
9 MS. McCALL: We want to today present information
10 gathered from stakeholders in regard to the whole
11 darkened house pilot project. This was started back in
12 2003 as an idea because many of the dark- - the sports
13 entertainment facilities were requesting permission to
14 serve alcohol in the seating areas during concerts or
15 darkened house events.

16
17 MS. McCALL: Enforcement and licensing got
18 together with a group of individuals from Key Arena at
19 that time, because they were the first that had
20 requested this, and came up with what we thought was a
21 workable pilot with certain conditions laid out that
22 would be followed during that time frame.

23 Since Key Arena was the first to request it, they
24 were the first licensee that we tried this with. One of
25 the conditions was that the local authority had to

5

1 approve of this pilot before the licensee would be
2 granted the permission for it.

3 The City of Seattle denied the request for Key Arena
4 saying that you have a rule that talks about dark - you
5 know, lighting requirements and so we are not going to
6 approve this.

7 The next licensee on the list was the Tacoma Dome.
8 So the Tacoma Dome did gain permission from the City of
9 Tacoma and they started their pilot program in July of
10 2004. It was originally slated to last for six months
11 having one - one event per month for that six-month
12 period.

13 Because of their schedule, we had to extend that
14 because they didn't have enough events during that time

15 frame. The pilot actually ended November 30th of 2005.
16 And during that time I believe they had five events.
17 Just to kind of give you an idea of the number of
18 sports entertainment facilities - I don't know, but I
19 think that might be helpful - we have 20 sports
20 entertainment licensees in our state currently. Two of
21 them are indirect premises that are basically just
22 entertainment venues, one in the City of Seattle and one
23 is in the City of Spokane.
24 We have two outdoor entertainment venues that are
25 strictly amphitheater types, which is the White River

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1 Amphitheater and one down in Clark County. The other 16
2 are all sport and entertainment facilities. And these
3 facilities range in size from capacity of about 4,000 up
4 to 67,000.
5 So that's kind of a background. And I'm going to let
6 Tim tell what you we found out during the pilot.
7 MR. LONG: Great. Tim?
8 MR. THOMPSON: Good morning.
9 MR. LONG: Good morning.
10 MR. THOMPSON: Basically there were five events
11 and so we had - we directed enforcement officers to go
12 to those five events and make observations as to what
13 they found going on in these licensed - at these events
14 that were the darkened house.
15 They reported that information back to me since I was
16 - kind of culminated and summarized all of their
17 observations. I also during this time period met with
18 the Tacoma Dome twice, Center Plate concessionaires, to
19 talk about what was going on from their side - point of
20 view and our point of view, what we - what we were
21 seeing.
22 Some of the points that they had brought up, which we
23 took very seriously, one of them was from a business
24 standpoint, they are in a highly competitive field,
25 across not only our state, but other states in this

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1 entertainment field and so they really want to stress
2 the - the ability to allow patrons to serve - be able
3 to, you know, buy an alcoholic beverage and take it back
4 to their seat.
5 It reduces the crowding and the issues that happen
6 when you have to run to the service area during

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7 intermission or before and then drink it, binge it, gulp
8 it down and then go back to their seats. It says that
9 from their standpoint, it was much easier, more
10 laid-back system, that come up --

11 MS. ING: Mm-hmm.

12 MR. THOMPSON: -- buy your beer and take it back.

13 They had some difficulty. We had put - placed a
14 one-beverage-per-person condition on them. They found
15 that difficult because a lot of people that buy
16 beverages like to buy a beverage for their - for their
17 spouse or who they are attending with. So that was a
18 little unworkable for them.

19 So - but for the most part they saw the advantage of
20 (inaudible) to allow this - the alcohol go back into the
21 seating. They didn't, again, have the overcrowding at
22 the service stations and so on.

23 But after reviewing those concerns, based - and then
24 the concerns of our enforcement officers that saw that,
25 that said when the lights go down, said it is hard to

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1 see anything and the public safety issues that are a
2 concern of our officers, we feel that - what the -
3 basically what the positives that the business entities
4 were saying don't outweigh the public safety concerns.

5 So our recommendation, along with license division's
6 recommendation, is to leave the regulation as it stands
7 and allow for lighting in the seating area (inaudible).

8 MR. LONG: Okay.

9 MR. THOMPSON: So that's it in a nutshell.

10 MR. LONG: Okay. Any questions from - from the
11 board at this point before we move on?

12 MR. HOEN: (Inaudible) we got
13 darkened houses are standard for concerts all over the
14 state without alcohol service - even with alcohol
15 service but not going into the seating area.

16 MR. HONE: Correct.

17 MR. THOMPSON: Correct.

18 MR. HONE: So --

19 MR. THOMPSON: That was the
20 difference (inaudible).

21 MR. HOEN: But there is - so it seems
22 like public safety doesn't change a lot from having to
23 drink in a beer garden or something or - or - or knowing
24 there is no alcohol there at the bar and whatever. The
25 darkened house exists anyway, I guess, is --

1 MR. THOMPSON: In the service areas there is
2 lights that we keep control (inaudible) --

3 MS. ING: Right.

4 MR. THOMPSON: -- and we have a way of our
5 officers and - and actually licensees and their security
6 staff to maintain control and conduct of their patrons
7 as well.

8 They go into this unlighted area, the seating area
9 and consume, they lose con- - they lose the ability to
10 see, we lose the ability to see and, therefore, there
11 could be some compromises for public safety in that
12 issue.

13 And that's why I believe the regulation stands and
14 has been standing as that there is some lighting so we
15 can see what is going on, maintain a measure of control
16 in those areas. And we - we just - the business
17 interests I don't think outweigh that, so we decided to
18 keep it as is.

19 MS. ING: Okay.

20 MR. THOMPSON: I have - there was - I did talk to
21 some different states. It's kind of across the board.
22 There is some states that still have the lighting
23 requirement in those event centers. Other states don't.

24 A lot of it depends, I think, on probably some of the
25 liability issues. In our state we have liability on the

1 servers and the licensee; other states the liability is
2 on the consumer. So I think that's a difference, too.

3 MS. ING: Mm-hmm. Okay.

4 MR. HOEN: If I may --

5 MR. LONG: Please.

6 MS. ING: -- jump in, please.

7
8 MR. HOEN: This issue goes back to
9 three years ago and arose when Karen and I attended a
10 meeting with the Sports Entertainment Facility Operators
11 Association. And they were the ones who requested us
12 looking at the possibility of lifting this prohibition
13 for stadium facilities recognizing that this requirement
14 applies - is - is a standard requirement for all
15 on-premise licensees. So the restaurants and taverns,
16 they have a minimum lighting requirement.

17 But there are rules also specific to the sports

18 entertainment facility. And those venues - they have -
19 they have to submit an operating plan.

20 So that's how the issue arose.

21

22 MS. ING: And I was (inaudible) at
23 that time to explore that possibility.

24 MR. LONG: Right.

25 MS. ING: That's how the pilot came

11

1 about.

2 But to answer your question, the recommendation at
3 this point is to leave the existing rules intact. So
4 from a decision standpoint, if you agree with that, then
5 nothing more needs to be done because the rules are in
6 place --

7 MR. LONG: Right.

8 MS. ING: -- for the sports
9 entertainment facility as well as for the on-premise
10 licenses.

11 I think your - your statement about the darkened
12 house - certainly alcohol is served and consumed in
13 those approved, designated areas within the facilities
14 assuming that lighting is - is adequate.

15 And if the entertainment during concerts, it falls
16 below that, that's where we have said under the rules,
17 then no alcohol can be served or consumed. So we are
18 talking about those general seating areas is what we are
19 talking about.

20 MR. LONG: Okay. Well, just - just to also be
21 clear that today in terms of hearing the recommendations
22 and the report from our staff and then hearing from
23 various stakeholders in terms of their input, the Board
24 will consider all that.

25 We are not in a decision-making mode today. We are

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1 hear to - to listen and to ask questions and to make
2 sure that - I'm just trying to fight this (inaudible)
3 here and I'm going to fight it out.

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10 (Overlapping conversation.)

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17 MR. LONG: So we are going to do that. And given
18 that, we have an hour for public testimony and we are
19 going to start now, which is about 10:15. And we have,
20 I think, about 14 or so people signed up at this point.

21 So I'm going to ask that if you would be brief in
22 your comments so that we can hear everyone today. And
23 if I see you going a little bit long, I'm going to get
24 your attention.

25 But I'm not going to put a time limit and see can we

13

1 do this given the fact that we have an hour and we have
2 14 people. We'll see how that works.

