

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

IN THE MATTER OF:

Transfer Application

Stadium Club

2127 Queens Chapel Road NE

License No. 82005

ANC 5C

Case No. 14-CMP-00069

Case No. 14-CMP-00069A

Fact

Finding

Hearing

March 19, 2014

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller presiding.

PRESENT:

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

MICHAEL SILVERSTEIN, Member

HECTOR RODRIGUEZ, Member

JAMES SHORT, Member

ALSO PRESENT:

Walter Adams, OAG

Amy Schmidt, OAG

Jason Peru, Investigator ABRA

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

(10:18 a.m.)

CHAIRPERSON MILLER: Saigon

Bistro's not here yet are they? We heard they were on their way.

Okay, so I'm go then forward with the Fact Finding Hearing for Stadium. That is case Number, I'm calling case Number CMP-00069 and 14-CMP-00069A, for the Stadium.

Yes. Good morning. Located at 2127 Queens Chapel Road NE. License Number 82005 and ANC 5C.

MS. TODD: Good morning, ladies and gentlemen of the Board, my name is Karen Todd, attorney for the --

CHAIRPERSON MILLER: Wait, I'm sorry I didn't hear you at all.

MS. TODD: I'm sorry, it's --
(Crosstalk)

CHAIRPERSON MILLER: I thought maybe you were talking to your client, so.

MS. TODD: I was just saying good

1 morning and introducing myself.

2 CHAIRPERSON MILLER: Good morning.
3 Okay.

4 MALE PARTICIPATE: Good morning.

5 MS. TODD: Karen Todd, attorney
6 for the license holder.

7 MR. REDDING: James Redding,
8 license holder.

9 CHAIRPERSON MILLER: All right.
10 What is the subject of this hearing? Who is
11 the license holder? Let me ask you what kind
12 of notice you did get about this hearing, why
13 you were coming here?

14 MR. REDDING: We received a
15 notice, I want to say roughly about two weeks
16 ago or two and a half weeks ago is the first
17 time I found out about it.

18 CHAIRPERSON MILLER: Wait a
19 second, I want to pause for one second.
20 Because I think that we should have our
21 investigator here so he can hear that.

22 (Off the record comments)

1 CHAIRPERSON MILLER: Yes, I'm
2 stopping him, yes. So we'll wait a minute for
3 our investigator.

4 MR. PERU: Sorry, Investigator
5 Jason Peru with ABRA.

6 CHAIRPERSON MILLER: Okay, good
7 morning. So I had just asked Mr. Redding what
8 kind of notice he got about this hearing, what
9 he thinks the subject of the hearing is?

10 And then I paused because I
11 realized that you weren't here yet. So he's
12 going to answer now. Okay.

13 MR. REDDING: I think it was
14 roughly about two, two and a half, three weeks
15 ago we got a thing in the mail basically
16 saying that you have a hearing for a Fact
17 Finding Hearing about if you're the owner of
18 the club.

19 Or if there are different owners
20 or was something done wrong in that place?
21 And that's when I found out about it.

22 CHAIRPERSON MILLER: Okay. I just

1 wanted to, that's basically what this hearing
2 is about, and so now I'm going to turn to the
3 investigator and ask him some questions and
4 then you can as well, and Board Members if --
5 no one is under oath here.

6 It's a flushing out of facts about
7 this issue that we're concerned about, whether
8 there may have been a change of ownership
9 without the official transfer being approved
10 by the Board.

11 Okay. So Mr. Peru we have some
12 records on this that the Board's looked at.
13 And it looks like certainly that there's been
14 application for a transfer that was filed on
15 January 29th, 2014.

16 Are you aware of whether the
17 licensee submitted any applications for later
18 to a change in ownership or application to
19 transfer the application before this date?

20 MR. PERU: Prior to that date, no
21 I'm not aware.

22 CHAIRPERSON MILLER: Okay, is that

1 date sound true to you?

2 MR. PERU: The information that I
3 received after this case was completed, yes.
4 I was told that on that date January --

5 CHAIRPERSON MILLER: 29th.

6 MR. PERU: -- 29th is when ABRA
7 received the application.

8 CHAIRPERSON MILLER: Did
9 Enforcement Division have some information on
10 December 16, that made you believe that the
11 Stadium had transferred the license to a new
12 owner without the permission of the Board?

