

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

The Stadium Group, LLC
t/a Stadium
2127 Queens Chapel Road, NE
Retailer CN - ANC-5C
License No. 82005
Case #13-PRO-00020

Protest
Hearing

(Application to Renew the
License (Reapplication))

December 3, 2014

The Alcoholic Beverage Control Board met
in the Alcoholic Beverage Control Hearing Room, Reeves
Building, 2000 14th Street, N.W., Suite 400S,
Washington, D.C. 20009, Chairperson Ruthanne Miller,
presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

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

(4:45 p.m.)

CHAIRPERSON MILLER: Okay. I am going to call The Stadium case now then. It's Case No. 13-PRO-00020, Stadium located at 2127 Queens Chapel Road, N.E., License No. 82005, in ANC-5C.

Is there anybody here from the protestant's side?

MR. MULLONE: I am and I wanted to let you know that Commissioner Butler in on her way.

CHAIRPERSON MILLER: Okay.

MR. MULLONE: She is --

CHAIRPERSON MILLER: Okay. Wait a second.

MR. MULLONE: -- in traffic.

CHAIRPERSON MILLER: Have a seat, because I want to get it on the record. Why don't you introduce yourselves first.

MR. MULLONE: My name is Kevin Mullone.

CHAIRPERSON MILLER: Okay.

MR. MULLONE: And I'm one of the neighbors in the community as part of the protestants.

CHAIRPERSON MILLER: Okay. And let's get

1 the other side and then you can tell us about Ms.
2 Butler. Okay.

3 MR. HAFFNER: Julian Haffner, that's H-A
4 double F, as in Frank, N-E-R, on behalf of Stadium,
5 RCX, LLC.

6 MR. JOHNSON: Nathaniel Johnson, J-O-H-N-
7 S-O-N, on behalf of Stadium, RCX.

8 MR. MULLONE: LLC.

9 CHAIRPERSON MILLER: Okay. Mr. Mullone?

10 MR. MULLONE: Yes.

11 CHAIRPERSON MILLER: What did you want to
12 tell us?

13 MR. MULLONE: I was saying that
14 Commissioner Butler is en route. She works at the
15 Pentagon and she is in traffic.

16 CHAIRPERSON MILLER: Okay.

17 MR. MULLONE: So she is en route.

18 CHAIRPERSON MILLER: Do you have an
19 anticipated time?

20 MR. MULLONE: She said 15 minutes.

21 CHAIRPERSON MILLER: 15 minutes?

22 MR. MULLONE: Yes.

1 CHAIRPERSON MILLER: Okay. All right.
2 Are we waiting for anybody else? Okay.

3 MEMBER ALBERTI: I believe the person in
4 the back has a question possibly.

5 CHAIRPERSON MILLER: Oh, does somebody
6 have a question?

7 AUDIENCE MEMBER: No.

8 CHAIRPERSON MILLER: No. Okay. I think
9 we --

10 MEMBER ALBERTI: So may I ask? Mr.
11 Mullone, all your witnesses are here?

12 MR. MULLONE: I do not think that they are
13 all here. If you recall, we -- this is a continuance
14 hearing.

15 CHAIRPERSON MILLER: Yes.

16 MR. MULLONE: And so we have had
17 interruption and I do know that we have had a couple
18 of people who are out of town still because of the
19 holiday.

20 MEMBER BROOKS: How many witnesses do you
21 anticipate?

22 MR. MULLONE: Today we anticipate a

1 minimum of five.

2 MEMBER BROOKS: Five.

3 MR. MULLONE: We had far more than that
4 during the first night of the hearing.

5 MEMBER ALBERTI: I only see three in the
6 audience and then --

7 MR. MULLONE: Myself.

8 MEMBER ALBERTI: -- well, you and two
9 other people I see, possible witnesses. So Ms.
10 Butler, is she going to be a witness?

11 MR. MULLONE: I don't think that she can
12 testify, since she is the -- representing the
13 community, correct?

14 MEMBER ALBERTI: Well, that's -- do you
15 want to speak to that?

16 CHAIRPERSON MILLER: Yes. No, it happens
17 in several cases with protestants that they also
18 testify.

19 MEMBER ALBERTI: Okay. So I'm just
20 wondering if we are going to all be here.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER ALBERTI: All right.

1 CHAIRPERSON MILLER: So okay, why don't we
2 recess and we can -- well, we will watch.

3 MR. MULLONE: Okay.

4 CHAIRPERSON MILLER: We can see actually
5 in our room. We will see her come in and we will come
6 out then.

7 MR. MULLONE: Okay.

8 CHAIRPERSON MILLER: Okay.

9 MR. MULLONE: I appreciate it. Thank you.

10 CHAIRPERSON MILLER: All right.

11 (Whereupon, the above-entitled matter went
12 off the record at 4:49 p.m. and resumed at 5:17 p.m.)

13 CHAIRPERSON MILLER: Okay. The Board is
14 back on the record. I have called the case for The
15 Stadium and called the parties to the table. The case
16 was called for 4:30 and it is now 5:18.

17 We had word from Mr. Kevin Mullone that
18 Ms. Butler was running late in traffic. And, Ms.
19 Butler, we didn't get any call from you to the Agency
20 or anything. We did wait for you, but the Board
21 wasn't pleased in that we did reschedule this part of
22 the hearing at your request and this is pretty late to

1 start. And I hope we don't lose Board Members because
2 of the time.

3 MS. BUTLER: I do apologize and I thank
4 you for waiting. I thank the Board for waiting for
5 me. I did have a last minute commitment that I had to
6 do at work and I'm driving from Virginia, so -- and at
7 the time, I didn't think anyone would answer the phone
8 after 4:30.

9 CHAIRPERSON MILLER: Okay. I will say
10 that you were at risk of having the case dismissed and
11 for the future, I mean, if you have other commitments,
12 that doesn't mean that you can just let this one go.
13 Just to keep that in mind, because there are a lot of
14 other people here who had commitments and who are
15 taking the time to be here.

16 Okay. Where we left off is it is the
17 protestant's time to present their case. And I have
18 reviewed the transcript from the last proceeding and
19 Board Member Jones is not here today, but indicated
20 that the licensee has 35 minutes remaining in this
21 case and protestants have 51 minutes.

22 So are you ready to proceed?

1 MR. HAFFNER: I'm sorry, was
2 that --

3 CHAIRPERSON MILLER: I'm sorry?

4 MR. HAFFNER: 5-0?

5 CHAIRPERSON MILLER: 51.

6 MR. HAFFNER: 51.

7 CHAIRPERSON MILLER: How many witnesses
8 will you have?

9 MS. BUTLER: Three, ma'am.

10 MEMBER SHORT: The times again, Madam
11 Chair?

12 CHAIRPERSON MILLER: 35 for the licensee,
13 51 for the protestants. Okay.

14 MS. BUTLER: I would like to call Yolanda
15 Odunsi.

16 Whereupon,

17 YOLANDA ODUNSI
18 was called as a witness by the Protestant, and having
19 been first duly sworn, assumed the witness stand and
20 was examined and testified as follows:

21 MS. ODUNSI: I do.

22 CHAIRPERSON MILLER: Okay. Thank you.

1 DIRECT EXAMINATION

2 MS. BUTLER: Good evening. Could you
3 spell your name for the record, please?

4 MS. ODUNSI: My name is Yolanda Odunsi and
5 it is Y-O-L-A-N-D-A last name O-D-U-N-S-I.

6 MS. BUTLER: Are you a resident of the
7 Woodridge/Langdon community?

8 MS. ODUNSI: Yes, I am.

9 MS. BUTLER: Do you live in the same
10 neighborhood as the nightclub?

11 MS. ODUNSI: Yes, I live about five blocks
12 away.

13 MS. BUTLER: Have you ever driven past
14 Stadium Nightclub?

15 MS. ODUNSI: Yes, I have.

16 MS. BUTLER: Have you noticed patrons
17 entering or exiting from Stadium Nightclub?

18 MS. ODUNSI: Yes, I have.

19 MS. BUTLER: Have you witnessed trash or
20 litter in the vicinity of Stadium Nightclub?

21 MS. ODUNSI: I have on mornings when I am
22 driving past there.

1 MS. BUTLER: Have you witnessed litter or
2 trash directly on Stadium's property?

3 MS. ODUNSI: Yes, I have.

4 MS. BUTLER: Have you heard noise from
5 outside of Stadium Nightclub?

6 MS. ODUNSI: No, I haven't.

7 MS. BUTLER: Do you recall the time frame
8 as to when you noticed the litter and trash at Stadium
9 Nightclub?

10 MS. ODUNSI: I went by there, let's see,
11 it was about two Saturdays ago on the 16th of November
12 around 8:30 in the morning and I took some pictures.
13 And there was a lot of trash directly outside of
14 Stadium and a whole bunch directly across the street
15 from it.