3 The first person I want to call is Luis Moscoso.

4 MR. MOSCOSO: Should I sit here?

5 UNIDENTIFIED SPEAKER: Yes.

6 MR. LONG: Please, uh-huh. Good morning, Luis.

7 MR. MOSCOSO: Good morning, board, staff, public.
8 I'm Luis Moscoso, Assistant Director for government
9 relations at the WPEA, NCW-365. We represent the liquor
10 enforcement officers and more than 200 Liquor Board
11 employees.

12 The issues have been clearly elucidated, as we just
13 heard from Tim and the staff, how to best safeguard
14 public health and safety and how to best safeguard
15 officer safety and the proper enforcement of - of the
16 law.

17 A test has been conducted - your pilot test - and
18 completed. The results are clear, unambiguous and
19 convincing. The WPEA, in support of our members in the
20 liquor enforcement division and support of the Liquor
21 Board, emphatically request that the regulations
22 regarding darkened house not be changed and will remain
23 in force and effect as it now stands.

24 I - I know this is difficult decision for you, but we
25 want to point out that I think a proper and scientific

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1 test has been conducted, more or less, and you have got

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2 enough information to base a decision on. Looking at
3 the safety issue versus the business model, I - I don't
4 see how the two can be anymore compatible than they are
5 under the present law.

6 MR. LONG: Okay.

7 MR. MOSCOSO: So I would --

8 MR. LONG: Great.

9 MR. MOSCOSO: -- encourage you to not change the
10 law.

11 MR. LONG: Okay. Thank you.

12 MS. ING: Thanks.

13 MR. LONG: And I would like to let those
14 individuals coming behind Luis to know that - not his
15 content, I'm not trying to sway you that way, but in
16 terms of the time that he took and the way he got his
17 message out, that was a model, so - and also I want our
18 staff to know that have signed up on this, unless you
19 have a different recommendation than that which has been
20 communicated by our staff, I'm going to skip over you
21 for the purposes of getting the public better here and
22 then if we have time in the end, we will do that, if
23 that's okay.

24 Okay. All right. Thank you. Just to let you know
25 that I do see your name at the top of the list.

15

1 Okay. Mike Combs.

2 MR. COMBS: Good morning.

3 MR. LONG: Good morning.

4 MS. ING: Good morning.

5 MR. HOEN: Good morning.

6 MR. COMBS: I'm Mike Combs, director - public
7 facilities director, City of Tacoma, Tacoma Dome chain
8 stadium, the new convention center and the theaters
9 downtown in the City of Tacoma. I will try to be brief.
10 I may have a tendency to ramble, so you can throw your
11 hand up if you would like.

12 MR. LONG: Okay.

13 MR. COMBS: I have been doing this for over 21
14 years, so I'm a - a veteran of these facilities.

15

16 MR. COMBS: And I'm here to - in support of the
17 pilot program from an operator's point of view. I'm
18 going to give you an example.

19 MR. LONG: Okay.

20 MR. COMBS: The last one we did was Rascal

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21 Flatts. And I move around the building quite a bit.
22 And I left the concourse during the show and I was
23 almost going to go accuse my concessionaire of not
24 operating because I have never seen a concourse so
25 clean, so pristine, lack of spills - no spills, no

16

1 garbage.

2 You come back and you go to the Aerosmith concert we
3 had this past few months ago and the concourse was an
4 absolute disaster; beer cups everywhere, people
5 everywhere, spills. It was an absolute mess. And talk
6 about some liability issues for your people and your
7 patrons in that facility.

8 As far as the - I was going to have a comment from
9 our police enforcement. His name is Rob Jensen. He
10 is our - he is our special events officer. He is in Las
11 Vegas today at a conference. And he will be providing a
12 statement from the Tacoma Police Department.

13 MR. LONG: Okay.

14 MR. COMBS: They found no (inaudible) change
15 between this and the nondarkened house. There were no
16 increase - increase in incidents in the darkened house
17 issue and he was - he is in support of continuing.

18 What I would like to get across is this --

19 MR. LONG: Okay.

20 MR. COMBS: -- is an educational process. We are
21 learning. We need some more time to learn. And I think
22 I would like to see this continue, perhaps in another
23 venue throughout the state, so we can continue to learn
24 and we can continue to grow the process. I believe
25 there is some other folks out there who would like to

17

1 participate.

2 MR. COMBS: Things like this do take time and you
3 learn. We learned a lot. And - but from the standpoint
4 of a building operator, it cut way down - there is so
5 much binge drinking going on - when we didn't have it -
6 somebody buys a beer and they go back to go to their
7 seat, they can't get into the arena. So what do they
8 do? They either set it down for someone else to pick
9 up, they spill it on the floor or they just gulp it
10 down. Not - not a good - not a good scene at all.

11 So - But from the safety of the patrons inside the
12 facility, we saw no - no change from the previous type

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14 of law when you could - could not go in under the
15 darkened house policy.

16 MR. LONG: All right.

17 MR. HOEN: Can I ask a question?

18 MR. LONG: Sure.

19 MR. COMBS: Please do.

20 MR. HOEN: You mentioned, Mike, two -

21 two different concerts, Aero- --

22 MR. COMBS: Aerosmith.

23 MR. HOEN: -- -Smith - and the other?

24 MR. McNEILL: Was Rascal Flatts.

25 MR. HOEN: Are they the same target

18

1 clientele?

2 MR. COMBS: One is a country-western and one is
3 more of a pop, more rock and roll. It is very similar,
4 you know, as far as age demographic (inaudible)
5 consumption of alcohol. Very similar in that realm,
6 yes.

7 MR. HOEN I was just, you know,
8 wondering --

9 MR. COMBS: Actually Aerosmith, there would
10 probably - you know, a lot of us old folks would be
11 going to Aerosmith, but - a bit older crowd, not a young
12 crowd.

13 MR. LONG: Mm-hmm. Okay. Thank you so much.

14 MR. COMBS: Thank you.

15 MR. LONG: All right.

16 MR. HOEN: Thanks.

17 MR. LONG: Rich Welfringer.

18 MR. WELFRINGER: Hello. I'm Rich Welfringer,
19 general manager for Center Plate at the Tacoma Dome.

20 And first I would just like to say you thank you for the
21 opportunity to be part of the test program.

22

23 MR. WELFRINGER: In the past - past year and
24 several events that we participated in this, me, as an
25 operator, that's been in my end of the business for over

19

1 25 years, I learned quite a bit that maybe I hadn't
2 experienced up until this time.

3 The process that we went through I think opened up a
4 lot of avenues that - where we saw successes in the
5 program with a couple of things Mike has recently

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6 explained here.
7 MR. WELFRINGER: Things that we deal with - you
8 know, with the loose alcohol sitting around when they
9 can't take it to a seat, left out for a minor in the
10 building to come pick it up because somebody goes out to
11 their seat and you can't take it there.
12 I mean, we deal with other kind of secondary issues
13 that are created by our current operating environment.
14 So to be able to be a part of a new direction and test
15 something was rewarding.
16 I think we learned so much out of this event, that
17 while we both have concerns on each side of it, I think
18 it warrants an opportunity to take what we have learned,
19 expand upon that and promote a little bit further
20 testing with further guidelines, further increased
21 communication and expectations.
22 And I think there is some really good merit to what
23 we take and what we have learned and repackage it a
24 little bit more to see how we can make it successful.

20

1 And you will hear some more comments in the future here,
2 but from what we did with our enforcement and the
3 actions that we saw --
4 MR. LONG: Mm-hmm.
5 MR. WELFRINGER: -- and knowing that there is
6 also some other things available out there, like the
7 enforcement program that the Everett arena is doing
8 currently, looking for MIPs and stuff in the facility, I
9 think there is things out there like that that would
10 greatly enhance our current test program. And I think
11 it warrants continuing to look at it further at this
12 point. So I appreciate the opportunity --
13 MR. LONG: Okay.
14 MR. WELFRINGER: -- to be part of the first phase.
15 MR. LONG: Great.
16 MR. HOEN: Mike, could I ask you a
17 question of this on - on Tim's comment on the - you had
18 issues - or problems related with a single beer sale,
19 because the - in the original discussions for this,
20 the - the three issues from enforcement were in - what
21 would happen in the darkened area would be potential
22 pass-off, over consumption and public safety.
23 And the single beer seemed to be the - the way to
24 reduce that liability considerably considering a person
25 might have to come out for a second beer, the prob- -

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1 and be seen in the light again when they are purchasing.
2 Would they take the whole trip just to get a beer to
3 give to someone else? That probability went way down.
4 And then, consequently, the public safety with that
5 limited amount of beer inside.