13 MR. PERU: Yes.

14 MEMBER ALBERTI: Ms. Miller.

15 CHAIRPERSON MILLER: Yes.

16 MEMBER ALBERTI: May I interject
17 here? I think it would be useful for me at
18 least if we just had Mr. Peru summarize his
19 report. Because I, there are a couple.

20 He's had a report and a
21 supplemental report. And there seems to be
22 a lot of in there, so could we start with

1 that?

2 CHAIRPERSON MILLER: Sure. Is
3 that --

4 (Off mic comments)

5 CHAIRPERSON MILLER: Are you
6 comfortable with that Mr. Peru?

7 MR. PERU: That's fine.

8 CHAIRPERSON MILLER: Okay.

9 MR. PERU: Absolutely. Are we
10 ready to begin?

11 CHAIRPERSON MILLER: Sure.

12 MR. PERU: So on Monday, December
13 16th, my supervisor notified me that he'd been
14 out there on December 13th, and spoke to some
15 managers and employees of the nightclub. And
16 he was advised that they were under new
17 ownership.

18 He then asked me to further
19 investigate the matter. He also showed me
20 documents from the establishment's Twitter
21 feed, I believe, that stated that there are
22 new owners, new way, new night, new snow

1 bunnies and whatnot.

2 Showing advertisements that the
3 establishment was possibly under new
4 ownership. So they were advertising that way
5 as well.

6 I then went to the establishment
7 on December 26th and I ended up meeting with
8 an individual, later identified as Rudy
9 Thomas.

10 Mr. Thomas stated to me that he
11 was the new owner of the establishment. That
12 his company had purchased it from Mr. Truitt,
13 I believe. And that they were now basically
14 changing the way they operate things.

15 How everything was, you know, they
16 weren't promoting as much, and they were kind
17 of changing the crowd that they wanted to come
18 in there.

19 He also stated to me that he
20 purchased old establishment sometime in
21 November of 2013. And he said that he
22 restructured a management and a security

1 staff.

2 He also stated that his, because I
3 asked him in reference to filing the paperwork
4 with ABRA, and he stated to me that his
5 attorney had filed the necessary paperwork.
6 And, but he was not sure of the status of all
7 that paperwork.

8 I also spoke to the ABC manager
9 there. Who, you know, would have handled an
10 inspection. And well once I left the
11 establishment, when I came to ABRA I pulled
12 the record. And I was unable to, I could not
13 locate any transfer of ownership application.

14 I also met --

15 CHAIRPERSON MILLER: Which date is
16 it? I'm sorry what date is this that you
17 pulled the records?

18 MR. PERU: December 27th.

19 CHAIRPERSON MILLER: Okay.

20 MR. PERU: I also spoke to, on
21 December 30th, you know, because of our days
22 and night shifts, I have to wait to be back on

1 day shift. I met with licensing, and they had
2 nothing on file showing that ownership had
3 been changed as well.

4 So that's, that was my preliminary
5 report, that's information that I received.

6 Once, as time went on, some
7 questions came up about, you know, how Stadium
8 was paying for their alcohol? And there's a
9 process for doing that.

10 So on March 7th, I contacted Mr.
11 Pascal, President and General Counsel for D.C.
12 Association of Beverage Alcohol Wholesalers.
13 I requested information from him, a payment
14 history of Stadium alcohol purchases.

15 He provided me with copies of
16 checks that Stadium used to pay two different
17 distributor, or different distributors. I
18 believe, I included those copies of those
19 checks in the supplement case file. Those,
20 the checks show that the Stadium Group, LLC
21 was still the payee.

22 So to further the investigation, I

1 went back to the establishment. And on March
2 8th I returned there. And I spoke to the
3 establishment's comptroller, is the title he
4 gave himself.

5 He said that's the title that Mr.
6 Truitt gave him and still continued on that
7 title with the new company, Mr. Smith. He
8 stated that the establish, he provided me with
9 alcohol invoices.

10 And also informed that the
11 accountant was the same from Stadium, same
12 accountant, Ms. Dana Phoenix. That she's the
13 one who signed the establishment's checks.

14 And he also stated that when RCX,
15 LLC is the name he gave me, purchased Stadium
16 Group, LLC, they purchased the name and they
17 kept Stadium, LLC's bank accounts and name.
18 So kept the same information on that is what
19 he stated to me.