16 And then I went further up the street by
17 the other businesses and there was no trash there, but
18 it was all around Stadium in the morning, you know, at
19 that time in the morning. I would have thought that
20 someone would have picked it up or had started picking
21 it up by then.

22 MS. BUTLER: Thank you. Give me one

1 second, please.

2 MS. ODUNSI: Yes.

3 MS. BUTLER: May I approach and show
4 pictures she stated that she took?

5 CHAIRPERSON MILLER: Okay. Let me ask
6 you, have you given a copy of those pictures to the
7 applicant?

8 MS. BUTLER: Yes. He just received them.

9 CHAIRPERSON MILLER: Okay.

10 MS. BUTLER: For the record, I presented
11 Ms. Odunsi with three photographs of trash outside of
12 the establishment, Stadium Nightclub.

13 Are those the pictures that you took?

14 MS. ODUNSI: Yeah, these are the pictures
15 I took on November 16th.

16 MS. BUTLER: Can you describe what you see
17 on the photograph?

18 MS. ODUNSI: I see it looks like fast food
19 litter, cups, a beer bottle and some beer cans and a
20 water bottle and some other trash right outside their
21 gates of Stadium.

22 MS. BUTLER: Okay. Was this -- can you

1 explain the time of day as to when you took those
2 pictures?

3 MS. ODUNSI: 8:30 in the morning.

4 MS. BUTLER: The gate was closed?

5 MS. ODUNSI: Yes, it was.

6 MS. BUTLER: Okay. Was the establishment
7 open?

8 MS. ODUNSI: No, it wasn't.

9 MS. BUTLER: Okay. Thank you. Have there
10 been any other instances that you have noticed with
11 Stadium Nightclub?

12 MS. ODUNSI: Yeah, my biggest issue is
13 that I can't come through that street, through Queens
14 Chapel, on my way home. If I'm coming south from, I
15 don't know if that's south, Bladensburg or 17th Street
16 and I'm coming up Bladensburg like you are going
17 towards Maryland to turn left onto Queens Chapel to go
18 home, because the closest intersection to my house is
19 20th and Franklin.

20 So I would make that left at Queens
21 Chapel, but because there are so many patrons trying
22 to go in and out of the nightclub and find parking on

1 the street or valet parking, it's just hard to go
2 through. And that's my biggest issue, so I avoid the
3 area.

4 MS. BUTLER: Okay. During this congestion

5 --

6 MS. ODUNSI: Yes.

7 MS. BUTLER: -- traffic time, are vehicles
8 entering into Stadium's parking lot?

9 MS. ODUNSI: Yes, there are. There are
10 vehicles that are either stopped in front of it
11 letting somebody off in front of the nightclub or
12 turning into it or mostly people waiting to get waved
13 to be parked somewhere.

14 MS. BUTLER: And who is waving?

15 MS. ODUNSI: The valet people.

16 MS. BUTLER: And how far do you live
17 again? I'm sorry.

18 MS. ODUNSI: Five blocks away.

19 MS. BUTLER: Five blocks. Okay. I have
20 no further questions.

21 CHAIRPERSON MILLER: Okay. Applicant?

22 MR. HAFFNER: Yes, a brief cross.

CROSS-EXAMINATION

1
2 MR. HAFFNER: So the pictures that you
3 were -- that you took, the only date that you took
4 these pictures was on November 16th, so the only date
5 that you have actually taken pictures was on November
6 16th, correct?

7 MS. ODUNSI: I have other pictures from
8 other times.

9 MR. HAFFNER: That you took --

10 MS. ODUNSI: But those pictures are -- I
11 have about 14 or 20 of those from November 16th.

12 MR. HAFFNER: The question was --

13 MS. ODUNSI: Yeah.

14 MR. HAFFNER: -- only on the 16th?

15 MS. ODUNSI: The 16th, yeah.

16 MR. HAFFNER: All right. Did you take --
17 did you follow-up and take pictures on the 16th that
18 evening or that afternoon?

19 MS. ODUNSI: No, I didn't because I had
20 other things to do.

21 MR. HAFFNER: So you didn't take any
22 pictures prior to that, the 16th?

1 MS. ODUNSI: I have. I have taken
2 pictures, but I don't have them here.

3 MR. HAFFNER: They are not here. All
4 right. Now, the pictures depict what appears to be
5 litter. You didn't see the litter actually placed
6 there, did you?

7 MS. ODUNSI: No, it was already there.

8 MR. HAFFNER: All right. So you can't
9 conclude that the litter is a result of the patrons of
10 Stadium Club, can you?

11 MS. ODUNSI: I can conclude that it is
12 litter that is in front of Stadium.

13 MR. HAFFNER: But the question --

14 MS. ODUNSI: It's on Stadium's property.

15 MR. HAFFNER: -- is whether it is actual
16 patrons of Stadium Club.

17 MS. ODUNSI: No.

18 MR. HAFFNER: You are aware that there are
19 other establishments on that road?

20 MS. ODUNSI: Yes.

21 MR. HAFFNER: On the same block as
22 Stadium?

1 MS. ODUNSI: Yes.

2 MR. HAFFNER: Okay. No further questions.

3 CHAIRPERSON MILLER: Is he finished? Does
4 that -- are you finished, Mr. Haffner?

5 MR. HAFFNER: Yes.

6 CHAIRPERSON MILLER: Oh, you are.

7 MR. HAFFNER: I have no further questions.

8 CHAIRPERSON MILLER: Okay. Are there
9 Board questions?

10 MEMBER RODRIGUEZ: Any questions?

11 CHAIRPERSON MILLER: Mr. Alberti?

12 MEMBER ALBERTI: Ms. Obenski, is it?

13 MS. ODUNSI: Odunsi.

14 MEMBER ALBERTI: Odunsi. I'm sorry.
15 Odunsi, all right. I'm sorry. Ms. Odunsi, so you
16 talked about not having being able to get through
17 there, but you didn't -- I don't think we got a
18 specific time frame for when you have a problem with
19 traffic there.

20 MS. ODUNSI: My problem is in the evenings
21 between or I guess after 9:00, that's the time when I
22 have trouble.

1 MEMBER ALBERTI: Every evening? Just
2 certain evenings? Typically some days of the week?
3 Can you elaborate on that?

4 MS. ODUNSI: I would say not every
5 evening, but most evenings and I have usually been
6 trying to go through Tuesday, Thursday, Friday or
7 Saturday evenings in that direction.

8 MEMBER ALBERTI: Okay. So Tuesday,
9 Thursday, what's it like? Is it as-- is it better or
10 worse than weekends? The same?

11 MS. ODUNSI: It's a little bit better.

12 MEMBER ALBERTI: Okay. Do you know if the
13 other establishments are open at that hour, during
14 those days?

15 MS. ODUNSI: I'm not sure.

16 MEMBER ALBERTI: All right.

17 MS. ODUNSI: I'm not sure.

18 MEMBER ALBERTI: When you say people are
19 trying to park, where are they trying to park?

20 MS. ODUNSI: They are either turning into
21 this club or they are trying to park in the lot that
22 is across the street from it, across the street from

1 Stadium.

2 MEMBER ALBERTI: Okay.

3 MS. ODUNSI: Or they are just double-
4 parked. There is a lot of cars that are double-parked
5 letting patrons out to the club, to this club.

6 MEMBER ALBERTI: In front of the gates?

7 MS. ODUNSI: In front of the gates, yeah.
8 In front of -- there is a bank that is next to it as
9 well and they are parked all the --

10 MEMBER ALBERTI: There is a what?

11 MS. ODUNSI: -- way -- a bank that is next
12 to Stadium Nightclub, so they are parked from the
13 bank, which is at the corner on Bladensburg, all the
14 way up to and in front of Stadium Nightclub.

15 MEMBER ALBERTI: Okay.

16 MS. ODUNSI: And there is a lot of double
17 --

18 MEMBER ALBERTI: Do you know --

19 MS. ODUNSI: -- parking and it's hard --
20 it's very hard to get around.

21 MEMBER ALBERTI: -- how long that traffic
22 situation exists in the evenings?

1 MS. ODUNSI: I have not stayed there for
2 hours and hours, but I would assume that it is from
3 whenever the clubs open until whenever they close.

4 MEMBER ALBERTI: I mean, when have you
5 been by there in the evenings? I mean, is it always
6 about the same time?

7 MS. ODUNSI: Yes, around 8:00, 9:00.

8 MEMBER ALBERTI: All right. So you
9 wouldn't know whether later in the evening it's still
10 a problem?

11 MS. ODUNSI: I have been by that street at
12 around 2:00 in the morning and it is horrific then.
13 And I think that's, I guess, when people are letting
14 out. But you can't -- it's just a gridlock. You are
15 not making it across the bridge --

16 MEMBER ALBERTI: Okay.

17 MS. ODUNSI: -- from my --

18 MEMBER ALBERTI: Is it always -- is it
19 when only Stadium is open or is it when other clubs
20 are open also? I mean, because what I'm trying to
21 find out here is --

22 MS. ODUNSI: Yeah.

1 MEMBER ALBERTI: -- I mean, there is
2 Echostage, there is The Scene.

3 MS. ODUNSI: Um-hum.

4 MEMBER ALBERTI: I'm not sure if there is
5 anything else there. I'm trying to recall.

6 MS. ODUNSI: Yeah.

7 MEMBER ALBERTI: I mean, these are fairly
8 big places, so --

9 MS. ODUNSI: They are.

10 MEMBER ALBERTI: -- I'm trying to find
11 out, trying to get a sense of, you know, who is
12 causing the traffic and what -- who you are observing
13 as causing the traffic.