6 So that being a vehicle for this to happen, at least
7 my understanding, for it also to be a problem for the
8 operator is just to - I would like you to clear that up
9 a little bit, if you could.

10 MR. COMBS: Okay. Well, on the multiple beers, I
11 mean, that from a customer service standpoint, you know,
12 there is concerns there, but I think from the test event
13 that we operated upon and when we began this process, we
14 started with this - this list of criteria for the
15 program on this one page here.

16 And as an operator, you know, our normal policies for
17 a different type of event would be two drinks per
18 transaction. So if you came up to the stand, purchased
19 a beer or a wine, you could take two of them because you
20 may be taking it for your spouse, your guest, somebody
21 that's with you that is not in line. And that's our
22 common service practice.

23 And when we went into the test program here, we have
24 a stipulation of a one drink per transaction, which I
25 think what we learned from this program that could be

1 clarified in the future is really I should have
2 interpreted that maybe as one drink per possession.
3 Because when we say one per transaction, if we had
4 somebody in line with half a beer and they wanted to
5 come up and buy another beer, we were serving them one
6 drink even though they would have two different glasses
7 in their hands at a time.

8 But that's definitely something that, you know, I
9 interpreted going by this list of rules for a
10 transaction. If we had something that violated that
11 program, that would have been an employee, you know,
12 issue, that we would deal with that one person. It was
13 not (inaudible) or anything like that. It would have
14 been an employee error.

15 But I did interpret it as one per transaction like it
16 says and not of possession. And I think for testing
17 purposes that could help us. And that's an example,

18 we'll be learning and going through this process, you
19 know, to help deal with concerns on both sides of the
20 table.

21 MR. HOEN Thank you.

22 MR. LONG: Thank you.

23 Okay. Mark Wiggins, please.

24 MR. WIGGINS: Hello, my name is Mark Wiggins.

25 I'm with Center Plate at the Everett Event Center. And

23

1 I guess I just want to say we want to be considered for
2 the next test site if there is going to be one. If you
3 decide to further the test time, we would like to be
4 considered for that.

5 We have a pretty proactive way of carding people and
6 identifying people that have been over intoxicated at our
7 venue. We have had a lot of success. If you talk with
8 our local agents, I think they will - they will agree
9 that we have a pretty good working relationship with our
10 current liquor control agents.

11 MR. HOEN: You would like to
12 (inaudible) considered for that?

13 MR. WIGGINS: Yeah, we would like to be
14 considered for the - if you decide to (inaudible).

15 MR. HOEN: Where are you located?

16 MR. WIGGINS: In Everett, Washington.

17 MR. OHEN: Okay.

18 MR. WIGGINS: Right above Seattle, so . . .

19 MR. HOEN: Okay.

20 MR. LONG: All right. Thank you so much.

21 Okay. Ken Wilson.

22 MR. WILSON: In the essence of time, my name is
23 Ken Wilson, I'm a regional vice-president for Center
24 Plate. I'm responsible for the Tacoma Dome, Everett
25 Event Center, Spokane Arena and Convention Center and

24

1 Three Rivers. And my comments exactly mirror Michael
2 Combs' and Rich Welfringer's. And I'm here just trying
3 to understand the - the laws of Washington.

4 And I got to tell you that we share the LCB's goals
5 of safety and responsible consumption of alcoholic
6 beverages. And I kind of hope that we have another
7 chance to try a test site out as Mark just said, up in
8 Everett.

9

10 MR. WILSON: But I believe that Martha Fuller
11 from the Seahawks is going to elaborate a little bit
12 further in a few minutes. I appreciate your time.

13 MR. LONG: Great.

14 MR. WILSON: Thank you very much.

15 MR. LONG: I appreciate it, Ken.

16 Martha, a little segue for you, if you will be so
17 kind.

18 MS. FULLER: Mr. Chairman and Members of the
19 Board, thank you for the opportunity to offer you just a
20 few comments. I'm actually privileged to be the
21 president of the Washington State Sports Entertainment
22 Facility Operators Association. In my spare time, I'm -
23 I'm also the chief financial officer for the Seahawks
24 and First & Goal. We operate Qwest Field in Seattle.

25 As Ken said, I think it's important to stress that it

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1 is a top priority for all of us as facility operators
2 that we operate our facilities in a safe and responsible
3 manner, that we ensure that all vending and alcoholic
4 beverages and consumption of alcoholic beverages is
5 legal and responsible. And probably within that set of
6 priorities --

7

8 MS. FULLER: -- enforcement in particular
9 preventing incidences of minors in possession would be
10 at the very, very top of that list.

11 I appreciate the sensitivity to the competitive
12 nature of our business, the sensitivity to the quality
13 of the experience, but that's - those are our issues.
14 And it's - I - I really appreciate the fact that your
15 agents are thoughtful about those, but we understand
16 that enforcement is your highest priority and so when we
17 are talking with you about that, it needs to be our
18 highest priority as well.

19 I think - well, I don't think, I know - for all of
20 our members we would very much endorse another round of
21 testing at another facility. And we all have
22 collectively agreed to support Everett as that next
23 site, if you so chose to allow that.

24 And as my colleagues from the Tacoma Dome have said,
25 we have learned a lot from that test. And we believe

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1 that the overall safety and responsible alcohol

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2 management can actually be improved with - potentially
3 with changes to the current regulations.

4 We are not prepared to advocate for any changes yet.
5 What we are prepared to advocate for is the ability to
6 do another round of testing. And specifically what we
7 would propose, if another round of testing is approved,
8 that the venue that participates in that test submit an
9 event-specific operating plan just for the test events.

10 Clearly I think improved and more frequent
11 communication among all the stakeholders, including the
12 enforcement agents, facility operators, our outside
13 security people, local law enforcement, I think would be
14 really important. And then follow-up after each event
15 to make sure that we are getting the feedback and we are
16 making any changes that you think would be appropriate
17 would also be helpful for all of us.

18 As you are all aware, we - we do already dedicate
19 significant resources to security and alcohol
20 enforcement beyond what your agents provide in our
21 venues. And because we are particularly sensitive to
22 the issue of safety of the agents who are on-site during
23 - during the test events, we would happily - and this is
24 something we could work out in the operating plan, but,
25 you know, as an example, we would happily redeploy more

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1 security, more alcohol enforcement folks in bulk. We
2 would be happy to provide security escorts to the agents
3 when they are on-site.

4 This shouldn't - this shouldn't be a trade-off. You
5 know, we don't want to see any proposed change in the
6 regulation come as a compromise to the safety of your
7 folks who are on-site.

8 .
9 MS. FULLER: I believe that we are all - we all
10 are working towards - towards the same goal and we have
11 to stay on the same side of all of those issues
12 including safety of the officers.

13 So the other thing that we would like to suggest be a
14 component of that next round of testing would be what I
15 will call a "best practices review." There has been
16 brief mention of what this - regulations are in other
17 states. And while there are clearly some states that
18 appear to have some lighting-related regulations, we
19 know that many, many states have no darkened house rules
20 at all.

21 And what we would like to look at is are there - and
22 we would do this with you - are there any ways in which
23 the other facilities, other states operate without
24 darkened house rules that would represent (inaudible)
25 that we might learn from?

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1 Are there ways that the enforcement agents are better
2 protected while they are in the general seating area?
3 Are there other ways that vending and consumption is
4 managed and controlled that we can learn from here?

5 Not to suggest that we have to adopt another state's
6 regulations or (inaudible), but as we look at specific
7 elements of how we operate in this state, are there some
8 things that we can learn from the other states? And so
9 many of them seem to operate differently than we do.

10 So --

11 MR. LONG: Okay.

12 MS. FULLER: -- I think that - I don't think I
13 was as quick as the first gentleman --

14 MR. LONG: That's okay.

15 MR. MARTINEZ: -- but this may cut down on the
16 amount of comments from my colleagues.

17 MR. LONG: (Inaudible) gave you a little leeway.
18 Questions?

19 MS. ING: Martha, you and Mike both
20 mentioned what you learned from this pilot program.
21 Could you tell me - can you summarize what - what did
22 you learn?