20 He said that the new company
21 retained a few of the old company's employees,
22 to include himself, and the accountant, Ms.

1 Phoenix. That was the information that I was
2 able to obtain.

3 CHAIRPERSON MILLER: Okay, thank
4 you. To follow up, so the evidence of change
5 of ownership, is it the statements of the
6 employees?

7 MR. PERU: Yes, for primarily the
8 statements of the employees, the advertisement
9 on Twitter saying there is new owners.

10 CHAIRPERSON MILLER: Okay.

11 MR. PERU: That was the only thing
12 that, you know, that I was able to obtain.

13 CHAIRPERSON MILLER: And do you
14 have three reports, basically?

15 MR. PERU: No. I have the
16 original report. And I have a supplement
17 report.

18 CHAIRPERSON MILLER: Just two
19 reports?

20 MR. PERU: Two reports, yes.

21 CHAIRPERSON MILLER: Okay. And
22 Ms. Todd, do you have copies of those reports?

1 MS. TODD: I only have a copy of
2 the first report, which would be, well
3 actually I don't know which one he's referring
4 to as original. It's the one that says
5 Investigative Number 14-CMP-00069. That's the
6 copy I have.

7 CHAIRPERSON MILLER: Okay. So,
8 here you go. Is that the other report you're
9 giving her, Ms. Walker? Thank you.

10 MS. TODD: Yes, I haven't seen
11 this one.

12 CHAIRPERSON MILLER: Okay. Well,
13 Mr. Alberti do you have some questions you
14 want to ask first?

15 MEMBER ALBERTI: Of the
16 investigator?

17 CHAIRPERSON MILLER: Yes. Before
18 I go.

19 MEMBER ALBERTI: Actually no, I
20 think -- Investigator, did I hear you
21 correctly, that the comptroller was
22 previously, well, the current comptroller has

1 been with Stadium for sometime?

2 MR. PERU: Correct.

3 MR. ALBERTI: Prior to November?

4 MR. PERU: Correct. According to
5 him, he is from, the way his description was
6 he was with the previous ownership and given
7 that title by previous owner.

8 MEMBER ALBERTI: Okay, thank you
9 very much.

10 CHAIRPERSON MILLER: Okay, anybody
11 else have questions? I'm probably going to
12 have a few, but if anybody else one now, I'd
13 defer.

14 (No response)

15 CHAIRPERSON MILLER: Okay. Mr.
16 Peru, do you know much more about this
17 advertisement? Who puts it up, or?

18 MR. PERU: No, all I know it was
19 pulled off of their Twitter feed. I was able
20 to print it off of that. That's how I was
21 able --

22 CHAIRPERSON MILLER: Off their

1 what?

2 MR. PERU: The Twitter.

3 CHAIRPERSON MILLER: Twitter,
4 okay.

5 MR. PERU: Twitter feed.

6 CHAIRPERSON MILLER: Twitter feed,
7 okay.

8 MR. PERU: Yes, it was actually
9 provided to me by my supervisor. He, when he
10 first discovered this he gave me a packet with
11 stuff in it. And that was included in the
12 packet.

13 CHAIRPERSON MILLER: Okay.

14 (Off the record comments)

15 CHAIRPERSON MILLER: Okay, so I
16 have information in my records that Mr. Thomas
17 told you he purchased the establishment in
18 November, 2013. Is that right?

19 MR. PERU: Yes, ma'am.

20 CHAIRPERSON MILLER: Can you
21 elaborate any further as to your conversation
22 with Mr. Thomas?

1 MR. PERU: Well, I arrived at the
2 Stadium. I identified myself as an ABRA
3 Investigator to security at first. Security
4 then was like okay, let me get a manager or
5 the owner for you, I saw the owner's here.

6 He said, oh yes, the owner
7 actually is here. So they went and retrieved
8 this gentleman, who came up to me. I
9 introduced myself to him.

10 And not knowing who he is, I asked
11 him who he was. And he says, hey, I'm one of
12 the new owners. My name is Mr. Thomas, dah,
13 dah, dah. I asked for his identification to
14 confirm his ID.

15 Because at this point, you know,
16 I'm still not aware if they have filed
17 anything with our Board or not. He gave me
18 his information.