14 MS. ODUNSI: I see people going into each
15 of the clubs, so it's not just one club or the other
16 club. It's traffic in each of the clubs. You know,
17 people are getting out. You see patrons and you can
18 kind of tell who is going where, because it's a
19 different clientele for each club.

20 MEMBER ALBERTI: Yes.

21 MS. ODUNSI: And I have seen them going
22 into each of them.

1 MEMBER ALBERTI: Okay. Okay. I have no
2 further questions. Thank you.

3 CHAIRPERSON MILLER: Okay. Others? I
4 just have a couple of questions.

5 MS. ODUNSI: Yes.

6 CHAIRPERSON MILLER: Okay. I understood
7 you to say that your biggest issue is that you can't
8 go through that street on your way home. I assume
9 that is in the evening.

10 MS. ODUNSI: Um-hum.

11 CHAIRPERSON MILLER: Correct, in the
12 evening only?

13 MS. ODUNSI: Correct, yes.

14 CHAIRPERSON MILLER: Like from 9:00 on?

15 MS. ODUNSI: Yes.

16 CHAIRPERSON MILLER: Okay. And so you
17 have another route to get home from, I'm not sure
18 where you are coming from, but --

19 MS. ODUNSI: I do. I'm coming from the
20 Capitol Hill area or Benning Road, because my son has
21 a couple of things that he does on that side of town
22 after school.

1 CHAIRPERSON MILLER: Okay.

2 MS. ODUNSI: And practice, you know,
3 sports practices, so I do -- I can get around it, but
4 then there is a whole other traffic situation that you
5 are dealing with, because I have to cross a very busy
6 intersection like Montana and New York Avenue and
7 there is so many lights that way.

8 Going this way is only -- there is just
9 two lights, but I have so many other ones to wait for,
10 so I'm just sitting there waiting at lights using up
11 gas, you know, on the way home.

12 CHAIRPERSON MILLER: So how much longer
13 does it take you to get home?

14 MS. ODUNSI: It depends. It can be an
15 extra 5, you know, 10 minutes or so.

16 CHAIRPERSON MILLER: Okay.

17 MS. ODUNSI: And that adds up.

18 CHAIRPERSON MILLER: With respect to the
19 litter issue --

20 MS. ODUNSI: Um-hum.

21 CHAIRPERSON MILLER: -- did you observe
22 litter in front of The Stadium on other days than

1 November 16th?

2 MS. ODUNSI: I have. And I have other
3 pictures that we shared at another time, but I don't
4 have them with me.

5 CHAIRPERSON MILLER: Do you recall when
6 that was?

7 MS. ODUNSI: I took those pictures -- I
8 can't remember whenever the last hearing was.

9 CHAIRPERSON MILLER: It was -- oh, okay.

10 MS. ODUNSI: Whenever the last hearing is
11 that we had. So it was probably a couple of months
12 ago. Probably into the summer.

13 CHAIRPERSON MILLER: Did you bring that
14 issue to the attention of the owner or manager of The
15 Stadium?

16 MS. ODUNSI: No. I brought it up to our
17 Commissioner, Karla Butler.

18 CHAIRPERSON MILLER: Okay. So just Ms.
19 Butler, she has complained to Ms. Butler about it.
20 Correct?

21 MS. ODUNSI: Yes.

22 CHAIRPERSON MILLER: And was there a

1 reason that prompted you to go take the pictures?

2 MS. ODUNSI: Um --

3 CHAIRPERSON MILLER: Or were you just
4 driving by and you happened to see --

5 MS. ODUNSI: -- no, I have two dogs, so I
6 walk them and I walk through the neighborhood.

7 CHAIRPERSON MILLER: Okay.

8 MS. ODUNSI: I might be putting out flyers
9 for other things, events that are going on and then I
10 notice oh, wow, look at, you know, all this trash
11 here. You know, what is all this doing here? And as
12 I was walking by passing out flyers to some of the
13 neighbors, I'm hearing from other neighbors their
14 concerns about the trash that they have to pick up in
15 the mornings.

16 CHAIRPERSON MILLER: So when you noticed
17 trash on the other days, was it at the same time, same
18 day? Was it Saturday at 8:30 or was it a different
19 time?

20 MS. ODUNSI: I have noticed trash going
21 through there in the evenings. You know, but again,
22 that's when the club is in action, so, of course,

1 there is going to be that. But in the mornings, I
2 have noticed you can really see, because there is
3 nobody, there is not a lot of patrons. You just see
4 the trash that's left behind.

5 CHAIRPERSON MILLER: And have you ever --

6 MS. ODUNSI: On Saturday mornings.

7 CHAIRPERSON MILLER: Saturday mornings?

8 MS. ODUNSI: Yes.

9 CHAIRPERSON MILLER: Okay. And have you
10 ever noticed trash in front of the other
11 establishments that are in that locality?

12 MS. ODUNSI: Yes, I have.

13 CHAIRPERSON MILLER: Okay. Okay. Any
14 other questions? Any questions on Board questions?

15 MR. HAFFNER: No questions.

16 CHAIRPERSON MILLER: Okay.

17 MS. BUTLER: No questions.

18 CHAIRPERSON MILLER: Okay. Thank you very
19 much.

20 MS. ODUNSI: Thank you.

21 (Whereupon, witness was excused.)

22 CHAIRPERSON MILLER: Okay.

1 MS. BUTLER: I would like to call Ms.
2 Frances Penn.

3 MEMBER SHORT: Frances Penn?

4 MS. BUTLER: Frances Penn.

5 CHAIRPERSON MILLER: Good evening.

6 MR. HAFFNER: I would object to the
7 testimony of Ms. Penn. She wasn't listed as a witness
8 on the PIF.

9 MS. BUTLER: She is part of the other
10 members of the group of 50.

11 CHAIRPERSON MILLER: What?

12 MS. BUTLER: She is part of the group of
13 50 that protested the establishment.

14 CHAIRPERSON MILLER: And what will she
15 testify to in general? Just for me to determine
16 whether or not the applicant would be prejudiced by
17 not knowing that she was on the list.

18 MS. BUTLER: She is actually the president
19 for the CAC, which is the Citizens Advisory Council,
20 and complaints have been brought to the Council in
21 regards to Stadium Nightclub.

22 CHAIRPERSON MILLER: Okay. Are you

1 maintaining your objection?

2 MR. HAFFNER: I'm maintaining my
3 objection, yes.

4 CHAIRPERSON MILLER: Okay. I'm going to
5 overrule it. I think you can handle the cross on this
6 one. Okay.

7 Whereupon,

8 FRANCES PENN
9 was called as a witness by the Protestant, and having
10 been first duly sworn, assumed the witness stand and
11 was examined and testified as follows:

12 MS. PENN: I do.

13 CHAIRPERSON MILLER: Okay. Thank you.

14 DIRECT EXAMINATION

15 MS. BUTLER: Good evening. Can you spell
16 your name for the record, please?

17 MS. PENN: Sure. My first name is
18 Frances, F-R-A-N-E, as in Edward, S, Penn, P, as in
19 Pennsylvania, E-N-N, as in November.

20 MS. BUTLER: Thank you. How long have you
21 lived in the neighborhood?

22 MS. PENN: Since September 19, 1976.

1 MS. BUTLER: Have you held any leadership
2 positions in the community?

3 MS. PENN: Yes. I held the position of
4 president of the South Central -- former South Central
5 now Woodridge South Community Association for 12
6 years. I am currently the vice president of Woodridge
7 -- well, I'm sorry, of Woodridge South Community
8 Association. And I have been on the Citizens Advisory
9 Council for the 5th District Police Department for 14
10 years, which for the last two years I am the chair of
11 the 5th District Citizens Advisory Council.

12 MS. BUTLER: Thank you. Were you in the
13 neighborhood when Stadium Club initially opened?

14 MS. PENN: Yes. In fact, I was one of the
15 ones when they opened, they had the community members
16 to come in, view the club and we signed a Memorandum
17 of Understanding of what was expected of them as the
18 club coming into the neighborhood.