23 MS. FULLER: Certainly. And may - could I invite
24 Mike to come up with me on this?

25 MR. LONG: Sure. Yeah.

29

1 MS. FULLER: I - I think is more instructive to
2 hear from someone who went through the test, but maybe
3 just --

4 MR. LONG: Okay.

5 MS. FULLER: -- offer perspective from the other
6 members.

7 MR. LONG: Okay. Thank you.

8 MS. FULLER: One of the things that the other
9 members have learned from - from the Tacoma Dome's
10 experience is, again, that - that communication was
11 absolutely key - frequent communication - to make sure
12 that all the expectations are set and clearly

13 understood, not just by - certainly coming from -
14 direction and communication coming from the Liquor
15 Control Board and making sure that all of our operating
16 staff and all of our outside contractors and local law
17 enforcement understands what the plan is and is prepared
18 to follow that accordingly, so communication would be
19 key.

20 And then the - the idea of developing a test-specific
21 operating plan, one that, perhaps, is reflective of the
22 fact that different types of events, different types of
23 concerts clearly do draw sizes of crowds, they draw
24 different demographics. And some crowds one would
25 assume to be easier to manage, you have less - more

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1 frequency of potential violations than you might have in
2 others.

3 So when we talk about tailoring the operating plan,
4 we would like to go as far as to make it specific to
5 that actual - those actual events. We do a lot of due
6 diligence, if you will, before we (inaudible) event in
7 the building, we talk to other buildings where that
8 concert has played to find out what kind of experience
9 those venues have had.

10 And, you know, sometimes - I think many times, we
11 find that there are certain events that we won't put in
12 our buildings. You know, pro- - we proactively decide
13 not to put them in the building simply because they are,
14 you know, too problematic - would be too problematic.

15
16 MR. COMBS: We do that. We do our due diligence.
17 Let me give you an example. We have a concert this
18 weekend called Fallout Boy. And the demographic of that
19 event is about 14, 15 years old. We are not selling
20 alcohol, period, at that event. There will be no
21 alcohol sales at all.

22 But I think going back to the comments about what we
23 learned, the communication aspect is really clear. I
24 mean, it kind of brought us all together from our
25 staffing (inaudible), Rich's - Rich's staff at Center

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1 Plate to our building staff. So it was just a lot of
2 communication during this test pilot program.

3 And it involved - it even involved our conversion
4 crew and our maintenance crews because they were just

5 astounded how clean the building came after one of these
6 major events.

7

8 MR. COMBS: So I think the communication aspect
9 is one of the critical things that we learned during
10 this program, very much, between all of the parties
11 involved.

12 MR. LONG: Mm-hmm. Okay. Yes, mm-hmm.

13 MR. HOEN: In discussions with our
14 officers over the last couple months as we looked at the
15 issue, I guess my question would be is I have heard
16 nothing but good things with respect to the pilot, so
17 you are telling me there isn't anything that didn't go
18 well with the pilot?

19 MR. COMBS: From my standpoint, no, I didn't - I
20 thought it was very (inaudible).

21 MS. ING: Thank you.

22 I understand from our officers also that there was an
23 agreement in the beginning of the pilot that there would
24 only be one beverage per individual. And, Tim, what I
25 remember in discussions was that that wasn't taking

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1 place.

2 MR. THOMPSON: That's correct. Most of the
3 observations that the officers reported back to me was
4 that there were numerous violations of the - of the one
5 beverage. And I think Rich talked about that a little
6 bit, that I think it was a communication issue. They -
7 what our expectation was maybe wasn't as clear to them,
8 but overall that was what the observations from the
9 officers (inaudible).

10 And they were seeing more than one container per
11 person. They were seeing two and so on. And that was
12 our main concern because when they take that two
13 beverages down to a darkened area - and I think Roger
14 talked about that, passing off to someone else. And we
15 were doing that to deal with - kind of lessen the
16 liability of that happening.

17 MR. COMBS: And I guess - I'm not going to speak
18 for Rich, but that gets back to that communication issue
19 with the staff. And sometimes this could - you know,
20 one week we could be in the test pilot program where it
21 is one beer transaction, come back the following week,
22 it is not part of it, so they can sell two beers to a
23 person. So it might have been a little confusion on the

24 staff issue.

25 MR. THOMPSON: One of the - when we had one of

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1 the meetings talking to Rich, it says that they did
2 indicate that there was a concern with their staff.
3 It's like we didn't make it clear to our staff because
4 they do work numerous events where two beverages are
5 okay and then they go to this pilot event and it's not
6 okay. So they needed to go back and retrain. And I
7 believe that was one of the things that they agreed to.

8 MR. COMBS: And one of the things I was trying
9 clarify earlier on there, too, is having the early on
10 communication and the value of communication in the
11 program was - what I was getting in the outline of the
12 rules there, you know, I write it and I interpret it as
13 opposed to having communication on expectations on both
14 sides.

15 So while we were selling one per transaction, you had
16 two in your hand, like I explained earlier, you know, we
17 did not see that as being a violation of the program.

18 The other side felt that it should have been only one
19 per possession. I believe there might have been an
20 incidence where there was an individual that may have
21 broken that rule and sold two on a transaction that was
22 pointed out to me, which is a violation of the testing
23 program itself, not laws. But (inaudible) every
24 (inaudible) anybody that would violate that. But that -
25 that was our goal, was one per transaction and did not

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1 focus on one possession.

2 MR. LONG: Okay. Rich?

3 UNIDENTIFIED SPEAKER: I have heard communication
4 talked about through just about everybody. Was there a
5 regular scheduled follow-up after every event to see
6 here is what we have observed? We think you need to
7 address this before going - it sounds like maybe yes,
8 but then it sounds like maybe no. I'm not --

9 MR. THOMPSON: Not - not after every event. We
10 scheduled one about halfway through. I think three
11 events occurred and we scheduled a meeting to talk about
12 those three events and what was happening and then we
13 scheduled another one for the end of the pilot to talk
14 again about what was - what was occurring, what our
15 observations were, what they were seeing that was good

16 out of it and what we were seeing as the difficulties
17 and trying to put all this information together.
18 MS. ING: Was there a change in the
19 operating when you had that communication, that issues
20 that you discovered were addressed?
21 MR. THOMPSON: We did not see a change.
22 MR. LONG: Okay. Yes?
23 MS. FULLER: Mr. Chair?
24 MR. LONG: Yes.
25 MS. FULLER: (Inaudible) perhaps a follow-up

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1 comment?
2 MR. LONG: Uh-huh. Please do.
3 MS. FULLER: (Inaudible) raised the question from
4 our perspective did everything in the test go okay or go
5 well. And I want to go back to two comments that were
6 made when - when you presented the (inaudible) our
7 report and one is the safety of your officers and one is
8 the ability to enforce in the bowl when people are
9 allowed to have alcohol at their seat.
10 You know, I'm not sure if the - if my colleagues from
11 the Tacoma Dome were aware of the concerns of the agents
12 as the test was going on, but regardless if there are
13 those concerns - and we certainly heard that from the
14 first speaker - we need to (inaudible) solution for that
15 problem.
16
17 MS. FULLER: Hence, our comments about committing
18 more security, more alcohol enforcement staff to be in
19 the bowl and providing escorts - maybe an escort isn't -
20 isn't the best solution - but we would never suggest
21 that we should just continue another round of testing
22 and make absolutely no changes to the way the facility
23 was operated (inaudible) if there were some problems
24 that your folks identified that we need to address, so
25 we can address them given another opportunity.

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1 MR. LONG: Mm-hmm. Okay. Okay. Thank so you
2 much. Appreciate it.
3 Trey Bell, please.
4 MR. BELL: Thank you for having me. My name is
5 Trey Bell. I'm the assistant general manager at the
6 Everett Event Center. I just want to give you a little
7 bit of the brief background on the facility.

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8 We opened in October of 2004 in Everett, Washington.
9 Since then, we have had dozens of concerts, (inaudible)
10 Rod Stewart, Cher, Dolly Parton, Lynrd Skynrd,
11 (inaudible) full spectrum of concert goers have attended
12 the event center.
13 We have a WHL indoor hockey team, which do about 40
14 games a year. We have an indoor football team as well
15 (inaudible). And so we get - we get a mix sports fans
16 versus concert goers, trade shows, everything else in
17 between. Excuse me.
18 But enough about that. We are on the map. We are -
19 we are glad to be there. The fans love the place. They
20 - you know, it is a publicly-owned building, so they -
21 they feel that they are paying for it.
22 And one of the things that I wanted to mention was a
23 lot of feedback I get from the patrons - as the
24 assistant general manager, I'm in charge of guest
25 services and my phone number and my e-mail address is

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1 right there.
2 And I would use, let's say, a hockey game, great
3 event. Obviously, it is not a dark house concert. It
4 is a lit event, but the building works very well. We -
5 people buy a lot of beer. They like to have a glass of
6 wine. They like to have it in their seat.
7 We have those same fans for concerts. And three
8 years into it, I'm still getting a barrage of complaints
9 from the taxpayers after the event. You know, "I paid
10 so much for my ticket and, you know, I couldn't even
11 take a glass of wine with my wife into the seat."
12 And, I'm like, "Sir, you know, I'm working on that.
13 So that's the way it is. There is safety concerns that
14 we have."
15 And I hear it all the time. And I just wanted to
16 express that to you. I can't sit here and show you all
17 the e-mails, because that wouldn't - that wouldn't make
18 sense. But we do - we are heavy on enforcement. We are
19 very conscious and very diligent in alcohol enforcement.
20 Our (inaudible) staff is going through team training,
21 which is an alcohol enforcement training. We have a
22 trainer on-site. So in addition to six to eight alcohol
23 vendors, we have over a hundred staff that have their
24 eyes open. There is an usher in every (inaudible).
25 Just so you know for dark houses, for concerts,

1 whether or not we sell alcohol, and for some we don't,
2 (inaudible), which is younger demographic, that was
3 Sunday, we chose not to serve alcohol clearly because of
4 the age and the safety factor.