19 He said that he purchased the
20 Stadium. The name he said, Mr. James Redding,
21 which is the other owner I believe of Stadium.
22 That's the name he mentioned to me at the

1 time. He didn't make mention of Mr. Truitt.

2 So I kept, you know, talking to
3 him asking him about things. He brought up
4 the Office of Tax and Revenue incident that
5 they got suspended and closed down.

6 He mentioned that the sale, that
7 there was I guess some holdup with the sale
8 until that could be, those fines could be
9 cleared up with Tax and Revenue.

10 But that's as much as we got. You
11 know, I took what he said, you know, for what
12 it was worth. That he was the new owner of
13 the establishment. And moved on, so.

14 CHAIRPERSON MILLER: Okay. Are
15 you aware if there are any other individuals
16 or purchasers of Stadium?

17 MR. PERU: He, the, I was not
18 hearing that second name. He said that there
19 was someone else. That him and his partner
20 purchased the establishment. I wasn't given
21 any other names, so.

22 CHAIRPERSON MILLER: Okay. Do you

1 have any information as to what Mr. Redding's
2 current relationship is with the Stadium?

3 MR. PERU: No, no I do not.

4 CHAIRPERSON MILLER: Okay. Are
5 there any other Board questions?

6 (No response)

7 CHAIRPERSON MILLER: Ms. Todd do
8 you want to ask Mr. Peru any questions, or
9 just you can, then Mr. Redding can let us know
10 your side of the story?

11 MS. TODD: I just have a few. Mr.
12 Peru, this first came to your attention based
13 off of your supervisor? Who's your
14 supervisor?

15 MR. PERU: My boss, Supervisor
16 Craig Stewart.

17 MS. TODD: And so, Mr. Stewart was
18 the one who, and what did he come initially
19 and tell you?

20 MR. PERU: He was, he said he was
21 out on his, he'd visited Stadium to just
22 conduct our routine monitoring, as is normal

1 on our night shift week.

2 And that after talking to managers
3 and security staff, he was told they were
4 under new ownership. Because a lot of the
5 new, I guess employees were, he didn't
6 recognize from his other visits.

7 MS. TODD: Yes.

8 MR. PERU: So he asked around,
9 asked questions of them about where everyone
10 else was at. And that's the information he
11 received.

12 MS. TODD: And so typically from
13 there, is it typical, standard that after he
14 received that information that he then hands
15 it off to you to then follow up? Is that how
16 you guys typically handle your investigations?

17 MR. PERU: If we get any kind of
18 complaints, concerns, information, you could
19 be an honest person and would have called us
20 and said, hey, Stadium's under new ownership.
21 And we would still investigate and look into
22 that matter, absolutely.

1 MS. TODD: Well no, I guess I'm
2 just wondering why Mr. Stewart himself didn't
3 write up this report first, it's you. I just
4 didn't know it that was typical, standard?

5 MR. PERU: He's the supervisor, so
6 yes, he gave it to me to further investigate
7 the incident rather than reporting it.

8 (Off the record comments)

9 MS. TODD: And so the night of the
10 incident that you said you showed up, because
11 I guess this kind of, detached here between
12 Mr. -- you said here that Mr. Thomas gave you
13 his ID? Did you receive his ID that night?
14 I just see a blacked out date of birth, day
15 I'm not sure of.

16 MR. PERU: Yes, yes. It's a date
17 of birth. Yes, yes. He gave me a driver's
18 license.

19 MS. TODD: He gave you a driver's
20 license that day?

21 MR. PERU: Correct.

22 MS. TODD: Okay, and you just put

1 his date of birth to show that you received
2 it?

3 MR. PERU: Correct.

4 MS. TODD: Did you make a copy of
5 it?

6 MR. PERU: Of the driver's
7 license? No, that's not typical. We don't
8 make copies of driver's license all the time,
9 on the scene.

10 MS. TODD: Okay, so then you just
11 having his date of birth will then still prove
12 that you have seen that?

13 MR. PERU: Correct.

14 MS. TODD: Okay. No further
15 questions on that.

16 CHAIRPERSON MILLER: Okay, so do
17 you want address this issue as to whether
18 there's been a change ownership?

19 MS. TODD: Well I can start.

20 CHAIRPERSON MILLER: Yes.

21 MS. TODD: Well first off, there
22 has not been a change in ownership of the

1 business. That's all been negotiated and is
2 still being negotiated.