19 MS. BUTLER: And what were the views from
20 the community on the club, the opening of the club?

21 MS. PENN: When the club first opened, the
22 neighborhood was sort of --

1 MR. HAFFNER: Objection.

2 CHAIRPERSON MILLER: Okay. Let's hear it.

3 MR. HAFFNER: Hearsay.

4 CHAIRPERSON MILLER: Hearsay is allowable
5 in administrative proceedings. Okay. We will give it
6 the weight it deserves then. I said we will give it
7 the weight it deserves.

8 MR. HAFFNER: Yes.

9 CHAIRPERSON MILLER: Okay.

10 MS. PENN: When it first opened, we had
11 meetings. The community had meetings with the owners
12 coming in when they first came up with the idea that
13 they were moving there. And the mood with the
14 community was mixed. Some was for it, some was
15 against it.

16 But we eventually came to a meeting of the
17 minds and I think everybody in the beginning kind of
18 said okay.

19 MS. BUTLER: Since the opening of Stadium
20 Nightclub, have there been any -- have you heard of
21 any complaints from the community?

22 MS. PENN: Yes, there have been quite a

1 few complaints from the community. Most of it is the
2 fact that the trash and the fact that they just do not
3 work with the community in the capacity at which they
4 -- we wanted them to work.

5 When they first opened, they were supposed
6 to give back to the community for different things to
7 make sure they were a part of the community, but, to
8 my knowledge, I have not heard of anything that they
9 have done, other than, and I'll be honest, for the
10 annual awards dinner for MPD, they did make a
11 donation.

12 MS. BUTLER: And what year was that?

13 MS. PENN: It was 2012.

14 MS. BUTLER: And you stated that you are
15 the president for the 5th District's Citizens Advisory
16 Council?

17 MS. PENN: Chairperson, yes.

18 MS. BUTLER: Chairperson. I'm sorry.

19 MS. PENN: Yes.

20 MS. BUTLER: Thank you. Have there been
21 any complaints brought to the CAC?

22 MS. PENN: No, no.

1 MS. BUTLER: Was -- have you heard of any
2 complaints to MPD?

3 MS. PENN: Yes. One of the -- some of the
4 complaints that we have been in communication with is
5 the fact that even though MPD is supposed to be
6 monitoring The Stadium Club, they have complained that
7 sometimes because of more than one club being there,
8 it's just overbearing. They can only do so much and
9 they can only send so many police officers at one
10 time, because their 5th District is pretty large.

11 MS. BUTLER: And who is the current
12 commander for the 5th District?

13 MS. PENN: Dierdre Porter.

14 MS. BUTLER: Okay. Have you heard of
15 Commander Porter stating that there is an issue with
16 Stadium Nightclub?

17 MS. PENN: She hasn't said anything to the
18 CAC, at this point.

19 MS. BUTLER: Okay. No further questions.

20 CHAIRPERSON MILLER: Okay.

21 CROSS-EXAMINATION

22 MR. HAFFNER: So, Ms. Penn, if I'm

1 understanding your testimony correctly, you are saying
2 the -- as far as you are concerned, the biggest issue
3 with respect to Stadium is that they haven't given
4 back to the community as previously agreed. Is that
5 correct?

6 MS. PENN: They have not held their part
7 of Memorandum of Understanding of what they were
8 supposed to do in terms of upholding the community.
9 One of them is the parking problem. The other is the
10 trash. And giving back to the community. That has
11 been an issue for quite some time.

12 MR. HAFFNER: All right. Okay.

13 MS. PENN: I must say that since the other
14 clubs have opened, the traffic has gotten worse. I
15 worked at Safeway for a long time and I would come
16 home at 11:00 and 12:00 at night. And in the
17 beginning, the traffic wasn't bad, but since the other
18 clubs have come on, I have actually sat at that light
19 at Queens Chapel Road two, three or four lights
20 because people walk in the street. They park
21 throughout the entire neighborhood, so that's a
22 problem.

1 MR. HAFFNER: Just a follow-up on that
2 response. Can I ask you during what time period you
3 experienced that kind of traffic?

4 MS. PENN: Normally, I come through there
5 between 9:00 and 11:30 at night.

6 MR. HAFFNER: Can you give me kind of a
7 date range, not necessarily the time, but the date in
8 which you experienced that kind of traffic?

9 MS. PENN: It has been over the last year,
10 2014, '13 to '14.

11 MR. HAFFNER: Okay. You mentioned --
12 let's see, so you are aware that since October 2013,
13 that there has been a new management in place,
14 correct?

15 MS. PENN: I heard of it when we came to
16 the last hearing that it is now under transition.

17 MR. HAFFNER: All right. Are you familiar
18 with the fact that the new management has met with the
19 community on no less than five occasions since that --
20 since taking over?

21 MS. PENN: No. What part of the community
22 did you meet with?

1 MR. HAFFNER: Well, I'm not the one who is
2 testifying, but I'm asking you --

3 MS. PENN: No.

4 MR. HAFFNER: -- have you heard?

5 MS. PENN: No.

6 MR. HAFFNER: Okay. All right. So you
7 have no idea about the substance of the communications
8 with the community --

9 MEMBER SILVERSTEIN: Please speak up, sir.

10 MR. HAFFNER: I'm sorry. So you have no
11 understanding of the substance of the communications
12 that have gone on with new management in the
13 community?

14 MS. PENN: No.

15 MR. HAFFNER: All right. So accordingly,
16 you wouldn't be able to speak to whether the measures
17 that have been taken to address some of the concerns
18 of the community have actually been implemented?

19 MS. PENN: No.

20 MR. HAFFNER: I have no further questions.

21 CHAIRPERSON MILLER: Okay. Any Board
22 questions? Mr. Rodriguez?

1 MEMBER RODRIGUEZ: Yes. Ms. Penn?

2 MS. PENN: Sure.

3 MEMBER RODRIGUEZ: Good evening.

4 MS. PENN: Fine, sir, how are you.

5 MEMBER RODRIGUEZ: Just a couple of
6 questions here. Number one, you said that you have
7 noticed that there is more congestion since the other
8 clubs moved in.

9 MS. PENN: Right.

10 MEMBER RODRIGUEZ: Or from the other clubs
11 and that there -- what did you notice as far as the
12 other clubs?

13 MS. PENN: Well, the traffic has gotten to
14 be terrible and I'm not sure if it's coming from
15 Stadium Club, but they have persons out there actually
16 directing traffic for pay. In fact, one approached me
17 one night and said you can park over at the McDonald's
18 lot and I said no, I can't I live around here.

19 MEMBER RODRIGUEZ: Okay.

20 MS. PENN: And this has been the problem
21 and the young kids that are coming down the streets,
22 that is walking, the people just walk in the middle of

1 the street all time of night and you have to stand
2 there. In other words, give them a chance, either
3 that or you will hit them. And they park throughout
4 the entire, I mean the entire, neighborhood.

5 MEMBER RODRIGUEZ: Yes, ma'am. So why the
6 focus on this particular club?

7 MS. PENN: One of the reasons why I have
8 -- to be honest, it's all of them.

9 MEMBER RODRIGUEZ: So it's not just --

10 MS. PENN: It's the --

11 MEMBER RODRIGUEZ: -- this club? It's all
12 of them?

13 MS. PENN: All of them.

14 MEMBER RODRIGUEZ: I see. Okay.

15 MS. PENN: All of them have a problem.

16 MEMBER RODRIGUEZ: My other question is,
17 Ms. Penn, you say that you go by there between 9:00
18 and 11:30 p.m.?

19 MS. PENN: Yes.

20 MEMBER RODRIGUEZ: Is there -- I don't
21 want to get too personal with your private life, but
22 from 9:00 to 11:30 is kind of late in the evening. Is

1 that for a reason of your job or something like that?

2 MS. PENN: Normally, there -- I go to
3 attend a lot of meetings throughout the community.
4 Safeway doesn't close until 11:00, 12:00, whatever.

5 MEMBER RODRIGUEZ: I understand. Okay.
6 Thank you. I understand. Thank you, Ms. Penn.

7 MS. PENN: You know, we like to eat.

8 CHAIRPERSON MILLER: Mr. Silverman?

9 MEMBER SILVERSTEIN: Thank you for coming.

10 MS. PENN: Sure.

11 CHAIRPERSON MILLER: Silverstein, sorry,
12 Silverstein.

13 MEMBER SILVERSTEIN: Thank you for your
14 patience. You speak of trash. How much of this is
15 generated by patrons of this club and how much is from
16 other clubs? And how much from people who aren't
17 involved with those clubs, but maybe elsewhere?

18 MS. PENN: The trash is from the-- what is
19 that, the Credit Union. The Metro Credit Union on --
20 up on that side and both sides of the street. To sit
21 here and tell you that it comes straight from Stadium
22 Club, I can't answer that, because there are other

1 clubs in the neighborhood.

