

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
 :
BJ Enterprises, Inc., :
t/a JP'S : Fact Finding
2412 Wisconsin Ave NW : Hearing
Retailer CN : (Status)
License No. 8511 :
Request to Remove License :
from Safekeeping :
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June 19, 2013
The Alcoholic Beverage Control
Board met in Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th
Street N.W., Washington, D.C., Member Nick
Alberti presiding.

PRESENT:
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
MICHAEL SILVERSTEIN, Member

ALSO PRESENT:

EARL JONES, ABRA Investigator

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

2 (11:04 a.m.)

3 CHAIRMAN ALBERTI: So we are back
4 on the record, and I apologize for the delay
5 here. But I assure you that it was in the
6 interest of making sure that things proceed
7 smoothly for our next hearing.

8 The next case I'm going to call is
9 BJ Enterprises, Inc., trading as JP's. This
10 is a fact-finding hearing, License Number
11 8511. And if I could have parties forward,
12 and introductions.

13 MR. KADLICK: Good morning, Mr.
14 Chairman and members of the Board. My name is
15 Paul Kadlick and I'm the authorized
16 representative for BJ Enterprises, Inc.,
17 trading as JP's Nightclub, and that's located
18 at 2412 Wisconsin Avenue in Washington, D.C.

19 CHAIRMAN ALBERTI: Okay, Mr.
20 Kadlick, are any of the principals from the
21 licensee here?

22 MR. KADLICK: Yes, several of them

1 are, three of the principals are here.

2 CHAIRMAN ALBERTI: Okay. If
3 necessary we can bring them forward.

4 MR. KADLICK: That's correct.

5 CHAIRMAN ALBERTI: Can we just at
6 least recognize who's here from the
7 principals? I think that would be best to do.

8 MR. KADLICK: Sure, let me
9 identify them. Jason Daniel.

10 CHAIRMAN ALBERTI: Wait, your last
11 name?

12 MR. KADLICK: Jason Daniel.

13 CHAIRMAN ALBERTI: Jason Daniel?
14 Okay.

15 MR. KADLICK: He's the president
16 of BJ Enterprises, Inc. Philip Mathew is the
17 vice president of BJ Enterprises, Inc..

18 CHAIRMAN ALBERTI: Okay.

19 MR. KADLICK: And Lawrence Nelson
20 is a shareholder.

21 CHAIRMAN ALBERTI: Okay, thank
22 you.

1 Thank you, gentlemen, for that. And with us
2 we have the ABRA investigator. Would you
3 introduce yourself, please?

4 MR. JONES: Earl Jones.

5 CHAIRMAN ALBERTI: Welcome,
6 Investigator Jones.

7 MR. JONES: Thank you, sir.

8 CHAIRMAN ALBERTI: Okay, this is a
9 fact-finding hearing on this license. We've
10 brought you forward because some concern, we
11 understand you have a brand new build-out and
12 furnishing --

13 MR. KADLICK: That's correct.

14 CHAIRMAN ALBERTI: -- for this
15 establishment. We know it was gutted by fire
16 and so it's all brand new and built out. Some
17 concerns were raised about the new furnishings
18 and design, about whether -- well, quite
19 frankly, the concerns were raised about
20 whether some of those changes, some of the new
21 design elements constitutes substantial
22 change, and how they might affect your ability

1 to comply with ABRA law.

2 So that's why we're here. What
3 we're going to do is start with Mr. Jones who
4 visited the establishment and provided the
5 Board with a letter detailing his
6 observations.

7 MR. KADLICK: Could I have a copy
8 of that as we go through this?

9 CHAIRMAN ALBERTI: Oh, I'm sorry.
10 I thought you would have had --

11 MR. KADLICK: Thank you.

12 CHAIRMAN ALBERTI: I apologize.
13 Okay, Mr. Kadlick, you'll be allowed to ask
14 Mr. Jones questions. The Board will ask him
15 questions, and then I'm going to turn it over
16 to you, Mr. Kadlick, to address.

17 It will probably be difficult for
18 you to address issues without hearing
19 questions from the Board. So if you want to
20 give a presentation that would be great, but
21 then we're going to turn it over to Board
22 questions. And that's probably where the meat

1 of the matter will get heard.

2 So Investigator Jones, I'm going
3 to ask you to sort of highlight your
4 observations from your letter.

5 MR. JONES: Yes, sir.

6 CHAIRMAN ALBERTI: And first of
7 all, Mr. Jones, I want to thank you for
8 turning this around in such short notice and
9 doing such a thorough job.

10 MR. JONES: Thank you, sir.

11 CHAIRMAN ALBERTI: Thank you.

12 Please continue.

13 MR. JONES: On Thursday, June
14 13th, 2013, I was assigned an investigation of
15 JP's located at 2412 Wisconsin Avenue, N.W.,
16 with reference to complaints from the ANC as
17 well as the neighboring community.

18 The complaints concerned a
19 possible substantial change to the
20 restructuring of the new construction of the
21 building, specifically, the build-out of the
22 two booths in the rear of the first level, the

1 addition of five dancing tables, and dancing
2 not being the regulated three feet from any
3 seated patron in the establishment.

4 On Thursday, June 13th, 2013, at
5 approximately 8:30 p.m., I visited JP's and
6 spoke to Paul Kadlick and the managing members
7 who allowed me to conduct a walk-through of
8 the space.

9 During my tour I observed that the
10 construction was completed, with the first
11 level having one bar and one stage with two
12 VIP alcoves and a handicap restroom towards
13 the rear of the establishment.

14 The first floor has a total of
15 nine surveillance cameras, with four cameras
16 positioned in the rear covering the two
17 alcoves and rear exit and bar area. The five
18 remaining cameras cover the main dancing area
19 and the front of the first level.

20 The second level also has one
21 stage and one bar with male and female
22 restrooms and a dressing room and shower

1 towards the rear of the establishment. The
2 second level has a total of ten cameras that
3 are strategically placed throughout the floor
4 to cover all areas of the level.

5 JP's also has three cameras that
6 cover the outside rear space and two covering
7 the outside covered walkway as well as two
8 covering the outside front entrance, to bring
9 the total camera count to 26 with the
10 recording capability of 30 days.

11 During my visit I did not observe
12 any alcohol on the premises.

13 Both stages had the required 18
14 inches in height from the immediate floor
15 level, and all seating areas were at that time
16 more than three feet from either stage.

17 Mr. Kadlick stated that the
18 establishment wishes to use bottle service
19 tables that will also double as dancing tables
20 upon request of a customer.

21 On Friday, June 14th, 2013, I
22 again visited JP's as a follow-up to my

1 investigation, and spoke with Mr. Phil Mathew,
2 the managing member of the establishment. I
3 conducted another walk-through of the space
4 and observed that the front glass window that
5 faces Wisconsin Avenue, N.W., was covered with
6 mirrors to shield the public from any activity
7 inside. Also on this visit I did not observe
8 any alcohol on the premises.

9 That's pretty much a quick
10 synopsis of what took place.

11 CHAIRMAN ALBERTI: Okay, I'm going
12 to turn it over for Board questions to Mr.
13 Jones.

14 MEMBER SILVERSTEIN: Mr. Jones --

15 MR. JONES: Yes, sir.

16 MEMBER SILVERSTEIN: -- basically,
17 what changes here from what had been there, by
18 your understanding, previously?

19 MR. JONES: Actually, I conducted
20 the protest for this same establishment, 2011,
21 I believe. At that time there was another
22 proprietor of the establishment, Mr. Michael

1 Papanicolas, who was trying to get the
2 building reconstructed at that point in time.
3 It was just dirt and rubble at that point. No
4 walls were constructed, it was just open space
5 inside. He submitted prints at that time.

6 CHAIRMAN ALBERTI: Mr. Kadlick,
7 you're covering our mic.

8 MR. KADLICK: I apologize.

9 CHAIRMAN ALBERTI: If you'd just
10 move it to the side a little bit. Thank you.

11 MR. JONES: He submitted
12 blueprints of the area at that time. Again,
13 there was no build-out so you're just kind of
14 going off the blueprints at that point in
15 time.

16 At that time, he did have one
17 stage. He had one bar on the first level.
18 There were certain areas that were kind of
19 designated seating areas. One was where the
20 two alcoves are now. And he had restrooms as
21 well on the first level.

22 On the second level he had the

1 same thing. It was one stage and one bar.
2 The difference is he had a dressing room as
3 well as a kitchen in that area, on the
4 blueprint itself.

5 So that would be the difference
6 between what the space looks like now and what
7 it was intended to look like then.

8 MEMBER SILVERSTEIN: You mentioned
9 he wishes to use bottle service tables to
10 double as dancing tables?

11 MR. JONES: Yes, sir.

12 MEMBER SILVERSTEIN: Was that per
13 your understanding what was there previously
14 as a usage? A table is both a table and a
15 stage. It becomes a stage if someone's
16 dancing on it, by that definition. If one
17 were to accept that definition. I'm not
18 saying, you know, everybody has to.

19 Has there been a change up from
20 the way this operated prior to the gutting?

21 MR. JONES: From the previous
22 blueprints, from my understanding, there were

1 no, and speaking with Mr. Papanicolas at that
2 time there were no dancing tables at that
3 time. These tables that Mr. Kadlick and the
4 managing members are speaking of are actually
5 tables that are bottle service tables.