3 I think there's just been a lot of
4 talk about it, and so staff is confused I
5 think, in terms what they're portraying out to
6 the public.

7 But management has stayed the
8 same. We still have the same general manager
9 that's there, he continues. The only new
10 manager that we have is Mr. Mullings that we
11 brought here today.

12 But besides that, you still have
13 the same comptroller, and you have Dana who
14 still does books. And you still have Keith,
15 who's the general manager. So I don't know
16 necessarily know what new management was
17 observed at the club at the time.

18 There has been new security staff,
19 but nothing to the point where I think that
20 should cause any alarm. I mean that kind of
21 stuff is kind of transient.

22 (Off the record comments)

1 MS. TODD: And so, and then I mean
2 this Twitter feed that I'm seeing, that
3 doesn't even have a location. Above it said
4 the new Beacon Hotel. It's hard to even
5 substantiate or say where it came from as a
6 result because it's, I don't see a website.

7 I mean I don't know how the new
8 Beacon Hotel above it at 318 and 441, I'm just
9 confused as to how that relates to anything
10 that I can substantiate today. So I've asked
11 around and no one's been able to tell me what
12 this is about.

13 The only thing that I think that
14 we can say today is, as the applicant, they
15 have submitted the application for transfer.
16 We've talked about that I think in previous
17 hearings. Mr. Redding has come before this
18 Board three times last month alone.

19 So he still stands by this
20 business. He still acts as an owner. He
21 still is very involved with the business. So
22 I know that from the Board's perspective, I

1 know we've been here several times and spent
2 hours here.

3 And so having a couple
4 conversations with a couple of employees that
5 know that there's some conversations about
6 transferring does not mean that the transfer
7 has taken place.

8 That's a whole another legal
9 entity that's taken place with a lot of
10 documentation and contracts that have not been
11 finalized yet. And there's conditions
12 precedent to that finalization.

13 One of them is the Board approving
14 the transfer. And that's all written up. So
15 I'm just confused as to like, I guess just
16 hearing a couple of employees make the
17 statement, and then on top of that never
18 having more conversation with the license
19 holder to substantiate any of it. And so we
20 get here, today.

21 I think that could have been a lot
22 more fruitful in this investigation, prior to

1 us getting to this point, but.

2 CHAIRPERSON MILLER: Questions?

3 MEMBER ALBERTI: Go ahead, I'll
4 reserve them after you.

5 (Off the record comments)

6 CHAIRPERSON MILLER: So Mr.
7 Redding have you talked to Mr. Thomas about
8 his statements to our investigator, that gave
9 our investigator the impression that he had
10 purchased Stadium?

11 MR. REDDING: I've not talked to
12 directly to Rudy about it. We've talked to
13 some of my general managers and my manager
14 guys. And it seems there's some mis-
15 communication.

16 There has been one new employee
17 added. The staff is 100 percent the same.
18 The security's been there for a year and a
19 half since we switched that out when we had
20 that issue back before.

21 When we, eight, nine months ago
22 when we went back to the other incident that

1 happened at Howard Homecoming. So I don't, I
2 have no clue.

3 I know this much. That Rudy has,
4 we've put an agreement in place but it's not
5 been signed or done. And it's only predicated
6 with the transfer of the application of
7 license.

8 And I own the business, I own the
9 license. I own everything. It's the same
10 employees, same people, same everything.

11 And just because -- I've been out
12 where ten people have walked up to me directly
13 out at another nightclub or stats or
14 restaurant, and sat down, didn't know who I
15 was, and said they were owners of Stadium
16 Club.

17 500 hundred people are around
18 saying they're owners of Stadium Club because
19 it was the hottest club in D.C. at one point
20 in time. So I -- to have an employee to say
21 that, and that really didn't happen, these
22 trips over here are just cost money today and

1 cost people's time.

2 Because this is what we do know
3 the facts. That if there was there was a sale
4 of Stadium Club, that would be a public
5 record. And they're would be record that I
6 sold this business. And there is none. I
7 still own it.

8 So this is some kind of witch hunt
9 that I don't understand what's going on or
10 what's happening but when I'm the owner of
11 Stadium Club and it's the same management,
12 same people, same everything. The website's
13 a Twitter website account. That's from some
14 promoter, promoting Stadium Club.