2 MEMBER SILVERSTEIN: Just slips of paper
3 that, you know, somebody --

4 MS. PENN: No, trash. Where people eat
5 and throw bottles. They throw beer cans. They throw
6 liquor bottles.

7 MEMBER SILVERSTEIN: Oh, okay.

8 MS. PENN: Whatever they do and I'm sure
9 it is coming from the patrons. Like to say it comes
10 out of the club, I can't say that, but the trash is
11 there. And one of the things that under the old
12 agreement, Stadium Club when they first came, they
13 assured us that by 9:00 every morning, especially on
14 the weekends, trash would be removed. That's not
15 always the case. To say every Saturday it's out
16 there, no.

17 MEMBER SILVERSTEIN: Is it --

18 MS. PENN: But it is there.

19 MEMBER SILVERSTEIN: -- removed sometimes
20 or --

21 MS. PENN: Not just --

22 MEMBER SILVERSTEIN: -- how good, how bad

1 are they at that?

2 MS. PENN: That I cannot -- because I'm
3 not always there during the day. Mainly on the
4 weekends if I'm going back and forth, but to tell you
5 during the week, I leave for work at 5:00 in the
6 morning, so I couldn't sit up here and tell you that
7 whatever time it's gone. I can't do that.

8 MEMBER SILVERSTEIN: Have they ever
9 removed it or are they -- is it sometimes?

10 MS. PENN: You say they will remove or who
11 removes it, it's gone, you know, by midday or so, I'm
12 sure. But I can't tell you that Stadium does it or
13 who does it.

14 MEMBER SILVERSTEIN: Okay. And you are
15 talking about actual trash?

16 MS. PENN: Yes.

17 MEMBER SILVERSTEIN: Not those trashy
18 flyers that are put on cars with --

19 MS. PENN: Oh, I don't know.

20 MEMBER SILVERSTEIN: -- in areas where
21 there are nude dancing, if you know what I'm talking
22 about.

1 MS. PENN: Oh, I don't know.

2 MEMBER SILVERSTEIN: Come visit club
3 whatever. You don't read those.

4 MS. PENN: No, I can't say that I have.

5 MEMBER SILVERSTEIN: Okay. Thank you very
6 much. No further questions.

7 CHAIRPERSON MILLER: Okay. Others? Ms.
8 Penn?

9 MS. PENN: Sure.

10 CHAIRPERSON MILLER: How long have you
11 been in the Citizens Advisory Committee to MPD?

12 MS. PENN: I have had different -- I have
13 been from secretary to treasurer to vice chair to
14 chair. I have been on -- actually, I have sat on that
15 board for 14 years.

16 CHAIRPERSON MILLER: Wow, okay. Because
17 you seem to describe a larger problem, you know, with
18 the traffic that affects not just The Stadium, but the
19 other clubs as well. So I'm wondering have you, in
20 that capacity, had an opportunity to try to work with
21 MPD on resolving some of the issues?

22 MS. PENN: Yes. We have talked about the

1 traffic problem --

2 CHAIRPERSON MILLER: Yes.

3 MS. PENN: -- quite a bit. And I have
4 been on them quite a bit about the traffic, because I
5 feel it's just not one person's problem. They are the
6 Metropolitan Police Department and it's part of their
7 duty to make sure that the neighbors are safe. So
8 that's one of the issues that we have discussed on
9 many occasion.

10 CHAIRPERSON MILLER: So have you been
11 successful at all with improving the situation or no?

12 MS. PENN: You know, I don't know how you
13 can measure that. Sometimes it's better than others.
14 I don't know if it's because of the activities that is
15 going on that generates a different crowd, a larger
16 crowd or what have you.

17 Sometimes it's better and sometimes it's
18 not. So to say it has improved, I don't want to sit
19 here and say it has or to say it hasn't. I don't
20 think I'm being fair to either party.

21 CHAIRPERSON MILLER: Okay. And you
22 haven't brought any of these issues to the attention

1 of Stadium directly, have you?

2 MS. PENN: No, I didn't. I only talked
3 strictly to MPD. I haven't talked -- and if I were to
4 take anything, I would either have to go through my
5 commissioner or through the chair of 5C, who is Ms.
6 Jackie Manning.

7 CHAIRPERSON MILLER: Okay. And how do you
8 know that cars are parking throughout the
9 neighborhood?

10 MS. PENN: Because I have seen them. I
11 have -- we have been in meetings where members of the
12 community have really, really expressed this as being
13 inconvenient to them. How it has impacted them in
14 terms of safety and what have you.

15 I have been in a lot of meetings with
16 that. To say it has impacted my street per se, no.
17 But my surrounding area, because I'm not on
18 Bladensburg Road or right there, it doesn't. But we
19 have had a lot of meetings with both Woodridge,
20 Gateway, South Central wherein we have discussed this
21 problem in depth.

22 CHAIRPERSON MILLER: Okay. So basically

1 though, the problems that you are talking about, the
2 traffic, the cars parking in the neighborhood and, I
3 don't know, and the litter, I guess as well --

4 MS. PENN: Yes.

5 CHAIRPERSON MILLER: -- are they pretty
6 much generic problems that you don't know which club
7 is necessarily causing them, but they are related to
8 --

9 MS. PENN: Right.

10 CHAIRPERSON MILLER: -- the clubs?

11 MS. PENN: Right.

12 CHAIRPERSON MILLER: Okay.

13 MS. PENN: That area is the center of all
14 of this, so I would, you know, be fair to all of them.

15 CHAIRPERSON MILLER: Okay. And have you
16 noticed a difference since the new management?

17 MS. PENN: I can't. No. I can't say.

18 CHAIRPERSON MILLER: With respect to any
19 of these issues?

20 MS. PENN: I can't say.

21 CHAIRPERSON MILLER: Okay.

22 MS. PENN: In fact, like I said, I just

1 learned that there was even a transition between the
2 old manager and the new manager.

3 CHAIRPERSON MILLER: Right, okay. All
4 right. Any other questions? Questions on Board
5 questions?

6 MS. BUTLER: Yes.

7 CHAIRPERSON MILLER: Okay.

8 REDIRECT EXAMINATION

9 MS. BUTLER: You stated that in reference
10 to MPD 5th District MPD that you have been on them --

11 MS. PENN: Yes.

12 MS. BUTLER: -- about the traffic
13 concerns.

14 MS. PENN: Yes.

15 MS. BUTLER: What do you mean by that?

16 MS. PENN: When I say that, because of the
17 impeding of the traffic, I have been talking with the
18 commander as well as the lieutenant that handles that
19 area, Corinne Hughes, that the traffic pattern should
20 get better, because we feel that they can help move
21 the traffic along as well.

22 MS. BUTLER: Was this a one-time

1 conversation or no?

2 MS. PENN: We have had several
3 conversations about it.

4 MS. BUTLER: Okay. Thank you.

5 MR. HAFFNER: No questions.

6 CHAIRPERSON MILLER: Okay. Thank you very
7 much.

8 (Whereupon, witness was excused.)

9 CHAIRPERSON MILLER: Okay. Do you have
10 another witness?

11 MS. BUTLER: Yes.

12 CHAIRPERSON MILLER: Okay.

13 MS. BUTLER: I would like to call Kevin
14 Mullone.

15 CHAIRPERSON MILLER: Okay.

16 Whereupon,

17 KEVIN MULLONE

18 was called as a witness by the Protestant, and having
19 been first duly sworn, assumed the witness stand and
20 was examined and testified as follows:

21 MR. MULLONE: I do.

22 CHAIRPERSON MILLER: All right. Thank

1 you.

2 DIRECT EXAMINATION

3 MS. BUTLER: Good evening. Could you
4 spell your name for the record, please?

5 MR. MULLONE: My name is Kevin Mullone.
6 Kevin, K-E-V-I-N, last name is M-U-L-L-O-N-E.

7 MS. BUTLER: Okay. Thank you. How long
8 have you been in the community?

9 MR. MULLONE: I have been in the community
10 since November 2010.

11 MS. BUTLER: Are you aware of Stadium
12 Nightclub being in the community?

13 MR. MULLONE: Yes, I am. My house is
14 probably about four blocks from Stadium Club.

15 MS. BUTLER: Okay. Have you ever
16 witnessed trash in front of Stadium Nightclub?

17 MR. MULLONE: Absolutely. And not only in
18 front of Stadium Nightclub, but all throughout the
19 community. Generally, more so on the weekends when I
20 believe there is a heavier participation.

21 MS. BUTLER: Okay. Have you ever
22 witnessed trash in the community during the week when

1 Stadium is open?

2 MR. MULLONE: Yes.

3 MS. BUTLER: Okay. What is the route that
4 you take when you are heading home?

5 MR. MULLONE: So on a routine basis going
6 to work and coming home, I take Queens Chapel. It is
7 very convenient for me to come down 22nd, take Queens
8 Chapel, make a right on Bladensburg Road and then go
9 across New York Avenue. That's my route to and from
10 work every day.

11 MS. BUTLER: Okay. So how many times
12 would you say you drive along Queens Chapel Road?

13 MR. MULLONE: I use Queens Chapel Road
14 practically seven days a week, multiple times a day,
15 because for me that's my entry point into the
16 community. So, yes.