6 I don't have the report in front
7 of me, sir, but I did take photographs of the
8 tables as they are bottle service tables. And
9 if a customer requests to have an employee
10 dance then they can cover the table, that the
11 table doubles. It covers over the bottle
12 portion where you can put the ice bucket, and
13 it doubles as a table at that point where the
14 employee can dance on top.

15 CHAIRMAN ALBERTI: Just for Mr.
16 Kadlick. Mr. Kadlick, Exhibits 19 and 20 of
17 Mr. Jones' letter are pictures of those tables
18 that we talked about. I'm sure you know what
19 they look like, but just for the record.

20 MR. KADLICK: Yes, thank you.

21 MR. JONES: He doesn't have the
22 picture. I just have the report, sir.

1 CHAIRMAN ALBERTI: We'll get him
2 one. Continue.

3 MEMBER SILVERSTEIN: Mr. Jones,
4 according to your understanding -- and I thank
5 you for the report. It is thorough and
6 complete. Excellent.

7 According to your understanding,
8 this is the single major change, or are there
9 other changes in how this place would be
10 operating versus how it operated prior to the
11 gutting? And we're speaking of dancing and
12 stages.

13 MR. JONES: If you're speaking of
14 the differences between the previous
15 blueprint, which again was not a build-out,
16 the difference would be on the previous
17 blueprint it did not indicate an area where
18 the two alcoves are. However, that area was
19 designated for seating space.

20 The other difference is that the
21 previous blueprints did not indicate that they
22 were using the five dancing tables.

1 MEMBER SILVERSTEIN: Are the
2 alcoves visible? If there were to be dancing
3 in those alcoves what is the visibility of
4 what's going on there?

5 MR. JONES: If you walk into the
6 lobby area of the establishment, directly in
7 front of you is a staircase that leads to the
8 second level. There's an opening to your left
9 that goes to the first level of the main
10 dancing area.

11 There is a mirror that is actually
12 on the wall. You can actually see the alcoves
13 from walking into the main space. As you
14 enter into the main first level you can
15 clearly see the alcoves from the front of the
16 establishment.

17 There's nothing covering them.
18 There's no glass. There's no curtains.
19 There's no, anything obstructing the view. If
20 you walked towards the rear of the
21 establishment and you're actually standing in
22 front of the alcoves, you can see everything

1 all the way through the main space.

2 So from my observation I didn't
3 see anything that was an obstruction to what
4 may be going on in that area.

5 MEMBER SILVERSTEIN: Is there any
6 reason why the tables that could be used to
7 double as dancing tables could not be used, or
8 there would be any harm to the licensee if
9 they were to be used, at least in the interim,
10 simply as tables for people to sit and not as
11 dancing tables?

12 MR. JONES: I don't see any harm
13 in that. I think for them, and of course they
14 can answer this, I think that everything leads
15 to a monetary resolution.

16 MEMBER SILVERSTEIN: Sure.

17 MR. JONES: So again, I can't
18 really answer that for them. I don't see a
19 reason why they couldn't use the tables just
20 as bottle service tables, if that's what
21 you're asking.

22 MEMBER SILVERSTEIN: Yes.

1 MR. JONES: Okay.

2 MEMBER SILVERSTEIN: Okay, I have
3 no further questions.

4 CHAIRMAN ALBERTI: Mr. Jones?

5 MR. JONES: Yes, sir.

6 MEMBER JONES: Thank you, Mr.
7 Chair.

8 MR. JONES: I'm sorry. I thought
9 he was talking to me.

10 CHAIRMAN ALBERTI: No, no, no.
11 Board Member Jones. I'm sorry.

12 MR. JONES: Right.

13 MEMBER JONES: I'm Jones too.

14 Just a quick recap. I know you
15 read through it. I was taking notes, but I
16 wasn't taking notes as copiously or as quickly
17 as I normally would. So one stage, did you
18 mention VIP areas or something similar to what
19 I could typically characterize as a VIP area?

20 MR. JONES: Mr. Kadlick indicated
21 that the alcoves in the rear are more or less
22 a VIP area. Normally a VIP area would be

1 roped off to some degree, but this area isn't,
2 at least that's not from my understanding.

3 MEMBER JONES: Okay.

4 MR. JONES: Again, he could give
5 you a clearer explanation as to what they're
6 going to look like or what the whole intent of
7 them are --

8 MEMBER JONES: I understand.

9 MR. JONES: -- as far as that
10 whole portion is concerned. But from my
11 understanding they labeled them as the VIP,
12 two VIP alcoves.

13 MEMBER JONES: Two VIP alcoves.

14 MR. JONES: Yes, sir.

15 MEMBER JONES: Okay, quantity two,
16 and one bar on the first floor.

17 MR. JONES: Yes, sir.

18 MEMBER JONES: Second floor, one
19 stage, one bar?

20 MR. JONES: Yes, sir.

21 MEMBER JONES: Any alcove, VIP?

22 MR. JONES: No, sir.

1 MEMBER JONES: Okay. You did
2 mention that's where the dressing room?

3 MR. JONES: They have a dressing
4 room and shower as well as a male and female
5 restroom towards the rear of the
6 establishment.

7 MEMBER JONES: Okay, I'm going to
8 make an assumption. Based on your
9 observation, the dressing room and the shower
10 is for the employees of the establishment?

11 MR. JONES: Employees, correct.

12 MEMBER JONES: Okay. Access from
13 the first floor to the second floor for the
14 entertainment. Did you see there being a
15 private or a closed off access area that was
16 separate from the public, in your observation?

17 MR. JONES: I didn't observe
18 whether there was a rear stairwell. I didn't
19 see that. I only saw that there's one main
20 stairwell, and that's as soon as you enter the
21 establishment.

22 There's a small lobby area and it

1 takes you two ways. You either go up the
2 stairs or you go to the left towards the
3 front, towards the first level.

4 MEMBER JONES: Okay.

5 MR. JONES: There's an
6 entranceway.

7 MEMBER JONES: All right. As far
8 as the tables were concerned or have been a
9 topic of discussion, where, in your
10 understanding, were the tables to be placed
11 first floor, second floor-wise? How many on
12 the first floor, how many on the second floor?

13 MR. JONES: Okay. So during my
14 visits I only observed one that was
15 constructed, but from my understanding there
16 are supposed to be five in total. There's
17 supposed to be three on the second level and,
18 I believe, two on the first level.

19 MEMBER JONES: Three on the second
20 level and --

21 MR. JONES: Two on the first
22 level.

1 MEMBER JONES: And if you can,
2 based on your being there, physically, could
3 you envision how the tables would be situated
4 on either the first floor and the second
5 floor, and what impact that would have on the
6 utilization of the remaining space?

7 In other words, you have a stage
8 on the first floor, you have a bar. You have
9 two tables with table service, and you have a
10 VIP alcove. Is there any remaining space that
11 they could do anything with, i.e., standing
12 room only --

13 MR. KADLICK: Could I interject,
14 because there's one correction here, and just
15 so that there's an understanding. There's
16 five tables in total. Two of them are in the
17 alcoves and then there are only three
18 additional tables. The way you inferred it
19 there was five plus the alcoves. Two are in
20 the alcoves and there are three additional
21 tables, just for clarity.

22 MEMBER JONES: Thank you.

1 MR. JONES: Thank you.

2 MEMBER JONES: So based on that
3 correction, stage, bar, VIP alcove with the
4 two tables in the alcove area, the rest of the
5 space could you envision there being utilized
6 in some other way?

7 And I'm not trying to have you
8 specify how it could be used, but is there
9 space there available for them to do any other
10 thing with?

11 MR. JONES: And what Mr. Kadlick
12 stated was what I was going to tell you, was
13 the two tables, from my understanding were
14 going to be towards the rear of the
15 establishment within the alcoves or in front
16 of the alcoves.

17 MEMBER JONES: Okay.

18 MR. JONES: So therefore, the rest
19 of the space on the first level is free and
20 clear and there's plenty of walkway between
21 where the seating is, the stage area, to clear
22 the bar. There's plenty of room, with

1 reference. But as far as trying to do
2 anything else in that space, no.

3 MEMBER JONES: Okay. Second
4 question, follow-on to that second floor
5 where's there three tables.

6 MR. JONES: The second floor, and
7 again because they only had one, I can see
8 where the one could be, I could tell that
9 there's room for possibly the two others in
10 that space.

11 But it all depended on how many
12 seats were in the area too. I don't know if
13 they had all of their seating at that time
14 when I visited at the second time.

15 MEMBER JONES: Okay.

16 MR. JONES: It seems like they
17 were still getting things together with
18 reference to seating.

19 MEMBER JONES: So Exhibit 20, I
20 don't know if you have it with you or not, but
21 there's a picture of a table with some seats
22 around it. Is this representative or --

1 MR. JONES: That was
2 representative of one of the tables, yes, sir.

3 MEMBER JONES: Representative of
4 one of the tables?

5 MR. JONES: And the seating. Yes,
6 sir.

7 MEMBER JONES: Was this in their
8 establishment?

9 MR. JONES: Yes, sir.

10 MEMBER JONES: What floor?

11 MR. JONES: That was on the second
12 level.

13 MEMBER JONES: It was on the
14 second level.

15 MR. JONES: Yes, sir.

16 MEMBER JONES: Okay, so it's hard
17 for me to count blocks on this one, but could
18 you estimate for me what floor area this is?
19 Is this roughly, maybe 30 square feet
20 surrounding?