15 MS. TODD: And I'll answer. I
16 spoke to, Mr. Thomas sent me an email, once I
17 asked about, once I received this. And he
18 denied it. He's out of the country right now,
19 but he sent me an email back saying that,
20 that's that not the account of it.

21 He said he was approached by the
22 investigator who just asked for his driver's

1 license. He said that he never had a
2 conversation with him about this. Now to me
3 --

4 CHAIRPERSON MILLER: Who are you
5 referring to?

6 MS. TODD: Mr. Thomas. You said
7 had we had any conversation with Mr. Thomas?

8 CHAIRPERSON MILLER: Yes, right,
9 yes.

10 MS. TODD: I sent this email
11 asking what was this about because I had never
12 heard anything about it? And he sent back an
13 email denying that he, that he had a
14 conversation with the investigator.

15 That someone pointed to him, that
16 the investigator approached him and asked him
17 for his ID. And he showed it to him. Or no,
18 excuse me, I take that back.

19 He didn't even have his ID on him
20 when he asked the question. And that was how
21 he accounted the story to me. So, since I
22 wasn't there, I can only tell you the two

1 accounts that I have before me.

2 CHAIRPERSON MILLER: Okay. Would
3 you have any problems submitting the purchase
4 agreement to us?

5 MS. TODD: Do we have a problem
6 submitting the --

7 CHAIRPERSON MILLER: Because it
8 seems to me if it's as Mr. Redding describes
9 it, that it says it's contingent upon Board
10 approval of the transfer, et cetera. That,
11 that's --

12 MR. REDDING: That's exactly what
13 it says.

14 CHAIRPERSON MILLER: Right. That
15 goes directly to this issue.

16 MS. TODD: I have no problem
17 submitting it. I'm not the lawyer handling
18 it, but I have to get a copy of it. As long
19 as it doesn't go public, I have no problem
20 with it, if it stays private amongst the Board
21 Members. That's not a problem.

22 MEMBER ALBERTI: Ms. Miller I

1 would suggest that they be allowed to redact
2 sums and things like that.

3 CHAIRPERSON MILLER: Right, right.

4 MS. TODD: Okay.

5 MEMBER ALBERTI: Yes, personal
6 information. Sums of the, you know, the
7 amount of the deal --

8 CHAIRPERSON MILLER: The amount of
9 the sale.

10 MEMBER ALBERTI: -- those kind of
11 things.

12 MR. REDDING: You want the
13 verbiage.

14 MS. TODD: Got you.

15 MEMBER ALBERTI: Right, we want to
16 see the verbiage and the conditions.

17 MS. TODD: Got you.

18 CHAIRPERSON MILLER: The date et
19 cetera.

20 MEMBER ALBERTI: We don't need to
21 know your finances.

22 MR. REDDING: I got you. I'm okay

1 with that. But I still own it, like I said.
2 And we -- there's been no, we don't understand
3 words.

4 MS. TODD: That's not a problem.

5 CHAIRPERSON MILLER: Okay.

6 MS. TODD: I can get back to you
7 within, by the end of the week.

8 CHAIRPERSON MILLER: Great, okay.
9 The other question I just wanted to follow up
10 on. Where, when you say, which I would think
11 that the sale of the Stadium would be a public
12 record. Where would that be, that you
13 referred to?

14 MR. REDDING: Well when you sell
15 the lot, you have a lot number that gets
16 transferred from my name to another name. It
17 has to go on tax records and it has to go for
18 property tax and for that.

19 Once they take the business over
20 it also goes for sales and use tax. So
21 basically three entities here. One is that
22 property. Two is the sales use, and three is

1 the ABRA Board notice of the transfer of the
2 license.

3 MS. TODD: Right.

4 MR. REDDING: So we know that we
5 have to give you 15 days notice. But once
6 we've already put the application in to you,
7 then you have that notice directing whether
8 you're going to approve it or not for the
9 transfer of that license.

10 So then that, once it's
11 transferred, they automatically can take over
12 and I make my sale at that point in time. But
13 we do not settle until you approve.