17 MS. BUTLER: Okay. Have you ever
18 witnessed patrons entering into Stadium Nightclub?

19 MR. MULLONE: Absolutely.

20 MS. BUTLER: Okay. Have you ever
21 witnessed vehicles entering into Stadium Nightclub
22 parking lot?

1 MR. MULLONE: Absolutely.

2 MS. BUTLER: Have you ever witnessed
3 traffic due to vehicles entering into Stadium
4 Nightclub?

5 MR. MULLONE: Yes.

6 MS. BUTLER: All right. And what time
7 would you say this would be?

8 MR. MULLONE: It varies. I pride myself
9 on being particularly active in D.C., so anywhere --
10 particularly on the weekends when I'm hanging out
11 myself, anywhere from 9:00 p.m. to 3:00 in the
12 morning.

13 MS. BUTLER: Okay. And have you ever seen
14 a vehicle or patron -- have you ever seen a vehicle
15 entering Stadium's Nightclub at 1:00?

16 MR. MULLONE: Yeah.

17 MS. BUTLER: 2:00?

18 MR. MULLONE: Sure.

19 MS. BUTLER: A.m., sorry.

20 MR. MULLONE: Sure.

21 MS. BUTLER: Have you ever witnessed
22 patrons entering and exiting?

1 MR. MULLONE: Yes.

2 MS. BUTLER: At 1:00 a.m.?

3 MR. MULLONE: Yes.

4 MS. BUTLER: 2:00 a.m.?

5 MR. MULLONE: Yes.

6 MS. BUTLER: Have you ever witnessed any
7 violent activity at Stadium Nightclub?

8 MR. MULLONE: I have not witnessed violent
9 activities specifically at the nightclub, but I have
10 been privy to the information as a result of the
11 nightclub.

12 So for example, there were a couple of
13 fights, shootings and stabbings from 2012, '13. Most
14 recently in 2014, it was all over the news that Drake
15 got into a brawl. He rushed the door in October 2014.

16 In November of 2014, I think it was around
17 November 15th, a rapper by the name of Megos and Chief
18 Keef were performing there and they got into a fight
19 inside the club. And so when they have these sort of
20 incidents that happen inside the club, they tend to
21 percolate throughout the community.

22 MS. BUTLER: Have there ever been any

1 incidents during the night that a rapper was at
2 Stadium Nightclub?

3 MR. MULLONE: I think it was in September
4 of 2014, there was a drive-by shooting that happened
5 along 22nd Street. And that particular night, there
6 was a rap artist at Stadium Club.

7 MS. BUTLER: Okay. Did you call the
8 police in regards to the shooting?

9 MR. MULLONE: Absolutely. And I followed
10 up with several emails to Council Member McDuffie's
11 office and several emails to Commander Porter.

12 MS. BUTLER: Okay. I would like to
13 present an email that was submitted by Mr. Mullone to
14 Council Member McDuffie, Council Member Grosso,
15 Council Member Orange, the Mayor's office, Sheila
16 Bunn, Lieutenant Corinne Hughes and Council Member
17 Bonds, the 5th District Watch Commander, Council
18 Member Bowser, Council Member Catania and the Mayor's
19 office as well as Council Member Wells.

20 CHAIRPERSON MILLER: You would like to
21 present it to the witness?

22 MS. BUTLER: Yes.

1 CHAIRPERSON MILLER: Have you shown it to

2 --

3 MS. BUTLER: I have.

4 CHAIRPERSON MILLER: -- the applicant?

5 MS. BUTLER: Yes.

6 CHAIRPERSON MILLER: Okay.

7 MR. HAFFNER: No objection.

8 CHAIRPERSON MILLER: Okay.

9 MS. BUTLER: Is that the email that you
10 submitted to the names that I mentioned earlier?

11 MR. MULLONE: Yes. This is one of several
12 emails that I have submitted regarding nightclub
13 issues along the Queens Chapel route.

14 MS. BUTLER: Can you, please, give me the
15 date of that email?

16 MR. MULLONE: I wrote this email Monday,
17 September 22, 2014.

18 MS. BUTLER: And the title of that email?

19 MR. MULLONE: "Gunshots Along 22nd Street,
20 N.E., 2018, September 20, 2014.

21 MS. BUTLER: Okay. And can you read the
22 first three lines of that email?

1 MR. MULLONE: I started the email out by
2 saying "Hello. Help. Please, before someone gets
3 killed."

4 MS. BUTLER: And you were referencing?

5 MR. MULLONE: There were gunshots. There
6 was a drive-by shooting that took place in our
7 neighborhood where several homes and vehicles were hit
8 with stray bullets.

9 MS. BUTLER: And was this the night of the
10 artist you stated was at Stadium Nightclub?

11 MR. MULLONE: I'm not sure what night --
12 what particular artist was performing in September,
13 but I do know -- I just mentioned Drake. He was
14 attending the nightclub in October where he rushed the
15 front door. There was a fight that happened.

16 MR. HAFFNER: I'm going to object. His
17 answer is -- objection. The answer is non-responsive.
18 The question was regarding the artist that was
19 performing on the night of the shooting, which was in
20 September.

21 MR. MULLONE: I made no mention
22 of --

1 MR. HAFFNER: And he is testifying of
2 which artist.

3 MR. MULLONE: -- which artist.

4 CHAIRPERSON MILLER: Okay.

5 MR. MULLONE: I made no mention of which
6 artist was performing in September.

7 MR. HAFFNER: But you are -- he was
8 testifying about an incident in October that had
9 nothing to do with --

10 MS. BUTLER: No. He stated September.
11 The email date.

12 CHAIRPERSON MILLER: That's what--

13 MR. HAFFNER: So my objection is that he
14 is talking about an artist that was performing in
15 October. The drive-by shooting in question happened
16 in September. And the question pending is who was
17 performing the night in September?

18 To the extent that he is talking about an
19 event that happened in October is non-responsive,
20 hence my objection.

21 CHAIRPERSON MILLER: Okay. I would assume
22 that, I guess, Ms. Butler might do a follow-up

1 question then, but --

2 MS. BUTLER: Ma'am, this has been on the
3 record that they have artists at their establishment.

4 CHAIRPERSON MILLER: He is just saying he
5 is going beyond the question.

6 MS. BUTLER: And we will --

7 MEMBER ALBERTI: You need to rule.

8 MS. BUTLER: -- move on from that
9 question, I guess.

10 CHAIRPERSON MILLER: Okay. What I was
11 saying was that I would sustain the objection.
12 However, that doesn't mean you couldn't do a follow-up
13 question. It's just that he had answered beyond the
14 question you asked.

15 MS. BUTLER: Okay. Thank you. When you
16 stated, please, help before someone gets killed, you
17 were referencing the shooting?

18 MR. MULLONE: I was referencing the drive-
19 by shooting that took place in September of 2014.

20 MS. BUTLER: Okay. Are you aware of an
21 artist performing at Stadium Nightclub that night?

22 MR. MULLONE: Yes. And the only reason

1 why that I'm aware that there was a rap artist
2 performing that night is because when the police came
3 out to the community, we were informed that there was
4 a rap artist. And it was potentially, the drive-by
5 shooting was potentially, because of a result of what
6 might have happened at the nightclub.

7 MS. BUTLER: And did you call the police
8 in regards to this issue?

9 MR. MULLONE: Yes. When I heard the
10 shots, I was awakened and I called 911.

11 MS. BUTLER: Okay. Was there any other
12 means of communication to the police?

13 MR. MULLONE: Other than me calling 911
14 and then following up with this email, that's pretty
15 much it. I have spoken with Commander Porter directly
16 and have sent several emails to MPD.

17 MS. BUTLER: Okay. Have you ever reported
18 issues with Stadium Nightclub to any other agencies or
19 D.C. officials?

20 MR. MULLONE: Generally, I email, just as
21 this particular one, the entire Council and I am sure
22 to include Commander Dierdre Porter. I have begin to

1 include Chief Groomes, Diane Groomes on the email,
2 simply because there has been frustration in the
3 community where we are not getting the responses from
4 the Council's office.

5 And so to apply pressure to him, I have
6 included all Council Members to make everyone aware.
7 I also know that we have several Council Members at-
8 large who live in Ward 5, so it's not just Mr.
9 McDuffie's issue. It should be the entire Council's
10 issue that we are in a community where we are
11 experiencing, obviously, bad publicity from the
12 nightclubs, from the various shootings, the stabbings
13 and it's not just Stadium, because there are other
14 clubs there.

15 But we can't pinpoint when it's Stadium.
16 Echostage is now open every night. They are a concert
17 venue. Stadium is a nightclub that is open every
18 weekend and most recently we were told they are now
19 open seven days a week.