21 If you look at your Exhibit 20, if
22 you have it, I see three seats. If I'm

1 looking at it from the perspective of how this
2 picture was taken, directly across from me,
3 180 degrees from me, there's three seats.
4 Then to the left there's, looks like three to
5 four seats, and then to the right there's one
6 seat. And then someone is standing there
7 taking a picture of the table.

8 Is that representative, or were
9 you led to believe that this was
10 representative of how they would configure the
11 other tables as well?

12 MR. JONES: Yes.

13 MEMBER JONES: Okay. If that's
14 the case, if this is the exact same
15 configuration they used to apply across the
16 entire second floor for the three total number
17 of tables --

18 MR. JONES: Now let me stop you
19 for a second. I don't have the exhibits in
20 front of me. I think the exhibit you're
21 referencing is the one with the table with the
22 seats around it?

1 MEMBER JONES: Yes. Exhibit 20,
2 this one.

3 MR. JONES: Yes, okay. So from my
4 understanding, I don't think that the other
5 two tables are a direct representation of what
6 you see there.

7 MEMBER JONES: Okay.

8 MR. JONES: I think the other two
9 tables may have either one chair on one side
10 or one on the other versus it being
11 surrounded.

12 MEMBER JONES: Understood.

13 MR. JONES: You understand what
14 I'm saying?

15 MEMBER JONES: Yes, I do.

16 MR. JONES: So, and again they
17 only had the one table there. So again that
18 would be something that you would have to ask
19 them.

20 MEMBER JONES: Understood.

21 MR. JONES: But from what I'm
22 understanding the other two tables wouldn't

1 have, necessarily have chairs surrounding the
2 entire table.

3 MEMBER JONES: Okay. And the
4 reason why I was asking you these questions in
5 terms of how much space and how many tables is
6 I'm trying to figure out, if it takes up the
7 majority of the floor space and that wasn't
8 accounted for previously, i.e., then there must
9 have been something different there to occupy
10 that space previously, or at least
11 conceptually.

12 And I understand where you're
13 saying from the blueprints of what you had
14 before when you provided the support for the
15 protest hearing that those blueprints didn't
16 represent or didn't have represented in them,
17 the tables.

18 MR. JONES: Right.

19 MEMBER JONES: Did the blueprints
20 have anything other than structural items
21 represented in them, i.e., structural stage,
22 structural bathroom, structural how-we're-

1 going-to-lay-out-the-bar? Did it have a floor
2 plan with number of seats, number of booths in
3 it?

4 MR. JONES: No.

5 MEMBER JONES: No, okay. So from
6 that standpoint you have no basis to know that
7 it was a different layout for the floor items
8 from A, i.e., 2011, to B, i.e., 2013, where we
9 are today.

10 MR. JONES: Correct.

11 MEMBER JONES: So there's no
12 reason that you would have to believe or state
13 from a knowledge standpoint that the addition,
14 if you want to call it that, of these VIP
15 tables is significantly different than the
16 plan that could have been implemented back in
17 2011?

18 MR. JONES: Correct.

19 MEMBER JONES: Okay, thank you.
20 Thank you, Chair.

21 CHAIRMAN ALBERTI: Any other
22 questions?

1 MEMBER BROOKS: Yes, I do, Mr.
2 Chairman. Thank you.

3 Mr. Jones, again I'm going to
4 reference Exhibit 20, which I understand you
5 do not have. But this is an alcove, is that
6 what you call it?

7 MR. JONES: I believe the exhibit
8 that you're referencing is the one with the
9 table?

10 MEMBER BROOKS: Yes.

11 MR. JONES: Okay, no. This is on
12 the second level, sir.

13 MEMBER BROOKS: Second level.

14 MR. JONES: Yes, sir.

15 MEMBER BROOKS: Okay.

16 MR. JONES: So this is just open
17 seating space that you're looking at.

18 MEMBER BROOKS: Okay, but that's a
19 table here?

20 MR. JONES: That's a table.

21 MEMBER BROOKS: Now is this a
22 table that dances, would be dancing on?

1 MR. JONES: Yes, sir.

2 MEMBER BROOKS: They will be.

3 MR. JONES: If you go to the
4 previous exhibit, 19, it shows that the table,
5 when it's open it's used as a bottle service
6 table. So it has the circle in the middle
7 that you put your ice bucket in, and if a
8 customer requests an employee to dance on a
9 table then they would, therefore, there are
10 sides that cover it and then you get Exhibit
11 20.

12 MEMBER BROOKS: Okay. So now is
13 this table stationary?

14 MR. JONES: The table is mobile.
15 You can move the table. So it's not nailed to
16 the ground. It's not screwed in. It's
17 mobile.

18 MEMBER BROOKS: Okay. And just
19 looking at this Exhibit 20, and looking at the
20 tables, I'm sorry, the chairs surrounding the
21 table --

22 MR. JONES: Yes, sir.

1 MEMBER BROOKS: -- it looks like
2 it's approximately, you know, three feet or
3 more away, each chair, from what I can see.
4 But I'm just trying to envision having bottle
5 service with chairs that far away.

6 MR. JONES: Well, again, you know,
7 from my understanding this is, I guess when
8 you're doing the bottle service you have
9 individuals that will stand up to get a drink.
10 However, my understanding is if there is a
11 dancer who is on the table you remain seated.

12 MEMBER BROOKS: Sure, okay.

13 MR. JONES: So at that point, if
14 it's the bottle service table you can get up
15 and get your drink and then sit back down.

16 MEMBER BROOKS: Okay, and matter
17 of fact, maybe Mr. Kaddick is a better person
18 to respond to this question.

19 And I can wait until you give your
20 presentation and ask you the same question.

21 MR. JONES: All right.

22 MEMBER BROOKS: Thank you, Mr.

1 Chair.

2 CHAIRMAN ALBERTI: Okay, and real
3 quick just for my understanding, your
4 understanding is how many of these small
5 tables on the second floor?

6 MR. JONES: Three, sir.

7 CHAIRMAN ALBERTI: Three.

8 MR. JONES: Yes, sir.

9 CHAIRMAN ALBERTI: And then how
10 many on the first floor?

11 MR. JONES: Two.

12 CHAIRMAN ALBERTI: And those, Mr.
13 Kadlick said, would be in the alcove?

14 MR. JONES: Yes, correct.

15 CHAIRMAN ALBERTI: Very good, so I
16 have it clear in my mind.

17 All right, Mr. Kadlick, I'm going
18 to allow, you can ask Investigator Jones
19 questions or you can just give a presentation.

20 MR. KADLICK: Let me start with
21 Investigator Jones just for some clarity on a
22 handful of issues and then I will have a

1 closing --

2 CHAIRMAN ALBERTI: Excellent.

3 MR. KADLICK: Good to see you
4 again, Earl.

5 MR. JONES: Thank you.

6 MR. KADLICK: In your visits to
7 JP's nightclub -- let me preface that with a
8 different question. Had you been to the JP's
9 prior to the devastating fire of 2008?

10 MR. JONES: No, sir.

11 MR. KADLICK: Okay. So you have
12 no familiarity with that?

13 MR. JONES: No, sir.

14 MR. KADLICK: You made reference
15 to plans that were submitted by a previous
16 ownership group where they were going to
17 attempt to try to reopen and secure financing
18 and do all this that this ownership group has
19 now been successful in doing.

20 In doing that, these weren't
21 structural, mechanical or building permit
22 plans. This was just a simple building

1 sketch. Is that correct?

2 MR. JONES: These were blueprints
3 that were done by an architectural firm.

4 MR. KADLICK: Okay. They were,
5 okay. And in doing so, as you look at your
6 ABRA experience with respect to substantial
7 change, does the ABRA Board ask you frequently
8 to go out and do investigations regarding what
9 may or may not be a substantial change?

10 MEMBER JONES: We are asked to do
11 all sorts of different types of
12 investigations, so that is one of them. Yes,
13 sir.

14 MR. KADLICK: So in your
15 experience as an ABRA investigator, looking at
16 these modest alcoves, these now famous alcoves
17 which are really just small, private seating
18 areas and that have been made famous through
19 the efforts of the ANC, would you regard that
20 as anything other than private, a small
21 seating area that's fully exposed?

22 CHAIRMAN ALBERTI: Mr. Kadlick,

1 I'm going to interrupt you here. I think what
2 we want from Mr. Jones is factual information.
3 You're asking him to make judgments, and those
4 judgments really are the purview of the Board.

5 All right. Also, I will tell you
6 that we treat every case on its own merits,
7 and so whether we have investigations or not
8 we send out investigators for all sorts of
9 reasons. So kind of stick to the factual
10 questions for Mr. Jones, and then you can make
11 your arguments to the Board about how this
12 should be perceived.

13 MR. KADLICK: Thank you, Mr.
14 Chairman.

15 Mr. Jones, then two additional
16 questions regarding that. One is, do you feel
17 that area that's in question is heavily
18 cameraed?

19 MR. JONES: Yes.

20 MR. KADLICK: Secondly, and more
21 importantly, based on the simple criteria of
22 alcohol beverage control being that a table

1 needs to be 18 inches from the floor or a
2 stage and that needs to have a pathway of a
3 three-foot distance between a patron and an
4 entertainer, do you feel these alcoves will
5 comfortably meet those requirements?