14 MS. TODD: No, there's a closing
15 date, and it hasn't been --

16 MR. REDDING: There is not closing
17 date until --

18 (Crosstalk)

19 MS. TODD: -- until it's approved.

20 MR. REDDING: -- to be determined
21 until it's approved.

22 CHAIRPERSON MILLER: Okay.

1 MR. REDDING: And as a matter of
2 fact, and they did, I will admit one thing.
3 They did take an extra month submitting the
4 application.

5 They were supposed to have the
6 application submitted a while back. They took
7 extra time submitting that, so that's where
8 you would have come off with if somebody made
9 the comment, it was already in play.

10 He might have thought that the
11 lawyers had already submitted it. But they
12 weren't done with it yet, and they hadn't. So
13 that could be why he said to the investigator,
14 we submitted the application. But yet they
15 hadn't at that time. That is correct.

16 CHAIRPERSON MILLER: Okay. Other
17 questions? Yes, Mr. Alberti.

18 MEMBER ALBERTI: I'm, so who, what
19 is Mr Thomas's role? I mean Mr. Thomas is,
20 I'm assuming that this the Mr. Thomas who's
21 filed the transfer application, is that
22 correct?

1 MS. TODD: Yes.

2 MEMBER ALBERTI: All right.

3 MS. TODD: What is it --

4 MEMBER ALBERTI: The Mr. Thomas
5 you spoke with --

6 MS. TODD: Yes.

7 MEMBER ALBERTI: Is that the Mr.
8 Thomas who's filed the transfer application?

9 MS. TODD: Yes.

10 MR. REDDING: That's correct.

11 MEMBER ALBERTI: Okay. What's his
12 current role? I mean he was there the evening
13 that Mr. Peru showed up. What's his role?

14 MR. REDDING: There was a
15 management company that was just put in place
16 that, that is where he is the owner. RCX is
17 a management company that is now, right now,
18 overseeing all the forces that are in there,
19 as a management company. With a management
20 agreement.

21 MEMBER ALBERTI: Okay, can we have
22 a copy of that management agreement?

1 MS. TODD: Yes.

2 MEMBER ALBERTI: Can you provide
3 us with that copy of that management
4 agreement?

5 MS. TODD: Yes.

6 MR. REDDING: Yes.

7 MEMBER ALBERTI: Great. I think
8 you answered this question earlier, but who
9 owns the building?

10 MR. REDDING: I do.

11 MEMBER ALBERTI: You do currently
12 still own --

13 MR. REDDING: Yes. That's a
14 separate company.

15 MEMBER ALBERTI: All right. And
16 have you leased it to anyone else?

17 MR. REDDING: I have not.

18 MEMBER ALBERTI: Okay. I'll tell
19 you this isn't just a witch hunt. I'll tell
20 you there are some things in here that kind of
21 raise red flags. And one of them I'm looking
22 at is a trade name registration that has been

1 completed with DCRA.

2 And it's the RCX, LLC has
3 registered the trade name Stadium Club. And
4 John Vassos is the name on this and it's been
5 certified. So do you still own this the trade
6 name Stadium?

7 MR. REDDING: I do.

8 MEMBER ALBERTI: Stadium Club?

9 MR. REDDING: I don't know what's
10 been certified, I own the name. So if they
11 tried to get something done, I could sue them
12 if I wanted to. But I own Stadium Club name.
13 Nothing's been --

14 MEMBER ALBERTI: So you, do you
15 still have control of the bank accounts?

16 MR. REDDING: That is correct.
17 They're all, there's only one name on the bank
18 accounts, that's mine.

19 MEMBER ALBERTI: That are under
20 the trade name Stadium Club?

21 MR. REDDING: That is correct.

22 MEMBER ALBERTI: Because I see

1 checks here that are for Stadium Group, LLC.

2 MR. REDDING: That is correct.

3 You could go to PNC Bank right now and ask
4 them who's on the name of the account for
5 Stadium Club, it's James T. Redding.

6 MEMBER ALBERTI: Okay.

7 MS. TODD: I'd like to get a copy
8 of those checks by the way. I don't know if
9 that was attached to his supplemental.

10 MEMBER ALBERTI: I can provide,
11 these are the checks that he would have, that
12 would come from --

13 MS. TODD: 69A? Is that attached
14 to that?

15 MEMBER ALBERTI: Yes, yes. I'm
16 going to get you. I'm going to have someone
17 give you the copies I have.

18 MS. TODD: Thank you.

19 MEMBER ALBERTI: There you go,
20 right there. So those were provided to us by
21 the wholesaler. Because we wanted to see who
22 was paying for those invoices.