20 So some of this can be pinpointed on
21 Stadium. So again, my frustration has been to email
22 the entire Council to include Chief Groomes and

1 Commander Porter.

2 MS. BUTLER: Okay. Are you aware of the
3 letter that Council Member McDuffie wrote in
4 opposition to you of Stadium Nightclub's liquor
5 license?

6 MR. MULLONE: I am.

7 MS. BUTLER: Okay. May I present this to
8 him, please, so he can see the letter?

9 CHAIRPERSON MILLER: Sure. You have shown
10 the applicant?

11 MS. BUTLER: Yes.

12 CHAIRPERSON MILLER: And how did you
13 characterize that letter?

14 MS. BUTLER: This is a letter from Council
15 Member McDuffie in opposition to the renewal of the
16 liquor license.

17 CHAIRPERSON MILLER: Oh, okay.

18 MS. BUTLER: Would that be the letter from
19 Council Member McDuffie's office in opposition?

20 MR. MULLONE: Yes. This is the letter
21 that he sent back after several communications to his
22 office to show his solidarity with the community that

1 he was, indeed, protesting their liquor license.

2 MS. BUTLER: Okay. Could you read the
3 first page of that, please?

4 MR. MULLONE: This letter is addressed --

5 MR. HAFFNER: I object.

6 MR. MULLONE: -- to --

7 CHAIRPERSON MILLER: What do you object
8 to?

9 MR. HAFFNER: Again, this is hearsay
10 testimony.

11 CHAIRPERSON MILLER: This is hearsay.

12 MR. HAFFNER: He is testifying as to the
13 substance of a letter that he did not write.

14 CHAIRPERSON MILLER: He is just reading
15 the letter.

16 MR. HAFFNER: And there is no --

17 CHAIRPERSON MILLER: Correct?

18 MS. BUTLER: It's an official letter,
19 ma'am, on an official --

20 CHAIRPERSON MILLER: I understand that.

21 MS. BUTLER: -- letterhead with his
22 signature.

1 CHAIRPERSON MILLER: I understand that.
2 I don't know if you are going to be moving that into
3 evidence or not anyway.

4 MS. BUTLER: Yes, ma'am.

5 CHAIRPERSON MILLER: We understand that
6 it's hearsay. We understand that the Council Member
7 is not here. You can't cross-examine the Council
8 Member. So that will go to the weight that we give
9 it.

10 MS. BUTLER: Could you, please, read the

11 --

12 MR. MULLONE: The letter is dated March
13 13, 2014 to Ruthanne Miller, the Chair of the
14 Alcoholic Beverage Control Board. It mentions the
15 license number of Stadium Group and it says:

16 "Dear Madam Chair, I write to join
17 Advisory Neighborhood Commission 5C in opposition to
18 the Class CM Liquor License renewal application
19 submitted by The Stadium Group, LLC, Stadium, at 2127
20 Queens Chapel Road, N.E."

21 Should I continue?

22 MS. BUTLER: Yes.

1 MR. MULLONE: "Based on my review of
2 Stadium's renewal application, including ABRA's
3 investigative history" --

4 MR. HAFFNER: I'm going to object again.
5 I don't think there is a question pending.

6 MS. BUTLER: Ma'am, you allowed the
7 witness to read the letter. I asked if he can read
8 the first page.

9 CHAIRPERSON MILLER: The whole page? I
10 mean, it's your time.

11 MS. BUTLER: Yes.

12 CHAIRPERSON MILLER: If you are going to
13 put that into evidence, you still want to use your
14 time with --

15 MS. BUTLER: Yes.

16 CHAIRPERSON MILLER: -- his reading it?

17 MS. BUTLER: Yes, ma'am.

18 CHAIRPERSON MILLER: I don't --

19 MR. HAFFNER: Well --

20 CHAIRPERSON MILLER: Unless you can give
21 me a better objection, I'm going to overrule.

22 MEMBER SHORT: Madam Chair, they have used

1 half --

2 CHAIRPERSON MILLER: Yes?

3 MEMBER ALBERTI: They have used half of
4 their 51 minutes.

5 CHAIRPERSON MILLER: Okay. Thank you.

6 MEMBER SHORT: Yes.

7 CHAIRPERSON MILLER: So they have like 25
8 left or so?

9 MEMBER SHORT: Somewhere in that area,
10 yes.

11 CHAIRPERSON MILLER: Okay.

12 MR. MULLONE: Should I continue or not?

13 CHAIRPERSON MILLER: You may. I have
14 overruled the objection, so --

15 MS. BUTLER: Yes, please, continue.

16 MR. MULLONE: "Based on my review of
17 Stadium's renewal application, including ABRA's
18 investigative history and conversations with the
19 impacted community, I have concluded that another
20 nightclub in this small neighborhood could have
21 deleterious effects.

22 I have three bases for my objection to

1 Stadium's renewal application. This establishment
2 will adversely impact the following:

3 (1) Real property values in the area.

4 (2) Peace, order and quiet of the
5 surrounding community.

6 And (3), residential parking needs and
7 vehicular and pedestrian safety.

8 The real property values in the area.

9 Shortly after taking office, I created the Ward 5
10 Industrial Land" Task Transformation -- I'm sorry,
11 "Land Transformation Task Force charged with
12 developing and implementing strategies to revitalize
13 the ward's industrial land and neighboring residential
14 communities.

15 The license renewal of a strip club with
16 more than 30 ABRA investigations since 2010 would run
17 counter to the Task Force's mission.

18 Restaurants, grocery stores, retail and
19 consumer services are better suited for this area and
20 are more likely to attract additional neighborhood
21 serving development.

22 The continued operation of Stadium will

1 only contribute to the already depressed real property
2 values of the surrounding residents."

3 MR. HAFFNER: I'm going to object. This
4 is going -- this is all opinion testimony from
5 somebody who is not even here. And to base that --

6 CHAIRPERSON MILLER: Again --

7 MEMBER SILVERSTEIN: It has been ruled on.

8 CHAIRPERSON MILLER: Right. I agree.
9 That goes to the weight that we will give it. Okay.
10 All right. Is there more?

11 MR. MULLONE: There is a paragraph more.

12 CHAIRPERSON MILLER: Ms. Butler?

13 MS. BUTLER: Yes.

14 CHAIRPERSON MILLER: You are asking him?
15 Okay.

16 MR. MULLONE: Okay. "Peace, order and
17 quiet of the surrounding communities. Stadium, which
18 will be open until early morning and accommodate
19 hundreds of patrons is adjacent to numerous
20 residences.

21 Approving the application will adversely
22 affect the peace, order and quiet of these areas.

1 Indeed, while it was in operation previously, Stadium
2 was consistently disruptive to the peace, order and
3 quiet of surrounding community.

4 When Stadium closes each night, hundreds
5 of people, some of whom are inebriated exit the
6 establishment and cause significant disruptions. This
7 concern is not speculative. I receive calls from
8 constituents on a weekly basis concerning noise,
9 disorderly conduct and sometimes criminal activity of
10 patrons.

11 It should be noted that Echostage, a Class
12 CM Licensee, is located next door to Stadium and Pulse
13 is in the process of applying for the same license in
14 the same block.

15 I am concerned that the existence of
16 Stadium along with these other two clubs will present
17 serious challenges for nearby residents. And wouldn't
18 you know I received just last week a constituent spoke
19 of having to comfort his two young daughters as
20 intoxicated patrons yelled in front of his house in
21 the early morning hours.

22 These conditions are plainly

1 unacceptable."

2 MS. BUTLER: Thank you. Have you ever
3 heard noise coming from Stadium Nightclub?

4 MR. MULLONE: Yes. And one that I can
5 really recall happened, I think, in 2012 which was an
6 event for Howard's Homecoming.

7 MS. BUTLER: Okay. And can you describe
8 the activity during Howard's Homecoming?

9 MR. MULLONE: I'm not certain what the
10 activity was at Stadium, but we do know that they were
11 having some sort of day party, outside party and,
12 basically, you could hear music from Queens Chapel all
13 the way up to Franklin Street. And I'm on Evarts.

14 MS. BUTLER: Okay. And what year was
15 that?

16 MR. MULLONE: Again 2012.

17 MS. BUTLER: Okay. Did Stadium Nightclub
18 reach out to the community in regards to that event?

19 MR. MULLONE: Initially, no. It wasn't
20 until we complained that we got somewhat of an
21 apology. And I can't remember exactly who that came
22 from.

1 MS. BUTLER: And how did they submit the
2 apology?

3 MR. MULLONE: I don't remember.

4 MS. BUTLER: Okay. Was it verbal?

5 MR. MULLONE: I don't remember if it was
6 verbal or by writing.

7 MS. BUTLER: Okay. What has been your
8 experience with the traffic around Stadium Nightclub?

9 MR. MULLONE: The congestion, in my
10 opinion, is a little crazy. I have spoken to
11 Commander Dierdre Porter several times about being
12 proactive, because they are supposed to be officers on
13 reimbursable detail, obviously, for the safety and
14 security of the clubs, but to also help with the
15 traffic flow.