6 MR. JONES: I do. I think that
7 the positioning is important with reference to
8 where the patron is seated and the table, but
9 I feel that it could be done. Yes.

10 MR. KADLICK: Okay. Let me, one
11 additional question, Mr. Jones. The liquor
12 license in question is a CN-01 liquor license
13 which has the nude entertainment endorsement,
14 the caveat of nude entertainment.

15 Are you familiar with other
16 establishments in the District of Columbia
17 that allow table dancing with the similar
18 licensing?

19 CHAIRMAN ALBERTI: I guess the
20 question, Mr. Jones, have you done
21 investigations of other establishments?

22 MR. JONES: I've done

1 investigations of other establishments.

2 However, it wasn't an investigation of table
3 dancing.

4 CHAIRMAN ALBERTI: Okay.

5 MR. KADLICK: And yet though, in
6 the cursory investigation of other matters
7 were you familiar with table dancing going on
8 in a CN-01 licensed establishment in the
9 District of Columbia?

10 MR. JONES: Yes, sir.

11 MR. KADLICK: Okay. Thank you,
12 Mr. Jones. In addition to that I would ask as
13 we look at that specifically, these private
14 alcoves, are you familiar with other CN-
15 licensed establishments that have the caveat
16 of nude entertainment that also have rooms of
17 this nature that are even more substantial,
18 more private and more hidden than ours?

19 MR. JONES: Yes, sir.

20 MR. KADLICK: Thank you, Mr.
21 Jones. Also as I look to this, I would ask
22 you as we look at the other issues regarding

1 table dancing, you know -- and I appreciate
2 not only your efforts in the last handful of
3 days, but you did come up, you did actually
4 help us place the tables to get a better sense
5 for your investigative report.

6 There will be additional tables
7 upstairs, for sure, but these are the tables
8 that we had limited the table dancing to, and
9 I just wanted to get clarity that this is
10 something that is comfortable in the District
11 of Columbia and other establishments' licenses
12 similar to us.

13 I would also, just to make
14 reference to the Board, we had in this process
15 a near 60-day delay because the zoning
16 administrator himself delayed this process to
17 do a further investigative study to qualify
18 that these alcoves and these dancing tables
19 are acceptable under the zoning administration
20 in the District of Columbia, and they were
21 incorporated into our building permit as
22 acceptable and of common practice.

1 And as you guys are better aware
2 than I am, the only caveats in the alcohol
3 regulations regarding nude entertainment are
4 those regarding the 18-inch height requirement
5 and the three-foot patron to entertainer
6 requirement.

7 Mr. Jones, I want to ask you,
8 you've met the ownership group, you've met the
9 layout, you've seen their intent. Are you
10 comfortable representing to the Board that you
11 think these owners have full understanding of
12 the requirements regarding the nude
13 entertainment endorsement in the District of
14 Columbia?

15 MR. JONES: I do.

16 MR. KADLICK: So again, it's your
17 testimony that you feel comfortable these
18 gentlemen have knowledge of what their
19 requirements are?

20 MR. JONES: Yes.

21 MR. KADLICK: And you feel in your
22 cursory review of JP's that they have met

1 those requirements?

2 MR. JONES: Yes.

3 MR. KADLICK: Thank you.

4 That's all of my questions for Mr.
5 Jones regarding that.

6 CHAIRMAN ALBERTI: Great. Mr.
7 Jones -- you want follow-up questions of Mr.
8 Jones?

9 MEMBER JONES: Yes.

10 CHAIRMAN ALBERTI: Board Member
11 Jones, please.

12 MEMBER JONES: Just really
13 quickly, just to follow-up to the question you
14 just answered just to make sure I'm clear.
15 The entire establishment wasn't laid out, so
16 you cannot speak definitively that they have
17 met it in terms of the stand-off distance and
18 the height requirements across the board.

19 MR. JONES: The height
20 requirements with reference to the stages, I
21 can't.

22 MEMBER JONES: Okay.

1 MR. JONES: With reference to, and
2 again just like I spoke to earlier, all of the
3 seating wasn't in place.

4 MEMBER JONES: Correct.

5 MR. JONES: But the knowledge that
6 they have with reference to laws and
7 regulations and things that they know that
8 they're supposed to have, all of them, each
9 management member as well as Mr. Kadlick was
10 able to articulate and that the knowledge that
11 they're supposed to have with reference to the
12 new licenses, those types of things. However,
13 like I said, with the seating I don't believe
14 that all the seating was in place.

15 MEMBER JONES: Correct.

16 MR. JONES: When I saw on my
17 initial visit on the 13th, I observed the
18 table by itself. They didn't have a lot of
19 the seating upstairs.

20 MEMBER JONES: Okay.

21 MR. JONES: When I went back on my
22 second visit that's the Example 20 that you

1 see. So at that point everything was, the
2 seating area was in place. Again, you would
3 have to ask them if they're going to add more
4 seating. I'm not sure.

5 MEMBER JONES: Right.

6 MR. JONES: But what you see was
7 on my second visit where they had things
8 staged.

9 MEMBER JONES: Okay, but on your
10 second visit --

11 MR. JONES: Yes, sir.

12 MEMBER JONES: -- on the second
13 floor, if I understood correctly they only had
14 one table in place with the surrounding
15 accompaniment of chairs.

16 MR. JONES: Yes.

17 MEMBER JONES: Whether that's the
18 final configuration or not that's TBD, but
19 they only had one.

20 MR. JONES: Yes.

21 MEMBER JONES: So you can only
22 speak to the one that you saw. You cannot

1 speak to the entire layout, correct?

2 MR. JONES: Correct.

3 MEMBER JONES: Okay, thank you.

4 MR. KADLICK: Mr. Chairman, could
5 I interject to Mr. Board Member Jones, just
6 for clarity?

7 We had a single table that as a
8 prototype had been delivered and it was just
9 still in the building. All the other
10 furniture, 100 percent of it is in and it was
11 in another location because we were still
12 under the final stages of construction.

13 And so we had a single table
14 there, and when Investigator Jones surfaced
15 and asked that could he come and do a drive-by
16 and a walk-through we invited him immediately.
17 And that table was there and so we were able
18 to use that table just as evidentiary material
19 to show him how it was our intention to use
20 these tables and how they would be laid out.

21 The rest of the furniture is
22 probably being delivered as we sit here. But

1 it will be very similar in size, nature, exact
2 stature that was seen by Investigator Jones,
3 and was used for the purpose of both these
4 illustrations and his understanding.

5 MEMBER JONES: Understood, no
6 issue. I was just making sure I draw a
7 distinction between what I, possible
8 interpretation of your questioning of him and
9 to make sure what it was clear that he was
10 able to speak to from a factual standpoint
11 versus what was communicated to him as the
12 intent.

13 MR. KADLICK: Well, and I
14 appreciate that. I just want to know the
15 furniture does exist and it's being delivered
16 today.

17 MEMBER JONES: I'm sure we'll get
18 to those questions.

19 MR. KADLICK: All right, thank
20 you.

21 CHAIRMAN ALBERTI: Any further
22 questions? Mr. Jones?

1 MEMBER JONES: No, sir. Thank
2 you.

3 CHAIRMAN ALBERTI: Okay,
4 Investigator Jones, I'd ask you to remain with
5 us.

6 MR. JONES: Yes, sir.

7 CHAIRMAN ALBERTI: And Mr.
8 Kadlick, go ahead if you would like to.

9 MR. KADLICK: Thank you, Mr.
10 Chairman and members of the Board. Again, we
11 are here essentially because ANC 3B has been
12 incessant in their effort to see that this
13 retail operation is not resumed.

14 Although I would suggest to you
15 that this very Board renewed this license last
16 year, I believe, in 2011 when Mr. Jones was
17 involved in that protest hearing, there were
18 a few modifications to a voluntary agreement.
19 We have inherited that voluntary agreement,
20 and are honoring it as we sit here. And in
21 doing so there are certain restrictions that
22 are already in place.

1 As we moved forward in this
2 project, we went the cumbersome route with
3 Zoning to make sure that this was in order and
4 that these, we are fully aware of activities
5 of this nature and several nude entertainment
6 facilities in the District of Columbia.

7 And so we went down the longer
8 path and got approval and had this
9 incorporated into our building permit. And
10 this a matter that the ANC has known about for
11 quite some time.

12 I would also represent to the
13 Board that there's a certain frustration on
14 the part of the ownership group right now, and
15 I say that because the underlying issue is not
16 one we're uncomfortable with, nor is it one
17 that gives us any pause for concern. We would
18 debate this issue at length and with clarity.

19 The issue that its timing is the
20 matter. And I say that because this Board had
21 visited this issue some seven or eight weeks
22 ago, and frankly, the Board made the correct

1 decision that day and said that this was a
2 matter for a protest hearing.

3 The frustration on the part of the
4 ownership group is they are ready to open.
5 They are in possession of their certificate of
6 occupancy and all the other ancillary things
7 that they need.

8 And the Board after a seven or
9 eight-week delay hence reversed themselves.
10 And I'm not familiar with a lot of ABRA
11 rulings, but I don't see you guys do that very
12 often.