5 But for concerts where we do serve it, such as Cher
6 or Rod Stewart, we do - and we do monitor inside the
7 dark house quite effective; for smoking, for alcohol,
8 for basic security reasons. We - we - we have found
9 ways to monitor without disrupting the entertainment.

10 And we just want you to know that we are 110 percent
11 prepared to take on whatever is needed to try and make
12 this pilot project be continued. And to do so in the
13 Everett Event Center would mean you would get 1,000
14 percent of our effort to help you do it. And we are
15 just here to support it.

16 I work for a company named Global Spectrum. It
17 manages facilities nationwide, approximately 40 venues
18 and concert centers, arenas, stadiums. And when I first
19 came here, I - we did our first show. It was - it was
20 Lynrd Skynrd. And on the concourse I just was
21 dumbfounded. I'm like, "You have got to be kidding me.
22 This is a complete mess."

23 It's just - the con- - the concourses are just
24 congested. And this is nothing you haven't heard
25 before. Really congested. It is difficult to monitor

1 folks when - when you can't get through.
2

3 MR. BELL: You can have beer gardens, but not
4 every venue is going to have the real estate to do that.
5 So your concourses are congested. People are arriving
6 intoxicated to begin with. I mean, the restaurants and
7 bars love it because they get a lot - a lot of business
8 right before our show. And people arrive late because
9 they are, you know, having beverages, because they know
10 they can't drink at the concert.

11 And that's a beer-guzzling 20-year-old - people in
12 their twenties to legislators, couples that like to have
13 a glass of wine this their seat. It's a full
14 demographic thing. They are all covered.

15 So you know, with binge drinking, we catch, we staff
16 extra people at the doors to monitor intoxicated people
17 coming in and we, you know, refuse them service and it
18 happens at every event. And I - I feel that

19 it's because they feel like they are not going to be
20 able to drink a beer in their seat. So that's one thing
21 that is considered.
22 At the (inaudible) concert, even with, you know, the
23 dark house and we have every (inaudible) double-staffed
24 to make sure no alcohol is getting in the bowl.
25 MR. LONG: Yeah, just you can wrap it up.

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1 MR. BELL: Okay.
2 MR. LONG: (Inaudible), but --
3 MR. BELL: Okay. You know - you know about the
4 bingeing. You know about the people that arrive
5 intoxicated. I just wanted you to know that --
6 MR. LONG: Okay.
7 MR. BELL: -- we are - we are there to support
8 any efforts that are continued.
9 MR. LONG: Okay. (Inaudible).
10 MR. PARMER: Trey - Pat Parmer, chief of
11 enforcement - you mentioned that you feel like it is
12 very effective in the darkened house to monitor alcohol
13 actually in the darkened house. I would just be curious
14 as how you do that.
15 MR. BELL: Well, having people out there . . .

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19

(Overlapping conversation.)

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MR. BELL: . . . on the floor and up in the press

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1 box. Last night - or Sunday night at the concert, we
2 monitored that show mainly for security reasons. It's a
3 type of crowd - crowd surfing and there is young kids
4 and doing the things they love to do.
5 So we monitored for that reason. I could see very
6 well. I could describe people by what was written on
7 their T-shirts. I had people (inaudible), you know,
8 people up and down. We took - we have guest services -
9 the ushers work - they walk people down to their seats
10 anyway.

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11 We do serve for hockey. That's a lit event. We do
12 have in-seat (inaudible) service. Those folks are very
13 into what is going on not only in the section they are
14 serving, but everywhere. Everybody - we have patrons
15 that are very responsible. They see somebody drinking
16 underage or they see anything amiss, they will report
17 it.

18 MR. PARMER: Okay.

19 MR. BELL: And I think if we --

20 UNIDENTIFIED SPEAKER: How do they see?

21 MR. BELL: How do they see?

22 UNIDENTIFIED SPEAKER: Do you have flashlights?

23 MR. BELL: We have flashlights. We don't use
24 them. You - you don't really need them if you are out
25 there and you really have a specific agenda on what you

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1 are looking for. You can pull someone out of their
2 seats and take them up to the concourse if want to ask
3 them a question, such as their age or anything else like
4 that.

5 One thing that just came to mind a minute ago when I
6 was seated out in the audience there, if we were able to
7 have a continuation of a pilot program and we were able
8 to get some PR involved, I - I fully feel that a lot of
9 the patrons knowing that this is for their benefit, this
10 - you know, this will be a test for the - for the mature
11 adults who would like to have the right to have a
12 beverage in their seat. If they understand that this is
13 a test pilot and that we are going to see what happens,
14 I think (inaudible) watchdog for . . .

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21 (End of Tape 1, Side 1.)

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3 MR. BELL: . . . no matter what you do. I
4 don't - I can't do that effective of a patdown to find a
5 small airline bottle that you can legally buy in this
6 state. But after a concert such as Greenday or Def
7 Leppard or even Hall & Oates, where I feel is a - a wide
8 demographic, I have got some people dressed to the nines
9 coming to the show.

10 Or let's take Dolly Parton or Rod Stewart, airline
11 bottles are coming in the door. No matter how hard you
12 try and stop them, they will come in and buy their Pepsi
13 and after the concert when (inaudible) floor, you pick
14 up airline bottles. I think we can eliminate that
15 problem because that is - that's a big problem for me.
16 And --

17 MR. HOEN: Just as an observation, I
18 have been to a number of the concerts that your facility
19 has talked about, that your concourses seem awfully
20 narrow --

21 MR. BELL: Yes, sir.

22 MR. HOEN: -- for congestion issues
23 anyway. Do you see that - it sounds like you feel this
24 could be some relief to that?

25 MR. BELL: That would be a relief for our

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1 concerts - our concourses because they are small
2 compared to other venues where it is larger concourses.
3 And to me, it was congested as well. Of course, they
4 had more seating --

5
6 MR. BELL: -- more (inaudible).

7 MR. LONG: Okay. Thank you.

8 MR. BELL: Thank you very much.

9 MR. HOEN: Thank you.

10 MR. LONG: Dick Schrock.

11 MR. SCHROCK: Mr. Chairman, Members of the Board,
12 I will be very brief.

13 MR. LONG: Okay.

14 MR. SCHROCK: I am here representing the House of
15 Blues concerts. We book and the talent - the
16 entertainment that is at many of the venues including
17 the Everett Event Center and the Tacoma Dome and the Key
18 Arena - we are probably the largest private promoter of
19 entertainment - musical entertainment in the Northwest,
20 but we are also a national organization.

21 Our home office is - House of Blues is in Los

22 Angeles. We book shows throughout the country and in
23 Canada. As far as we know, this is the only state in
24 the union that has this dark house rule stated the way
25 it is absolutely without qualifications.

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1 This puts this state at a disadvantage in terms of
2 attracting top flight, touring - national touring
3 entertainment. We know from the venues that we work
4 with around the country and in Canada that the serv- -
5 or allowing consumption at certain events, as you heard
6 here, not all events, is doable, is safe, can be done in
7 a controlled manner.

8 We - I picked up on one suggestion that Rich
9 mentioned in terms of looking at what other states do do
10 and, perhaps, borrowing some of their control operations
11 or operational tactics to - to conduct a further test
12 here. But we know all of the operators that do major
13 shows in the State of Washington. We know them to all
14 be conscientious. They have safety very much in their
15 mind because of liability issues.

16 And our bands, our entertainers are very concerned
17 about safety. They will not go to a venue again where
18 there is any kind of unsafe conditions. The people that
19 you are talking to today would not hear of putting on an
20 event where there was any question of safety.