1 MR. REDDING: Stadium Club, LLC
2 and I own Stadium Club, LLC. And they are
3 coming out of my bank account.

4 MEMBER ALBERTI: I got you.

5 MR. REDDING: All right.

6 MEMBER ALBERTI: I got you. Can
7 you provide something from the bank that says
8 that you're still the owner of that account?

9 MR. REDDING: Yes, sir.

10 MEMBER ALBERTI: And that would
11 settle it. I mean those three documents would
12 settle it for me. I mean, but hopefully
13 you'll understand when I see these trade names
14 being transferred, raises some huge red flags
15 for me, so.

16 MR. REDDING: Hey, you know, I
17 can't stop them from trying to chomp the
18 course, if they did. If they did then we
19 ought to have found that.

20 MEMBER ALBERTI: But we are where
21 we are. And so --

22 (Crosstalk)

1 MEMBER ALBERTI: -- have to follow
2 through.

3 MR. REDDING: I could cancel the
4 transfer of that license, and first worked it
5 out, and this wouldn't happen anymore period.
6 Because I own the license and it's mine. So
7 they don't want to be getting out of line on
8 anything. Because that's what I'm going to
9 do.

10 MEMBER ALBERTI: Thank you. I
11 just wanted to give you some indication of
12 that we're just on a wild --

13 (Crosstalk)

14 MR. REDDING: I understand, I
15 apologize.

16 MS. TODD: So the three, just to
17 be clear, the three things you'd like.
18 Something from PNC bank, management agreement,
19 and the sales asset, sales agreement. The
20 three things that the Board likes to see.

21 CHAIRPERSON MILLER: Yes.

22 MS. TODD: I just want to make

1 sure there. Okay.

2 MR. REDDING: Just give us a week
3 to get it all together and get it to over to
4 you.

5 MS. TODD: Yes, now that you want
6 the extra things, give me a week to get that.

7 CHAIRPERSON MILLER: Well I still
8 have a question. Do you recognize the
9 signature that is on the bank checks?

10 MS. TODD: Yes, this is Pete
11 Saregis --

12 MR. REDDING: Pete Saregis, that's
13 my general manager.

14 MS. TODD: -- as we just added
15 Dana Phoenix to the office.

16 MR. REDDING: And that's really,
17 the comptroller of the company.

18 (Crosstalk)

19 MS. TODD: She handles, she does
20 the bookkeeping.

21 CHAIRPERSON MILLER: Okay.

22 MR. REDDING: Mike does the night

1 time bookkeeping. So he wanted the title, so.
2 But she's been my, she's my wife's best friend
3 actually.

4 MEMBER ALBERTI: So I guess then
5 part of what we'd like to see from the bank is
6 signature cards, that would have been dated
7 sometime in the past for her. And the
8 documents that show you are the owner of the
9 account.

10 MR. REDDING: Yes, well the
11 account says James T. Redding. So you'll know
12 that right off the bat because you can see it.

13 MEMBER ALBERTI: Okay, all right,
14 we'll see. We'll see you guys.

15 CHAIRPERSON MILLER: Okay,
16 anything else? Mr. Peru, anything else? Is
17 there some reason you didn't interview the
18 applicant? That you didn't interview Mr.
19 Redding?

20 MR. PERU: Well no. There's no
21 good reason. I guess the honest answer would
22 be, after speaking with Mr. Thomas. My focus

1 was on that, because he made a statement
2 saying that his attorney submitted stuff and
3 that they were in the process of doing it.

4 So I was focused on seeing that
5 transfer. The only thing that I got was also
6 included in my report, that added, you know,
7 the Board order.

8 I know that Mr. Redding came in
9 regarding the renewal application. I received
10 that information only. That it was postponed
11 or dismissed or whatnot, so.

12 CHAIRPERSON MILLER: Okay.
13 Anything else? All right then. Thank you
14 very much.

15 MS. TODD: Thank you.

16 MR. REDDING: Thank you very much.

17 CHAIRPERSON MILLER: Okay.

18 (Whereupon, the hearing in the
19 above-entitled matter was concluded at 10:50
20 a.m.)
21
22

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