13 Your reversal has caused unrest,
14 has caused an adverse effect to nearly 40
15 employees who are supposed to start who are
16 going to earn money in the District of
17 Columbia. You have adversely affected the tax
18 collections of the District of Columbia with
19 respect to the sale of this alcohol and food.

20 The last-minute reversal is what
21 is causing our unrest. We were prepared and
22 would have been prepared and made an effort to

1 discuss these issues in April when it first
2 surfaced.

3 And we were under construction.
4 It would not have had a negative impact on
5 this matter. We would have had ample time to
6 have these discussions without affecting the
7 opening.

8 Now we're ready to open, the Board
9 has made a reversal, and everything has come
10 to a screeching halt. And it's very
11 unfortunate, very costly, and adversely
12 affects residents of this community.

13 And I appreciate Mr. Jones'
14 testimony. The ownership group is fully
15 competent with respect to what's required of
16 the stewardship of a license like this, and
17 they're competent with respect to how to
18 manage that stewardship. And I would further
19 suggest to this Board that we are in a
20 position we're just wanting to move forward.

21 And there was also, call it a
22 comedy of errors. I don't believe anybody

1 specifically was at fault, but it took
2 multiple weeks to get before this Board with
3 a simple request to move this license from
4 safekeeping. Had that been done by ABRA in a
5 timely and efficient manner, this issue would
6 have been surfaced and debated weeks ago,
7 still giving us ample time to have the
8 underlying debate and not adversely affect
9 opening.

10 The work has been done. It's time
11 to let these gentlemen get to work, let them
12 open their business and let these employees go
13 to work.

14 So we again, we implore this Board
15 today, please recognize the effort and time
16 and energy that's been put into this, and we
17 again ask you to vote as we're here to remove
18 this license from safekeeping and let this
19 business resume retail operations.

20 CHAIRMAN ALBERTI: Anything else,
21 Mr. Kadlick?

22 MR. KADLICK: I'm sure I might

1 answer a question or two if you have one, Mr.
2 Chairman.

3 CHAIRMAN ALBERTI: Yes, we will
4 have questions. I just want to say, you know,
5 we hear you loud and clear, Mr. Kadlick, but
6 we are holding this hearing out of an
7 abundance of caution.

8 We didn't want you to open and
9 then have a decision come down later,
10 something be revealed in a protest hearing
11 that said to you, oh, you can't do that. You
12 need to make these changes.

13 MR. KADLICK: And I respect that,
14 Mr. Chairman.

15 CHAIRMAN ALBERTI: So this wasn't
16 a frivolous decision, all right, and we are
17 doing what we think is in everyone's best
18 interest. But I hear you loud and clear and
19 I understand your frustration, and we do
20 understand the hardship that it causes.

21 Okay. So, but let's stay to the
22 facts. That will be helpful to us the most.

1 MR. KADLICK: I don't believe I
2 misstated anything, Mr. Chairman.

3 CHAIRMAN ALBERTI: All right, most
4 helpful to us. So I'm going to open it up to
5 questions from the Board.

6 MEMBER JONES: Thank you, Mr.
7 Chairman.

8 So I guess I'm a little -- I just
9 want to step back a little bit and just kind
10 of go back to, I guess, some of the specifics
11 about the nature of the tables, and give you
12 an opportunity to speak to how you plan to
13 use, distribute and orient the tables to
14 ensure that you're going to stay in compliance
15 with what you clearly noted as the
16 requirements of the District of Columbia when
17 it comes to the nature of this type of
18 establishment.

19 MR. KADLICK: Okay, Mr. Jones. I
20 would suggest to you that the setup and layout
21 of the tables, the design of the tables
22 themselves were to cause the enhancement of

1 the three-foot rule that we're all fully
2 competent in.

3 I think as Investigator Jones
4 testified, this is a heavily cameraed facility
5 and we also incorporated into the
6 sophisticated security camera system an
7 additional memory system so that we could go
8 30 days back for any incident.

9 This ownership group, while
10 concerned with their patrons and employees,
11 are also concerned with their investment. And
12 so having said that, they don't want to do
13 anything that would be considered untoward
14 with respect to the District of Columbia's
15 laws.

16 So they spent an extraordinary
17 amount of time in their effort with the
18 architect and with everybody else and
19 understanding ABRA rules to construct a
20 facility that allowed an activity that was
21 sanctioned by the zoning administrator and
22 takes place actively in other nude facilities

1 in the District of Columbia.

2 And so if these activities are
3 allowed in other venues and they're also under
4 District of Columbia law, right, there's no
5 premise under which Glover Park would have
6 their own set of rules. Having said that,
7 that was the essence of these tables.

8 It is an approved practice. It is
9 approved by Zoning. It is not prohibited by
10 ABRA law. It is not a substantial change. It
11 is an activity. They are moveable tables.
12 Now to give you more specifics, Mr. Jones,
13 they are going to be sold in very small-time
14 increments for a very modest amount of money
15 as is the practice in other facilities of this
16 nature all over the country, not just the
17 District of Columbia. And so that's why even
18 to further enhance Mr. Jones' comments, they,
19 in use as a bottle service table and then in
20 turn being covered, they're only covered for
21 a moderate amount of time.

22 Your average person who's drinking

1 at a good pace is going to have a drink every
2 ten or 12 minutes. These tables will be
3 covered in three-minute increments. So
4 they're not going to adversely affect that.
5 They're not going to further enhance the
6 alcohol consumption, and they're not going to
7 change anything with respect to how the
8 business is run.

9 MEMBER JONES: Okay. So let me
10 take a different tact. So you described to me
11 what we understand to be general practice and
12 the rules and what have you. What I'm really
13 trying to focus in on, during operations how
14 are you going to maintain?

15 Are you going to have, for
16 example, are you intending to have a security
17 person stand at each of these tables to ensure
18 that the distance stand-off requirement is met
19 and maintained?

20 And how are you going to work the
21 facilities from the standpoint of removing the
22 -- I call it the lid, but the cover for the

1 tables so that the performing can be
2 performed, and then restore it when it's time.

3 What are the logistical, how are
4 you handling the procedures for the operation
5 to ensure that you maintain what you keep
6 reiterating that you know, which I get so I
7 don't need to hear that anymore, I just want
8 to understand how you're going to maintain
9 that.

10 MR. KADLICK: In the two
11 instances, there will not be -- security is,
12 we've provided a security plan to ABRA and
13 we've provided our security camera plan to
14 ABRA.

15 But in addition to that, and there
16 are security throughout the building, heavily
17 staffed with security, and yet these are going
18 to be both run by two floor managers, a floor
19 manager on the first floor, a floor manager on
20 the second floor, whose primary responsibility
21 is to the sale and facilitation and collection
22 of monies for these dances. And in turn that

1 will be done by a staffed middle manager.

2 MEMBER JONES: So you'll have one
3 security person or one --

4 MR. KADLICK: No, multiple
5 security persons. The persons responsible for
6 these tables in question are floor managers.

7 MEMBER JONES: So the person
8 responsible for maintaining, for ensuring --

9 MR. KADLICK: Ensuring that --

10 MEMBER JONES: -- patrons, all
11 right, don't create a situation where you're
12 in violation, how many individuals are going
13 to be responsible for that per table?

14 MR. KADLICK: Specific to the
15 alcoves there's a floor manager and an extra
16 because they are right near an egress that is
17 securitized.

18 MEMBER JONES: So that sounds like
19 two, so one per table.

20 MR. KADLICK: That's two there.
21 And at the tables upstairs, one floor manager
22 --

1 MEMBER JONES: Slow down. One per
2 table on the first floor, is that correct?

3 MR. KADLICK: It's not designed
4 that way. It's one floor manager responsible
5 for both, but they are right next to an egress
6 that is always securitized with the security
7 manager who is literally closer than the
8 dancer will be to the patron.

9 MEMBER JONES: So how many is that
10 per table?

11 MR. KADLICK: Well, it's one per
12 table but it's not designed that way.
13 Essentially it's, there's two people and
14 there's two tables. So you're correct.

15 MEMBER JONES: Okay. I may come
16 back to that later.

17 MR. KADLICK: Okay.

18 MEMBER JONES: So second floor?

19 MR. KADLICK: Second floor, there
20 are three tables that will have this as an
21 option, and there will be one floor manager
22 responsible for the maintenance and management

1 and sale of these dances on those three
2 tables.

3 MEMBER JONES: Okay. Will there
4 be, at any point at any time could you have
5 all three tables being used for dancing
6 services?

7 MR. KADLICK: We would hope so.

8 MEMBER JONES: So that would be
9 your business intent?

10 MR. KADLICK: Yes. And they would
11 be right there in front of a man who's in the
12 vicinity at arm's length.

13 MEMBER JONES: One person, two
14 tables.

15 MR. KADLICK: Uh-huh.

16 MEMBER JONES: Okay. And you have
17 a basis for having an appreciation of that
18 that would be sufficient to maintain the law
19 as you understand it and have stated you know
20 so well?

21 MR. KADLICK: I would represent to
22 you, in other facilities in the city where

1 this activity takes place I don't feel that
2 they have as many personnel as we're
3 involving. So if they're able to do it with
4 the staff that they have, well, I think we're
5 further staffed.

6 MEMBER JONES: Is your basis
7 solely on how other establishments operate, or
8 is this based on your own experience with your
9 management team?