21 So with that, I just wanted to tell you that we are,
22 to some extent, as a state out of step with the rest of
23 the country. Thank you.

24 MR. LONG: Yes. Thank you so much, Dick.
25 Becky Bogard.

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1 MS. BOGARD: Thank you, Mr. Chairman and Members
2 of the Committee. I'm Becky Bogard and I'm with the
3 Washington State Sports Entertainment Facility Operators
4 Association. You have heard from many of my members
5 today, so I will try not to reiterate what they said,
6 but there are a couple of points I do want to emphasize.

7 One is that they have alluded to the process that
8 they use when they determine whether or not now to serve
9 alcohol. And they call venues - most of these are
10 publicly-owned facilities. They consult with their
11 police departments. They talk to other venues where the
12 same concerts have been held. They ask them about
13 problems. They ask them about demographics and any- -

14 anything else that they might like to know. And as you
15 have heard, in some instances they decide that
16 demographics are such that they simply don't serve
17 alcohol at all.

18 So I mean my point is that they are very careful
19 about what they - how they make a determination, whether
20 to even to sell alcohol, they take it very seriously and
21 they continue to take the darkened house issue very
22 seriously.

23 I also want to remind you that there are a wide
24 variety of concerts. Unfortunately, in today's world
25 when we think about concerts, we think about the ones

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1 where we have heard about trouble. But let me remind
2 you that there are things like the Three Tenors and some
3 others that people would enjoy being able to sit and
4 have a glass of wine and listen to them.

5 They extend to groups that I venture to say most of
6 us around this table wouldn't recognize the names of,
7 and probably wouldn't want to go to either even if we
8 did know them, but I mean there is very wide variety, so
9 let us not forget that --

10 MR. HOEN: Excuse me.

11 MS. BOGARD: -- as we look at this issue.

12

13 MS. BOGARD: And, finally, I would hope that if
14 we look at another pilot project that we can look at the
15 best practices and some of the ways other states and
16 provinces have - have chosen to administer this rule.

17 I think - actually not quite finally, but really
18 finally, we are only talking about beer and wine. We
19 are not talking about hard liquor. I think everyone
20 knows that, but we are not talking about spirits. It is
21 only beer and wine that are sold in these venues and
22 that are taken to their seats.

23 When we - I have a long history with this issue. As
24 many of you know, when we came up with the legislation
25 and the regulations dealing with the sports and

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1 entertainment facilities license, one of the issues was
2 service of spirits in seats and the ability of patrons
3 to take it in. And, at this point, we are not asking
4 for that and we have not done that in anything, not only
5 darkened house, but other - other events. So with that,

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6 I would be happy to answer any questions.
7 MR. LONG: No?
8 MS. BOGARD: Thank you.
9 MR. LONG: Thank you,
10 Okay. Jim Sawyer. Good morning.
11 MR. SAWYER: I'm Jim Sawyer. I'm a senior
12 officer with the enforcement division out of Tacoma --
13
14 MR. SAWYER: -- and I was the project lead on the
15 darkened house test project.
16
17 MR. SAWYER: And if I could ask for Officer
18 Martinez to come up.
19 MR. LONG: Please. That would be great.
20 MR. SAWYER: He came in late and didn't get to
21 sign in. He and I kind of ran this thing. I originally
22 was assigned the area of the Tacoma Dome. When Officer
23 Martinez transferred down from Bremerton to Tacoma, I
24 continued the lead position on the Tacoma - on the
25 darkened house project, but Officer Martinez took over

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1 that area, so he has a lot of information also.
2 MR. LONG: Okay. Great.
3 MR. SAWYER: We found that the test project was
4 pretty much a failure based on several things. The
5 customers were allowed to purchase multiple drinks. It
6 wasn't a fact of one customer of having a half a cup and
7 then coming up and buying another one. We saw many,
8 many times where they went up, purchased two brand-new
9 cups and walked back in.
10 They had a - an area kind of not gated off, but you
11 had to funnel through to go into the concert area
12 itself. And, at that point, they had security staff
13 that was supposed to make sure only one beer went into
14 the - the darkened area, if you will.
15 We found that that was being manipulated in that the
16 people would have them set the cup down, they would go
17 into their seats, you know, pass the one cup that they
18 took in off to whoever and then come back out and get
19 the other cup and go back in. So the point of only
20 selling - or only allowing one cup inside was being
21 defeated by manipulation.
22 We did address that approximately halfway through.
23 We talked to them about it. It still continued to
24 happen in various forms. I think its frequency cut

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25 down, but it still happened.

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1 MR. LONG: Excuse me.

2 MR. SAWYER: In the darkened house there is no
3 control over who the drink is passed to. Someone spoke
4 and said that they could see into a darkened house. I'm
5 here to tell you, I'll take you to any one of them. If
6 you can see, you are better than me and my eyesight is
7 pretty good. You cannot see.

8 I might be able to see two or three seats in as I'm
9 walking down the aisle ways. But if you go in further, I
10 can't see. It's dark.

11 I would point out that the - the mission of the
12 Liquor Control Board is to serve the public by
13 preventing the misuse of alcohol. I don't know how you
14 can prevent the misuse of alcohol if you can't see the
15 violations, so I believe that changing this rule would
16 literally violate the mission that the Board put
17 together themselves.

18 I put together some bullet points, which I would like
19 to give each board member, of all of the concerns that I
20 could think of that came up during the darkened house
21 pilot project.

22 I think, you know, for time, I would just ask that
23 you, at some point, take the time to go through those
24 bullets points rather than my trying to state every one
25 of them. They go on.

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1 Jim, have you got any points that you would like to
2 make?

3 MR. MARTINEZ: Well, in addition to the manner of
4 how the one or two drinks were allowed, there wasn't -
5 people are very ingenious and they are able to
6 circumvent that.

7 In addition to the - the alcohol that is served, they
8 also had the soft drinks and people - actually we
9 witnessed this - would take the lids off the large Pepsi
10 drinks and just pour their drinks in and then go buy
11 another one.

12 This way they would - somebody would sneak in a beer
13 in a large Pepsi container with a straw and a cap - top
14 on it to prevent any- - anybody from stopping them. We
15 did catch a couple and brought it to their attention and
16 everything.

17

18 MR. MARTINEZ: But there is many, many more.
19 When you have 10,000 to 13,000 people, it's - it's
20 almost impossible to watch - control that type of
21 consumption when they are sneaking it in other means
22 and manner.

23 MR. SAWYER: Okay. I heard here that we are just
24 learning the process. I would say that we failed the
25 test. It was a miserable failure. (Inaudible) thought

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1 they would have learned.

2 I heard people say they have been in the business for
3 20 years, other speakers today. I would have thought
4 they would have known. I would have thought after our
5 meeting halfway through this project, they would have
6 made sure no other problems happened and yet problems
7 continued to happen. So I - I think the learning period
8 should - should of been over with before they even
9 started the project.

10 They violated their own rules. When we set this
11 project up, they submitted what they were willing to
12 do --

13 MR. LONG: Mm-hmm.

14 MR. SAWYER: -- and then they violated it.

15 I guess - Roger mentioned to me at a function that we
16 were at recently that, you know, they had an opportunity
17 and they couldn't even follow their - their own rules
18 that they set up.

19 If we were to change this rule and allow this to
20 happen on a statewide basis, I can only think that it
21 would be worse once the rule would change and it were
22 opened up.

23 I can tell you that I heard somebody say that
24 somebody from the police department would write a
25 letter. Jim and I also had the opportunity to train

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1 every police officer in the City of Seattle on liquor
2 laws just recently.

3 And I can tell that you we had many officers tell us
4 that they agree that this should not be changed. This
5 is the rank and file officer. It was a request by us
6 made to the chief of police to support --

7 MR. LONG: Just wrap it up, please.

8 MR. SAWYER: Yes. And he passed that off to

9 administrative officer who told us they agreed but were
10 not in a position to come forward and put that in
11 writing or come to this meeting because other divisions
12 of the city had the opposite point of view.

13 MR. LONG: Okay.

14 MR. SAWYER: And I think that's about all I have.

15 MR. LONG: Officer Martinez?

16 MR. MARTINEZ: Just one quick - I'm not here to
17 attack any other police organization or anything, but I
18 would like to see the stats that Tacoma PD has collected
19 on what they have seen there because we have had
20 opportunities to have informal discussions at the venues
21 with the officers working and they have informed us that
22 they have caught people and kicked them out.