10 MR. KADLICK: My basis is 30 years
11 as a manager. If I have a manager that is
12 unable to manage three tables that are
13 visually in front of him I've made an error in
14 hiring him.

15 MEMBER JONES: Okay. Have you
16 hired your manager yet?

17 MR. KADLICK: We have two, yes.

18 MEMBER JONES: You have two, okay.

19 MR. KADLICK: And they're also
20 part of the group of employees that are
21 waiting.

22 MEMBER JONES: When did you plan

1 to be open?

2 MR. KADLICK: We will be open
3 Friday afternoon assuming this Board does what
4 we're asking them --

5 MEMBER JONES: You didn't hear my
6 question. When did you plan to open? So you
7 say that you've been held up for a variety of
8 reasons.

9 MR. KADLICK: I would tell you
10 that we changed course last week. We expected
11 that we would have had the underlying
12 necessary documents to open last Saturday.
13 When the Board did what they did on Wednesday,
14 we did a couple of extra construction things
15 and now so we bumped our certificate of
16 occupancy which we now have, and we will be
17 open Friday afternoon if the Board releases
18 this license from safekeeping.

19 MEMBER JONES: So you planned to
20 open when?

21 MR. KADLICK: Friday afternoon.

22 MEMBER JONES: Planned, planned.

1 MR. KADLICK: Last Saturday.

2 MEMBER JONES: Last Saturday, the
3 date of last Saturday was the 15th?

4 MR. KADLICK: Correct.

5 MEMBER JONES: Okay, so you
6 planned to open last Saturday.

7 MR. KADLICK: That is correct.

8 MEMBER JONES: Okay. And you've
9 changed course based on a variety of items and
10 reasons that you've stated.

11 MR. KADLICK: Uh-huh.

12 MEMBER JONES: All of the tables
13 and all of your furniture and stuff is
14 currently there?

15 MR. KADLICK: It is being
16 delivered today. We've had it in another
17 facility that I own, for weeks.

18 MEMBER JONES: So you've had it
19 for weeks at some facility that you own?

20 MR. KADLICK: That's correct.
21 It's just in a warehouse.

22 MEMBER JONES: And it hasn't moved

1 to this --

2 MR. KADLICK: It's being moved
3 today. I can't represent to you it's in there
4 now. It's being moved today. I would imagine
5 before close of business.

6 MEMBER JONES: The furniture and
7 all the items that you were planning to have
8 at your establishment on the 15th, all of that
9 stuff, everything that you have that you need
10 to open is either at the facility or at your
11 storage facility?

12 MR. KADLICK: That's correct. As
13 far as furnishings, yes.

14 MEMBER JONES: As far as
15 furnishings, okay. The employees were hired
16 to start when?

17 MR. KADLICK: To start last
18 Saturday. But we also incorporated some
19 payroll expense in the orientation and
20 training prior to opening, and then we had to
21 essentially stall them all in light of the
22 reversal.

1 MEMBER JONES: Okay. The layout,
2 do you have a floor plan for what the layout
3 is going to be?

4 MR. KADLICK: I do not have --

5 MEMBER JONES: You were going to
6 open on the 15th, right? What is the layout?
7 Do you have that to present to the Board right
8 now so we can understand that you're --

9 MR. KADLICK: I do not have that
10 with me, and I apologize. I don't have that
11 with me.

12 MEMBER JONES: Okay. Do you have
13 one, period?

14 MR. KADLICK: Yes.

15 MEMBER JONES: You do?

16 MR. KADLICK: Yes.

17 MEMBER JONES: Okay, is that
18 something that you'd be able to provide to the
19 Board?

20 MR. KADLICK: Yes.

21 MEMBER JONES: Okay, both first
22 floor and second floor?

1 MR. KADLICK: Uh-huh.

2 MEMBER JONES: All right, thank
3 you. Thank you, Mr. Chair.

4 MR. KADLICK: And I apologize I
5 didn't bring it with me.

6 CHAIRMAN ALBERTI: Other Board
7 members?

8 MEMBER BROOKS: I want to get back
9 to this --

10 CHAIRMAN ALBERTI: Board member,
11 Mr. Brooks?

12 MEMBER BROOKS: Yes, thank you,
13 Mr. Chairman. Exhibit 20, do you have that,
14 Mr. Kadlick?

15 MR. KADLICK: I do, Mr. Brooks.

16 MEMBER BROOKS: Yes, and I want to
17 get back to the question I had for Mr. Jones
18 to be sure I understand what's going on with
19 this scene here.

20 The table now, I thought you said
21 the table's immoveable, is that correct?

22 MR. KADLICK: No, they're

1 moveable. They're completely moveable.

2 MEMBER BROOKS: Oh, they are
3 moveable. Okay, I thought you said
4 immoveable.

5 MR. KADLICK: And frankly, they
6 will be moved periodically.

7 MEMBER BROOKS: Oh, okay. Okay.
8 And this table is for dancing, is that
9 correct?

10 MR. KADLICK: This is a bottle
11 service table that is structured in a manner
12 in which the top can be closed for the express
13 purpose of a dance.

14 MEMBER BROOKS: Okay. And so when
15 there is bottle service, how will the patrons
16 be served?

17 MR. KADLICK: By a cocktail
18 waitress.

19 MEMBER BROOKS: Okay. So they
20 will fit at the chairs surrounding this table?

21 MR. KADLICK: They will sit. They
22 will potentially, if they're just drinking,

1 stand even --

2 MEMBER BROOKS: Standing, uh-huh.

3 MR. KADLICK: -- as they do in
4 multiple clubs.

5 MEMBER BROOKS: Okay. And so this
6 would be a bottle or just a cocktail, both?

7 MR. KADLICK: Uh-huh, or beer if
8 they, whatever they choose.

9 MEMBER BROOKS: Okay, I'm just
10 looking at the practicality of the distance
11 from the table to be served a drink. That's
12 my question I guess I have.

13 MR. KADLICK: And Mr. Brooks, if I
14 could revert to Number 19.

15 MEMBER BROOKS: Okay.

16 MR. KADLICK: Okay, if you can see
17 a better picture of that same table, you'll
18 see the well that is provided for the ice
19 bucket and everything else.

20 MEMBER BROOKS: Yes, I see that.

21 MR. KADLICK: Okay, so that's the
22 same table in question.

1 MEMBER BROOKS: I understand that.

2 MR. KADLICK: Okay. I just wanted
3 to get clarity for you.

4 MEMBER BROOKS: Okay. But I'm
5 just looking at the distance of the chairs
6 away from the table.

7 MR. KADLICK: The distance?

8 MEMBER BROOKS: Yes.

9 MR. KADLICK: Well, the table
10 itself is, assuming with the way someone would
11 dance safely is you almost have your three-
12 foot rule right there.

13 MEMBER BROOKS: Well, I'm not
14 concerned about the dancing at this point.
15 I'm just concerned, how does a person
16 adequately and comfortably have a drink
17 sitting that far from a table?

18 MR. KADLICK: I mean, it's been my
19 experience most people hold their drinks,
20 stand, mingle, and do other things. Some
21 people just sit and, you know. There are
22 other tables in the facility.

1 There are smaller tables that
2 aren't bottle service tables. There's a
3 barrio and stuff like that so, you know, they
4 have multiple options. And there's also
5 opportunities in this club to sit at the bars,
6 both bars.

7 MEMBER BROOKS: I understand that.

8 MR. KADLICK: Okay.

9 MEMBER BROOKS: All right. Thank
10 you, Mr. Kadlick.

11 CHAIRMAN ALBERTI: Anyone have
12 questions? I have some questions. And then
13 we'll come back.

14 What's the dimensions of these
15 tables? I never heard that.

16 MR. KADLICK: I apologize. I,
17 just to confirm.

18 CHAIRMAN ALBERTI: Sure.

19 (Off microphone discussion)

20 CHAIRMAN ALBERTI: They look
21 square.

22 MR. KADLICK: They're square and I

1 know they're 19 or 19-1/2 inches off the
2 floor, but for some, I thought they were 48
3 inches square. But I know that tables in the
4 alcoves are smaller, considerably smaller.

5 CHAIRMAN ALBERTI: We don't know
6 the size of these tables?

7 MR. KADLICK: They're three by
8 three.

9 CHAIRMAN ALBERTI: The ones in the
10 exhibit that we see in Exhibit 19 and 20 are
11 three by three?

12 MR. KADLICK: That's correct.

13 CHAIRMAN ALBERTI: And the ones in
14 the alcove?

15 MR. KADLICK: They're two by two.

16 CHAIRMAN ALBERTI: Two by two,
17 okay.

18 Other than the tables in the alcove, there
19 will be no dancing tables on the first floor?

20 MR. KADLICK: No, just there is a
21 stage on the first floor though.

22 CHAIRMAN ALBERTI: All right. So

1 I'm going to turn your attention to Exhibit
2 28, way at the back. Way at the back. It's
3 just a drawing. Do you know who made that?

4 Well, Mr. Jones, did you make this
5 drawing?

6 MR. JONES: Yes, sir.

7 CHAIRMAN ALBERTI: Okay, you did,
8 okay. So I'm going to assume this is not to
9 scale, but does it sort of --

10 MR. KADLICK: It's a good
11 assumption.

12 CHAIRMAN ALBERTI: Yes. Does it
13 reasonably reflect the permanent structures
14 that are on the second floor?

15 MR. KADLICK: The only thing that
16 I would suggest to you, Mr. Chairman, is the
17 three bottle service tables in question will
18 be at the lower --

19 CHAIRMAN ALBERTI: Wait, wait. I
20 said permanent structure. Let's go step-by-
21 step. Does this accurately reflect --

22 MR. KADLICK: This is an accurate,

1 other than to not being --

2 CHAIRMAN ALBERTI: Other than not
3 being to scale, but the walls that would be
4 there, the bar?

5 MR. KADLICK: Actually, I have to
6 apologize. There's a couple of corrections.

7 CHAIRMAN ALBERTI: Okay, good.

8 MR. KADLICK: And I made note of
9 one earlier that I wanted to bring up.
10 Investigator Jones talked about a handicap
11 facility on the first floor and two men's and
12 women's rooms on the second floor.

13 In the dressing room, which is
14 further down so that's not even incorporated
15 into this drawing, there's also a private
16 shower for the entertainers and they have
17 their own ladies room also. There's an
18 additional ladies room in that that he didn't
19 make reference to.

20 CHAIRMAN ALBERTI: So where would
21 the, can you sort of describe to me where the
22 extra -- because in this picture here I see a

1 dressing room and a shower behind it, behind
2 the restrooms.

3 MR. KADLICK: Oh, there's the
4 dressing room and shower, okay. In the
5 dressing room and shower there's also their
6 own lavatory facility.

7 CHAIRMAN ALBERTI: Okay.

8 MR. KADLICK: So there's an
9 additional bathroom, and the entertainers are
10 prohibited from using the other lavatories.
11 That is their lavatory.

12 CHAIRMAN ALBERTI: But there are
13 no additional walls that would form rooms
14 other than what I see in this diagram?

15 MR. KADLICK: You're looking at
16 the second floor, sir.

17 CHAIRMAN ALBERTI: You did a very
18 good job, Mr. Jones.

19 MR. JONES: Thank you, sir.

20 MR. KADLICK: He did. I see the
21 dressing room. I have a very faded copy. I
22 apologize.

1 CHAIRMAN ALBERTI: Okay, so now
2 that I've established that, all right. I'm
3 curious about the area that would be on this
4 drawing to the right as you're looking at the
5 drawing, to the right of the stage.

6 MR. KADLICK: Uh-huh.

7 CHAIRMAN ALBERTI: All right. The
8 area not taken up by the stage, would that be
9 where -- first of all, all right. How large
10 is that area?

11 MR. KADLICK: It's deeper than you
12 can visually understand from Mr. Jones' --

13 CHAIRMAN ALBERTI: That's why I'm
14 asking.

15 MR. KADLICK: Right, I understand.
16 It's just very comfortable to come off that
17 stage and put these three tables.

18 CHAIRMAN ALBERTI: How large is
19 that area? Can you give me some dimensions?
20 You must surely know how wide this place is.

21 MR. KADLICK: I mean I think it's
22 17 feet on the second floor, 16, 17 feet on

1 the second floor.

2 CHAIRMAN ALBERTI: Sixteen, 17
3 feet wide?

4 MR. KADLICK: On the second floor.
5 It first was a little bit narrower.

6 CHAIRMAN ALBERTI: There may
7 drawings that confirm that.

8 (Off microphone discussion)

9 MR. KADLICK: Downstairs is more
10 modest. Downstairs has an easement alleyway
11 in it to which on the outside that detracts
12 from the building.

13 CHAIRMAN ALBERTI: Okay, so you
14 think it's 25 feet wide. And the distance
15 from that right hand wall to the bar?

16 MR. KADLICK: From the right hand
17 wall to the bar, probably that is the
18 narrowest point because the building is a
19 little slanted, and it's probably 12 or 13
20 feet. From the end of the bar to the front of
21 the building?

22 CHAIRMAN ALBERTI: This distance

1 here.

2 MR. KADLICK: That is considerably
3 more than that. That's probably 40 or 50
4 feet. That's the largest expanse of the
5 building. And actually it's probably more
6 than that. It's quite a bit of feet there.

7 CHAIRMAN ALBERTI: Anyone else
8 want to chime in on what you think the feet --

9 MR. MATHEW: I'm just thinking. I
10 think that's pretty accurate.

11 MR. KADLICK: Yes.

12 CHAIRMAN ALBERTI: Can you do it
13 in reference to this room?

14 MR. MATHEW: From the end of that
15 bar to the front wall is probably --

16 CHAIRMAN ALBERTI: Well, so that
17 doesn't help us. Okay, I'm just trying to get
18 an idea how big this is. All right.

19 (Off microphone discussion)

20 CHAIRMAN ALBERTI: Thank you for
21 that. Would you envision tables being in any
22 other area of this diagram?

1 MR. KADLICK: There is just
2 smaller tables, considerably smaller tables.

3 CHAIRMAN ALBERTI: Well, these --
4 I'm sorry, these bottle service tables. Where
5 would you envision them being?

6 MR. KADLICK: I would think those
7 three are going to be right at the end in
8 front of the mirrored windows inside at the
9 end of the stage. The back wall is fully
10 mirrored from the street to protect so no one
11 can see.

12 CHAIRMAN ALBERTI: So they would
13 be in that area we were just discussing, is
14 that what --

15 MR. KADLICK: Correct. But I
16 would also say there is ample room for another
17 couple of tables. There are going to be other
18 tables too, but no more dancing tables.

19 CHAIRMAN ALBERTI: Okay.

20 MR. KADLICK: We made application
21 to Zoning for these three and got approved.

22 CHAIRMAN ALBERTI: Okay, so Zoning

1 had to approve the three dancing tables?

2 MR. KADLICK: We had to submit our
3 dancing rules to Zoning and it took an extra
4 60 days for their review to approve the
5 private alcoves and to approve these tables,
6 and it's incorporated right into our building
7 permit, Mr. Chairman.

8 CHAIRMAN ALBERTI: Okay. I have
9 no further questions. Thank you.

10 Mr. Jones?

11 MEMBER JONES: Thank you, Mr.
12 Chairman. So just for clarification
13 standpoint, the drawings that you indicated
14 you'd be willing to submit to the Board --

15 MR. KADLICK: Absolutely.

16 MEMBER JONES: -- will clearly
17 denote what it is you're speaking to, or
18 trying to speak to from your recollection but
19 don't have perfect recollection in --

20 MR. KADLICK: Right, and I
21 apologize for --

22 (Crosstalk)

1 MEMBER JONES: Will it also have
2 the dimensions on there, i.e., rough spacing,
3 rough square footage --

4 MR. KADLICK: I believe that we
5 have a full set of building plans that will
6 incorporate all of that. And I apologize, one
7 second.

8 Does it also have a furniture plan
9 in there, correct?

10 MALE PARTICIPANT: Yes.

11 MR. KADLICK: So it has a
12 furniture plan in there.

13 MEMBER JONES: A furniture plan
14 being how you plan to lay it out?

15 MR. KADLICK: That's correct.

16 MEMBER JONES: Okay.

17 MR. KADLICK: And I just wanted
18 clarity before I made that representation.

19 MEMBER JONES: Excellent. In
20 terms of the reasons for the tables, you
21 mentioned it was basically monetarily --

22 (Crosstalk)

1 MEMBER JONES: -- a financial
2 driver, is that correct?

3 MR. KADLICK: A revenue channel
4 for both the club and for the performers.

5 MEMBER JONES: Okay, have you,
6 from the standpoint of the club or the
7 establishment, have you established or do you
8 have an estimate of what the impact of not
9 having the ability to do table dances would be
10 on your revenue?

11 MR. KADLICK: We've not.

12 MEMBER JONES: Have you
13 categorized or quantified what the impact of
14 it is, since you know it's a significant
15 impact?

16 MR. KADLICK: Yes.

17 MEMBER JONES: What is it?

18 MR. KADLICK: We would expect to
19 generate revenues between the \$6,000 and
20 \$8,000 a month.

21 MEMBER JONES: For each table?

22 MR. KADLICK: No, for the club,

1 total.

2 MEMBER JONES: Of that, what is
3 the impact directly associated with having
4 table dance service?

5 MR. KADLICK: That would be the
6 revenue we would anticipate from having these
7 tables available.

8 MEMBER JONES: \$6,000 a month.

9 MR. KADLICK: \$6,000 to \$8,000.

10 MEMBER JONES: \$6,000 to \$8,000.

11 MR. KADLICK: And that is the
12 club's revenue not the performer's revenue.

13 CHAIRMAN ALBERTI: I think, Mr.
14 Jones, let me make sure I understand. That's
15 on top of --

16 MR. KADLICK: That's revenue from
17 the sale of dances.

18 CHAIRMAN ALBERTI: Right. That's
19 on top of all your other revenue.

20 MR. KADLICK: Correct.

21 (Crosstalk)

22 CHAIRMAN ALBERTI: Okay, got you.

1 MEMBER JONES: Right. And that
2 does not include the sale of alcohol geared to
3 or focused around having these tables,
4 correct?

5 MR. KADLICK: None whatsoever.

6 MEMBER JONES: Right. So this is
7 purely dancing. What is your projected gross
8 revenue annually or per month, how ever it is
9 you'd like to put it, including the dancing on
10 the tables?

11 MR. KADLICK: The different
12 revenue channels including jukebox dancing,
13 liquor, food, we anticipate revenue of
14 \$250,000 a month.