23 Whether stats are kept or not, I mean, it is just
24 interesting to note whether - how many they are kicking
25 out per event, were assaults associated?

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1 I do know there was an assault at one time because
2 the officer tried to relinquish that incident over to me
3 and I had to elegantly (sic) ask him to handle it as an
4 assault, not an overservice issue.

5 MR. LONG: Mm-hmm.

6 MR. MARTINEZ: Whether any stats were handled, I
7 don't know. It's something interesting.

8 MR. LONG: Questions?

9 UNIDENTIFIED SPEAKER: Yeah. If you were going
10 to look at stats, I would certainly like to see the
11 difference in the stats between alcohol issues or
12 incidents totally on - on comparing events where you
13 sold alcohol and comparing events where you didn't.

14 You hear about all of the airline bottles coming in,
15 I mean, the pouring drinks in Pepsi, I would expect to
16 be even broader when they couldn't have - be able to buy
17 beer and wine. I would expect more (inaudible) from
18 people who are going to drink inside the area - or
19 attempt to. So I would be really interested in seeing
20 that comparison, if, in fact, we do at incident reports.

21 MR. LONG: Okay.

22 MR. MARTINEZ: We were told by the police
23 department --

24 MR. LONG: Uh-huh.

25 MR. SAWYER: -- that - well, I shouldn't say, "by

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1 the police department" - by several police officers that
2 they were instructed not to take any official action,
3 that they were told to just kick the people out. And so
4 no paperwork was done. And that - during the course of
5 this trial, we saw that to be true --

6 MR. LONG: Mm-hmm.

7 MR. SAWYER: -- over and over again.

8 MR. HOEN: Were you at the events -
9 were you at the events where alcohol wasn't served
10 (sic)?

11 MR. SAWYER: Yes, we were. And it's the same
12 policy at the events where alcohol isn't served. In
13 fact, we wrote some tickets at events both under the
14 darkened house concept and events that do not have the
15 darkened house concept in place.

16 MR. HOEN: Okay. Thank you.

17 MR. LONG: Okay. Thank you very much. Uh-huh.
18 Uh-huh, appreciate it.

19 Scott Middleton.

20 MR. MIDDLETON: My name is Scott Middleton and I
21 am the Center Plate (inaudible). I don't have much more
22 to add.

23 MR. LONG: Okay.

24 MR. MIDDLETON: I just agree on the position of
25 the Washington State Sports and Entertainment Operators

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1 Association.

2 MR. LONG: Okay.

3 MR. MIDDLETON: Thank you.

4 MR. LONG: Okay. Thank you, Scott. Yeah, I
5 appreciate it.

6 Let's see. Pete Winemiller.

7 MR. WINEMILLER: Winemiller (pronouncing).

8 MR. LONG: Winemiller, I'm sorry.

9 MR. WINEMILLER: It's my shorthand there.

10 MR. LONG: Yeah. Yeah.

11 MR. WINEMILLER: Thank you.

12 MR. LONG: Uh-huh.

13 MR. WINEMILLER: My name is Pete Winemiller and
14 I'm the vice-president of the Seattle Super Sonics and
15 the Storm. And we play our games, as you well know, at
16 Key Arena, which we --

17 MR. LONG: Mm-hmm.

18 MR. WINEMILLER: -- (inaudible). And Key Arena is
19 obviously owned and managed by the City of Seattle and

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20 the citizens of the city. I don't want to really spend
21 too much time here echoing the thoughts of my colleagues
22 because I think they have well stated their - their
23 thoughts and concerns, which we would - we would
24 obviously back up 100 percent in terms of our
25 relationship with the entertainment industry and our

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1 involvement with what we are doing in light of - in
2 terms of what they were doing as well in their venues.

3 But I would like to make a couple comments that I
4 think would be of interest in terms of maybe addressing
5 some of the ways that this - how they can be approached.

6 I know when Karen and Tim and I met and some of the
7 other folks here in the industry I think a couple months
8 ago, I noticed in the lobby there is a mission statement
9 for your retail part of your business as well --

10 MR. LONG: Mm-hmm.

11 MR. WINEMILLER: -- because I know you have two
12 divisions here, if you will --

13 MR. LONG: Mm-hmm.

14 MR. WINEMILLER: -- the enforcement side of it
15 and also the retail side of the spirit package stores.

16 MR. LONG: Correct.

17 MR. WINEMILLER: And I guess that would be one
18 way for me to approach this. My responsibility at the
19 Sonics and the Storm is to provide our fans an
20 experience, that hopefully it is one that will be
21 positive with safety first being the foremost concern,
22 which I think, again, you have heard from my colleagues
23 here.

24 But I know in one of your statements in the hall in
25 terms of your responsibilities for what you are doing,

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1 that being the retail environment, you talk about
2 providing a - a - an environment that obviously is very
3 favorable to the whole retail experience.

4 And I think you could actually take out the Liquor
5 Control Board or - or the terminology of addressing this
6 organization off that - that mission statement and
7 actually plug in the Sonics and Storm and have really a
8 mission statement that would work - work for us well.

9 And my premise for saying that is the fact that we
10 are trying to provide obviously a very safe environment
11 for our fans, but also an environment that is very

12 courteous-focused.

13 And I would ask the question to the committee about
14 the - I guess the end result of rules and regulations
15 and how that results in also fans and guests being in
16 the arena and how that experience for them is one that
17 is positive in terms of enjoying the event and having an
18 event that obviously would be very value-oriented based
19 on the ticket they purchased and the experience they
20 received.

21 MR. LONG: Mm-hmm.

22 MR. WINEMILLER: I also would like to address
23 something that Tim and Karen and I talked about last
24 time we were here is just the whole amphitheater issue
25 in terms of how that's being looked at and if there is

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1 something that could be said about that environment
2 working and how it might lend some support to how we
3 might see this - this plan continued.

4 MR. LONG: Okay.

5 MR. WINEMILLER: Thank you.

6 MR. LONG: Thank you. Any questions for Pete?

7 MR. HOEN: No.

8 MR. LONG: Thank you so much.

9 MR. WINEMILLER: Yes. I appreciate you taking
10 the time.

11 MR. LONG: Let's see. I'm having difficulty
12 deciphering --

13 UNIDENTIFIED SPEAKER: (Inaudible.)

14 MR. LONG: Soukup.

15 Ms. Soukup, if you would be so kind. Sorry.

16 MS. SOUKUP: Sorry for the handwriting.

17 MR. LONG: That's okay. I don't have my readers
18 on today, so . . .

19 MS. SOUKUP: Hi. My name is Tamera Soukup. I'm
20 with the City of Seattle law department and --

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22 MS. SOUKUP: -- I was coming today to gather
23 information and voice some concerns. The city has not
24 taken a firm position yet. They intend to. It got
25 brought to our attention at the end of last week that

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1 this meeting was going on.

2 MR. LONG: Mm-hmm.

3 MS. SOUKUP: And the different divisions within

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4 the city wanted me to come back with a unified
5 statement. And, historically, we have had concerns and
6 what I want to do is voice some of those concerns, which
7 in some ways are similar to what Jim Sawyers has brought
8 up.

9 The purpose of the lighting regulation was to light
10 the area so that you could see what was going on. And
11 the mission for the Board is prevent minor access to
12 alcohol and public safety.

13 And I think what hasn't been focused on - what I have
14 heard - is the ways within the establishment that liquor
15 agents will be able to see whether or not there has been
16 alcohol transferred to minors. And when a house is
17 dark, as - as Mr. Sawyers pointed out, you truly can't
18 see whether or not that is going on.

19 And if you were to go down this road, there is some
20 concerns about enforcement resources. If you were to go
21 down this road, it would seem to me that a huge amount
22 of resources would have to be expended, additional
23 agents brought in to ensure that, in fact, minors were
24 not obtaining access to alcohol or over service.

25 And I know that within Seattle resources are a

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1 problem. We have very few agents and a lot of liquor
2 establishments and we don't have enough to handle what
3 we have got now. And I imagine that would be a huge
4 dream for the liquor board. Mixing minors, adults and
5 alcohol in a dark establishment leads us to have some
6 grave concerns.

7 And as a parent of 13- and 14-year-olds who is
8 actually going to the Fallout Boy concert - I'm
9 (inaudible) no alcohol there - I did have concern about
10 the fact that a group of 14- and 15-year-olds would be
11 down there in a darkened house. And I have no doubt
12 that if they were able to get their hands on some
13 alcohol in there and were having a good time, that they
14 would likely partake in that.