15 MEMBER JONES: \$250,000 a month,
16 okay.

17 MR. KADLICK: Or \$3 million a
18 year. That's targeted revenue.

19 MEMBER JONES: Understood.

20 MR. KADLICK: We hope to reach
21 that.

22 MEMBER JONES: Okay. So from

1 there I can calculate what the impact would
2 be.

3 MR. KADLICK: That's correct.

4 MEMBER JONES: All right. Thank
5 you. Thank you, Mr. Chairman.

6 CHAIRMAN ALBERTI: Other questions
7 from the Board members?

8 Is there anything else you'd like
9 to add, Mr. Kadlick, at this time?

10 MR. KADLICK: I think I've been as
11 direct as I can, and I implore this Board to
12 please release this license from safekeeping
13 and let these gentlemen go about their
14 business and let these people go to work.

15 CHAIRMAN ALBERTI: I very much
16 appreciate your cooperation, Mr. Kadlick. I
17 think what I'm going to suggest is that the
18 Board take a short recess. I'm not sure what
19 the next step will be, but I want to discuss
20 that with the Board --

21 MR. KADLICK: Thank you, Mr.
22 Chairman.

1 CHAIRMAN ALBERTI: -- and with our
2 legal counsel before we adjourn this meeting.
3 So, you know, indulge us.

4 MALE PARTICIPANT: Mr. Chairman,
5 he asked if they should wait.

6 CHAIRMAN ALBERTI: Yes. Yes.

7 (Crosstalk)

8 MR. KADLICK: Thank you, Mr.
9 Chairman. We're certainly at your disposal.

10 CHAIRMAN ALBERTI: Great. Thank
11 you.

12 MR. KADLICK: Can I go get a drink
13 of water, Mr. Chairman?

14 CHAIRMAN ALBERTI: You may. I'm
15 just going to send it to a formal closing and
16 --

17 MR. KADLICK: Oh, I'm sorry.

18 CHAIRMAN ALBERTI: -- no, no, but
19 you don't have to stay for it.

20 MR. KADLICK: No, no. I would --

21 CHAIRMAN ALBERTI: Please go.

22 MR. KADLICK: -- be remiss if I

1 left.

2 MALE PARTICIPANT: Most people do.

3 CHAIRMAN ALBERTI: As acting
4 chairperson of the Alcohol Beverage Control
5 Board for the District of Columbia and in
6 accordance with Section 405, the Open Meetings
7 Amendment Act of 2010, I move that the Board
8 hold a closed meeting for the purpose of
9 seeking legal advice from our counsel on the
10 fact-finding regarding BJ Enterprises, Inc.,
11 per Section 405(B)(4) of the Open Meetings
12 Amendment Act of 2010. Do I have a second?

13 MEMBER SILVERSTEIN: Second.

14 CHAIRMAN ALBERTI: Okay. All
15 those in favor say aye.

16 (Chorus of ayes)

17 CHAIRMAN ALBERTI: Okay, the vote
18 is -- all opposed? Okay, all the vote is 4 to
19 0 and the motion carries. We will be back
20 shortly.

21 MR. KADLICK: Thank you, Mr.
22 Chairman.

1 (Whereupon, the foregoing matter
2 went off the record at 12:07 p.m. and went
3 back on the record at 12:25 p.m.)

4 CHAIRMAN ALBERTI: We're back on
5 the record.

6 Mr. Kadlick, the Board has reached
7 a decision, and hopefully you'll appreciate
8 that we didn't want to delay keeping you in
9 limbo any longer. So that's why we went and
10 discussed this and came to a decision today.

11 MR. KADLICK: I do.

12 CHAIRMAN ALBERTI: First of all,
13 the Board's decision, part of our decision is
14 to allow you to remove your license from
15 safekeeping today.

16 MR. KADLICK: Thank you, Mr.
17 Chairman, Board members.

18 CHAIRMAN ALBERTI: However, before
19 you get too excited --

20 MR. KADLICK: I knew there was a
21 caveat.

22 CHAIRMAN ALBERTI: -- the Board

1 does deem those bottle service tables, as you
2 describe them. on which people can dance, we
3 do deem those as additional stages, okay. So
4 we're relying on Title 25 762(4) which just
5 says -- well, Item 762(B)(4) says, "In
6 determining whether the proposed changes are
7 substantial, the Board shall consider whether
8 they are potentially of concern to the
9 residents of the area surrounding the
10 establishment, including changes that would
11 enforce," it says, "provide for or expand an
12 area in which live entertainment would be
13 performed by employees of the establishment,
14 patrons, contract employees or self-employed
15 individuals such as dancers or disc jockeys."

16 So that's the statute we're
17 relying on, okay? That means that you can
18 operate. You can use those bottle service
19 tables for bottle service, all right. But
20 there will be, and I want to be very clear so
21 if you have any questions let me know, very
22 clear that there will be no dancing other than

1 on the two established stages.

2 MR. KADLICK: Okay.

3 CHAIRMAN ALBERTI: Is there any
4 question about that?

5 MR. KADLICK: Mr. Chairman --

6 (Crosstalk)

7 MR. KADLICK: -- with respect to
8 how, but the question I would ask the Board
9 then as you approved the release from
10 safekeeping today and we can operate without
11 that, can we also simultaneously make
12 application for those substantial changes and
13 have this underlying debate at the end of the
14 protest period?

15 Again, understanding we can't
16 operate --

17 CHAIRMAN ALBERTI: Yes, and I'm
18 going to get to that.

19 MR. KADLICK: Okay.

20 CHAIRMAN ALBERTI: All right, so
21 are there any questions about where dancing
22 can occur?

1 MR. KADLICK: Because we do
2 believe we're going to win the underlying
3 argument, but I respect the Board's position.

4 CHAIRMAN ALBERTI: That's fine.
5 We're not here to argue that right now.

6 MR. KADLICK: I understand and I
7 respect the Board's position.

8 CHAIRMAN ALBERTI: All right, I'm
9 going to get there. So is there any
10 questions? Okay, fine. So --

11 MR. KADLICK: Actually there is a
12 question. I apologize, Mr. Chairman. In our
13 haste to do everything, you know, placards
14 have not been ordered.

15 And I understand from speaking to
16 Mr. Hager that the Board does have the
17 authority to release the license from
18 safekeeping even if the placards are not yet
19 hung yet, that they have the authority to make
20 that exception, and the placards would be
21 ordered with your vote today.

22 So I guess my question is, if I

1 come back here with all the underlying
2 necessary documents which have been secured,
3 can we get this license released before the
4 placards are ready? Because I understand the
5 placards can sometimes take three to five
6 days, and we're trying to open Friday.

7 CHAIRMAN ALBERTI: I can't answer
8 that. Just one moment.

9 (Off microphone discussion)

10 CHAIRMAN ALBERTI: I can't answer
11 that right now and we will let you know.

12 MR. KADLICK: Okay.

13 CHAIRMAN ALBERTI: All right. And
14 I apologize.

15 MR. KADLICK: No, and I
16 understand, but the placards themselves --

17 CHAIRMAN ALBERTI: It's a legal
18 consideration and we do need to investigate
19 that. All right?

20 MR. KADLICK: Okay.

21 CHAIRMAN ALBERTI: So I assume
22 that means that you can make an application

1 for substantial change.

2 MR. KADLICK: And I understand
3 that process.

4 CHAIRMAN ALBERTI: And I promise
5 you that the Board will act swiftly, all
6 right, as swiftly as we can --

7 MR. KADLICK: Uh-huh.

8 CHAIRMAN ALBERTI: -- to get that
9 in the process so that you would be placarded
10 for --

11 MR. KADLICK: Simultaneous.

12 CHAIRMAN ALBERTI: -- a
13 substantial change.

14 MR. KADLICK: I appreciate that,
15 Mr. Chairman.

16 CHAIRMAN ALBERTI: And get that
17 ball rolling.

18 MR. KADLICK: Yes.

19 CHAIRMAN ALBERTI: Okay, so any
20 other questions, comments by the Board before
21 I make a motion?

22 Okay, so I move that we allow this

1 license to be removed from, the license for BJ
2 Enterprises, Inc., trading as JP's, License
3 Number 8511, I move that we allow this license
4 to be removed from safekeeping with the
5 stipulation that there will be no dancing
6 except for on the two currently established
7 stages.

8 MR. KADLICK: I understand that.

9 CHAIRMAN ALBERTI: Do I have a
10 second?

11 MEMBER SILVERSTEIN: Second.

12 CHAIRMAN ALBERTI: All those in
13 favor say aye.

14 (Chorus of ayes)

15 CHAIRMAN ALBERTI: All those
16 opposed? Okay, the motion passes 4 to 0.

17 MR. KADLICK: Thank you, Mr.
18 Chairman and members of the Board.

19 CHAIRMAN ALBERTI: Thank you.

20 MR. KADLICK: Just get that
21 question answered. It will affect how we do
22 the rest of the week.

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CHAIRMAN ALBERTI: We will be in touch with you. I'm sure you'll be in touch with us. Thank you for coming.

MR. KADLICK: Yes, thanks. Bye.

CHAIRMAN ALBERTI: We are off the record and recessed until 1:30.

(Whereupon, the foregoing matter went off the record at 12:30 p.m. and went back on the record at 1:56 p.m.)

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