15 MR. LONG: Mm-hmm.

16 MS. SOUKUP: And so coming not from the city, but
17 from a parent's point of view --

18 MR. LONG: Sure.

19 MS. SOUKUP: -- I - I would not want to see that
20 available to them.

21 MR. LONG: Okay. Okay. Thank you. If you
22 (inaudible) e-mail address on there and we can --

23 MS. SOUKUP: Sure.
24 MR. LONG: -- get you on the mailing list to make
25 sure you get the correspondence directly, please,

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1 Tamera.
2 MS. SOUKUP: Sure.
3 MR. LONG: Thank you.
4 Steve Hypse. Good morning.
5 MR. HYPSE: Good morning. My name is Steve Hypse.
6 MR. LONG: Hi, Steve.
7 MR. HYPSE: Chairman, Members of the Board,
8 Community, this one issue hits me very much at home. I
9 am the only agent currently on the board that has been
10 assaulted in a dark area and I have permanent damage to
11 my right eye from that. The assailants were
12 intoxicated.
13 Now, once you start turning the lights down, we start
14 to have a problem. The cowards in the group tend to get
15 brave fueled by alcohol. So it hits me very much at
16 home.
17 I looked at the studies. The studies look good. I
18 accept every one at face value. Everyone is 100 percent
19 honest with their input. When I got done reading this a
20 few days ago, I thought about not testifying, but then
21 today I decided I would because there is one portion
22 missing from this entire equation.
23 MR. LONG: Okay.
24 MR. HYPSE: The one portion is should the board
25 allow the darkened house --

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1 MR. LONG: Excuse me.
2 MR. HYPSE: -- there has to be a reciprocating
3 side to it should something go wrong. If it does go
4 wrong, what is the penalty? No one has discussed that.
5 That is the validating point that can be made very
6 easily on this whole study.
7 I would opt for something like five full events that
8 are national no alcohol service if there is a violation.
9 If everyone is truthful and honest on both sides, the
10 industry with have problem with saying, "That sounds
11 good to us."
12 MR. LONG: Excuse me, Steve.
13 MR. HYPSE: If they decide no, this study is
14 validated right away showing that the darkened house is

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15 a failure right from the start. Their veracity would be
16 called into question.

17 Lastly, we have who is driving what in this state?
18 We are hearing national things coming in for
19 entertainment. That is only one slip, very narrow slip
20 of all the things going on in this state.

21 Are we to allow one small industry to dictate what we
22 are going to be doing here? I think not. I hope not.
23 Safety is primary and that's where I'm coming from.
24 Thank you.

25 MR. LONG: Okay.

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1 MR. HOEN: Thank you.

2 MS. ING: Thank you.

3 MR. LONG: Thank you.

4 And I think the last person that I have on my list
5 that signed up to give testimony today is Jeanne
6 Reschan. And if there is anyone else who has not given
7 testimony and would like to, please let us know.

8 MS. RESCHAN: Great. Thank you for this
9 opportunity.

10 MR. LONG: Uh-huh.

11 MS. RESCHAN: My name is Jeanne Reschan and this
12 month I will have worked with the board for 17 years; 10
13 years in the enforcement division as an enforcement
14 officer and seven in the non-retail licensing division.

15 Last October I attended the enforcement division's
16 training conference and part of their training was on
17 risk management with a really good, popular speaker
18 called Gordon Graham.

19 And right after that, the weekend following that
20 training, I worked at a concert at a winery. The winery
21 did not have any allowance for any darkened house, but
22 there was - they were in violation of our lighting rule.

23 There were six other officers there besides myself.
24 And I wouldn't characterize it as unsafe, I would say it
25 was dangerous. So that brought me back to my training

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1 that I had just learned about risk management, which is
2 the process of looking into the future and asking what
3 can go wrong and doing something about it.

4 Risks may be eliminated, minimized, controlled
5 voided, shared or transferred. The most important thing
6 that we learned was prevention is better than

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7 correction.

8 I'm - I would like to know who is here representing
9 the public. We have a lot of stakeholders, but who is
10 taking care of the public? Who is going to - who is
11 going to protect the public? And that, to me, would be
12 the Liquor Board.

13 I think that allowing a darkened house is taking a
14 risk that jeopardizes the public safety and I ask that
15 you not take that risk and keep our current law - or
16 current rule in writing.

17 It was created long ago before any of us arrived and
18 somebody looked at what is the potential of - of having
19 dark - a darkened house, that somebody decided long ago
20 that that's not a good risk. That's - that's not
21 something that we should do and I would like you to keep
22 it.

23 MR. LONG: Okay. Thank you.

24 MS. ING: Thank you.

25 MR. LONG: Thank you so much, Jeanne.

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1 MS. RESCHAN: Mm-hmm.

2 MR. LONG: Are there other persons here would
3 like to give testimony that haven't had a chance to
4 share any thoughts with us at this time?

5 MR. PARMER: Mr. Chairman, as I said, I'm Pat
6 Parmer. I just started here, so I'm not that familiar
7 with the darkened house situation. I was the director
8 of the division of alcoholic beverages in (inaudible),
9 Florida, and all they had was darkened house events.

10 When we work those events, we do work the lighted
11 areas in - in Florida. We work the concourses. We did
12 not go into the darkened area. Our feeling was
13 two-fold. It was officer safety and what has been
14 stated here before, that you can't regulate what you
15 can't see. And so that was just our - our position.

16 In fact, we didn't even show up for the Cher concert
17 because the patrons are just animals and we just didn't
18 want to be (inaudible). Well, you all know what I mean.
19 I - officer safety is what we are talking about.

20 But the other issue, too, that we - that we did not
21 have in Florida was one of over service. There are no
22 DRAM shop laws in Florida. So as Tim mentioned, there
23 are those states that don't have DRAM shop, don't have
24 over service laws, so our officers were not tasked with
25 that burden or that job of going in and saying who has

1 been over served and who has not been. It just wasn't
2 there. But we did not go into those places, as I said,
3 Mr. Chairman --

4 MR. LONG: Mm-hmm.

5 MR. PARMER: -- just because we couldn't see and
6 we couldn't regulate --

7 MR. LONG: Mm-hmm.

8 MR. PARMER: -- and - and the danger of officer
9 safety.

10 MR. LONG: Okay.

11 MS. ING: Very interesting.

12 MR. LONG: Okay. Why don't we go full circle and
13 we will go back to Karen and Tim with any closing
14 comments that you want to make on this at this point.

15 MR. THOMPSON: The only thing I would like to
16 indicate is just to let you know when reviewing all this
17 information, I seemed to be the focal point for all the
18 information coming in from both sides.

19 I had heard from major stakeholders, business
20 interest, public interest, and I tried to summarize the
21 best I could all of the issues.

22 And I just wanted to let everyone know that we did
23 look at the business interest and we understand it is a
24 very competitive industry out there and that I think it
25 was one in - in regard to - the Blues House was

1 indicating that says we are, I think, a little behind
2 the nation.

3 But the real issue here is trying to find a common
4 ground for the business enterprise as well as the public
5 safety. Officer safety obviously is in there, but
6 public safety is the number one issue that we are trying
7 to - to (inaudible).

8 And so as I - as we did all this, I wanted the Board
9 to have a look at what is out there and all the
10 different dichotomies that I was faced with and received
11 and, again - again, just looked at (inaudible) those
12 interests very seriously, but I still feel that public
13 safety outweighs that.

14 MR. LONG: Okay. Karen?

15 MS. McCALL: I would just like to reiterate it is
16 not like we are - we are taking something away. This is
17 just keeping the existing rule the way that it is. And,

18 again, public safety is our issue here.
19 MR. LONG: Okay. Well, that
20 concludes the public hearing portion - public testimony
21 of the meeting and we are going to take a break and
22 reconvene at 11:30 for the remainder of the meeting.
23 Thank you.

Policy, Legislative & Media Relations Division: 11:30 – 12:00 a.m.

Staff Present: Pam Madson, Rules Coordinator

Topic discussed:

Ms. Madson requested that the Board approve the filing of notice of proposed rule making for rules establishing a fee for a wine shipper's permit and repealing rules implementing the existing wine reciprocity program. Ms. Madson also requested that the Board approved the filing of notice of proposed rule making for rules establishing a fee for an endorsement to the Certificate of Approval License allowing U.S. beer and wine manufacturers to self-distribute their products to licensed Washington retailers, Discussion followed. No decisions were made at this meeting. After some discussion, the Board asked her to bring this request to the April 5th board meeting for official approval to proceed.

The meeting was adjourned at 12:00 p.m.

Merritt D. Long
Chairman

Vera Ing
Board Member

Roger Hoen
Board Member