16 So there are valet men out there to help
17 direct traffic, but those valet men also, at the same
18 time, create congestion, because they have to stop
19 cars to help direct traffic. So you, in essence,
20 create a backlog of traffic on Queens Chapel.

21 Now, I will say also sometimes in the
22 hours of 3:00 a.m., Queens Chapel is completely

1 blocked off when the nightclubs are exiting, so no one
2 is able to even access Queens Chapel Road.

3 And I have spoken to Commander Porter
4 about that as well. One of the things I suggested to
5 her was because we keep experiencing incidents in the
6 actual residence was to see if she could close Queens
7 Chapel altogether and make people walk to the club
8 instead of driving along Queens Chapel. And that idea
9 was tossed out. But they do close the bridge
10 sometimes at 3:00, 4:00 in the morning when the clubs
11 are letting out.

12 MS. BUTLER: Okay. One second, please?

13 CHAIRPERSON MILLER: Okay. Have you ever
14 spoken with other community residents in regards to
15 the events at Stadium Nightclub?

16 MR. MULLONE: Yes, I have.

17 MS. BUTLER: And what have been their
18 concerns?

19 MR. MULLONE: There is similar concerns as
20 everybody else. The major concern that I have
21 personally is the image of the community. You know,
22 I'm one of few young people that live in the

1 community. We have a community where the majority of
2 our residents are older and seniors.

3 And so it makes it very difficult to
4 attract home buyers to the community when they have
5 got all these blog sites out there saying that oh,
6 stadium is down the street. There is all these
7 shootings. There is these stabbings.

8 So the establishment itself, since my time
9 in the community, has not left a good impression on
10 the community as a whole. When people hear about
11 Langdon, they associate the shootings and the
12 stabbings and all of the trash related to Queens
13 Chapel Road.

14 So yet parking is an issue. It is. And
15 it's a major issue particularly for senior citizens
16 who can't park in front of their homes, that's a big
17 deal. But the fact that when you think about the
18 Langdon community itself, and what it means to people
19 and what it potentially means to future home buyers,
20 that scares me more than anything.

21 It also scares me that we have a-- we had
22 a drive-by shooting and yet, we still don't have

1 answers and we still don't feel safe and secure in our
2 own neighborhood.

3 MS. BUTLER: Okay. Are you aware of any
4 of the neighbors' property being damaged in regards to
5 the shooting?

6 MR. MULLONE: Yes. One of the residents,
7 I don't know her first name, she lives on 22nd, her --
8 I'm sorry, her name is Ida Springfield. She lives on
9 22nd. Her Lexus was actually damaged as a result of
10 the drive-by shooting.

11 And the next door neighbor, and I honestly
12 don't know their name, their bricks were damaged as a
13 result of the drive-by shooting that happened in
14 September.

15 MS. BUTLER: Okay. If I could also
16 present a picture of a vehicle, Ms. Ida Springfield's
17 vehicle, the Lexus, that he referenced?

18 CHAIRPERSON MILLER: Have you shown it to
19 the applicant?

20 MS. BUTLER: Yes.

21 CHAIRPERSON MILLER: Any objection?

22 MS. BUTLER: As well as the gray vehicle

1 with the bullet hole in the window as well.

2 Could you, please, describe what I just
3 submitted to you?

4 MR. MULLONE: These are photos taken of
5 bulletholes in the vehicles.

6 MS. BUTLER: Okay. And do you recognize
7 the vehicles in the picture?

8 MR. MULLONE: Yes. I recognize Ms. Ida
9 Springfield's car and this Lexus parked behind it.
10 I'm not sure who the owner is, but it's often parked
11 in that same area.

12 MS. BUTLER: Okay. And what side of the
13 vehicle was the bullethole?

14 MR. MULLONE: Both vehicles were hit on
15 the driver's side, front driver's side.

16 MS. BUTLER: Okay. And did you ever speak
17 to Ms. Springfield, you stated?

18 MR. MULLONE: Yes. I spoke to Ms.
19 Springfield personally about her vehicle.

20 MS. BUTLER: Okay. And what did she say?

21 MR. MULLONE: She was actually absolutely
22 petrified that this happened and because she has been

1 in the community for over -- she has lived in her
2 house for over 30 years. And she has never
3 experienced anything like it.

4 MS. BUTLER: No further questions.

5 CHAIRPERSON MILLER: Okay.

6 MR. HAFFNER: Okay.

7 CROSS-EXAMINATION

8 MR. HAFFNER: Mr. Mullone, you testified
9 that you take Queens Chapel, that's your main, I
10 guess, source of ingress/egress to your neighborhood.
11 Is that correct?

12 MR. MULLONE: That is correct.

13 MR. HAFFNER: All right. And
14 approximately what time do you go to work?

15 MR. MULLONE: I leave my house probably
16 around 8:30/8:45 every morning for work.

17 MR. HAFFNER: And can you explain to the
18 Board what the traffic situation is like around
19 8:00/8:45 in the morning?

20 MR. MULLONE: It's --

21 MR. HAFFNER: On Queens Chapel Road.

22 MR. MULLONE: So it's a normal flow of

1 traffic heading towards Bladensburg Road. It's mostly
2 commuter traffic in the morning.

3 MR. HAFFNER: Okay.

4 MR. MULLONE: Exiting -- and the other
5 thing, too, about Queens Chapel in the morning is it
6 is also a source route for DCPS buses that are parked
7 on Adams Place. It's also a source route for Waste
8 Management. There is a Waste Management facility on
9 Queens Chapel Road and there is an aggregate.

10 But even in the morning, it's not
11 extremely heavy. It's just a normal flow around
12 8:30/8:45 --

13 MR. HAFFNER: Okay.

14 MR. MULLONE: -- in the morning.

15 MR. HAFFNER: Sir, by profession, are you
16 a realtor?

17 MR. MULLONE: I am not.

18 MR. HAFFNER: Okay. So you don't
19 professionally show houses?

20 MR. MULLONE: I do not.

21 MR. HAFFNER: Okay.

22 MR. MULLONE: But I do have --

1 MR. HAFFNER: So --

2 MR. MULLONE: But I do have --

3 MR. HAFFNER: No question is pending. No
4 question pending.

5 Have you personally shown homes in the
6 Langdon neighborhood?

7 MR. MULLONE: I have not.

8 MR. HAFFNER: Okay.

9 MEMBER RODRIGUEZ: Where did that come
10 from?

11 MR. HAFFNER: So you have no basis --
12 strike that.

13 Now, with respect to the drive-by shooting
14 that happened in September, there was no police
15 report, to your knowledge, issued with respect to that
16 incident. Is that correct?

17 MR. MULLONE: That is correct.

18 MR. HAFFNER: There has been no conclusion
19 that that incident had anything to do with any patrons
20 of Stadium Club? Is that correct?

21 MR. MULLONE: Well, what I have been told
22 as late as, I think I want to say, two weeks ago,

1 Council Member McDuffie had a Safety Symposium at
2 Turkey Thicket, and when I spoke to Commander Porter,
3 that the case was still open and the investigation was
4 still open regarding the drive-by shooting.

5 MR. HAFFNER: Okay. So Commander Porter,
6 herself, hasn't confirmed that, in fact, that shooting
7 had anything to do with Stadium Club, correct?

8 MR. MULLONE: No, she has not confirmed
9 that to me.

10 MR. HAFFNER: Okay. To your knowledge,
11 has Councilman McDuffie ever visited Stadium Club?

12 MR. MULLONE: To my knowledge, no, he has
13 not.

14 MR. HAFFNER: But to the extent he has any
15 opinion with respect to Stadium Club, it has to do
16 with what he has been told and not what he has
17 personally witnessed, correct?

18 MR. MULLONE: I would imagine not only
19 what he is told, but what he has read in the media and
20 what information --

21 MR. HAFFNER: But that's personal,
22 correct?

1 MR. MULLONE: -- that he has been
2 provided. You asked me a question.

3 MR. HAFFNER: Right. I'm asking not based
4 on his personal experience. Yes or no?

5 MR. MULLONE: I'm saying I wouldn't know
6 if he --

7 MR. HAFFNER: Okay. That will suffice.

8 MR. MULLONE: -- has experienced Stadium
9 Club.

10 MR. HAFFNER: That will suffice. All
11 right. Now, with respect to the noise incidents, you
12 said the last time you heard or had a noise complaint
13 was in 2012. Is that correct?

14 MR. MULLONE: One where I could hear noise
15 emanating from Stadium.

16 MR. HAFFNER: Was in 2012, correct?

17 MR. MULLONE: That is correct.

18 MR. HAFFNER: All right. Nothing since
19 that time?

20 MR. MULLONE: Noise complaints in terms of
21 patrons, that's a different story.

22 MR. HAFFNER: No. The question was --

1 MR. MULLONE: But emanating --

2 MR. HAFFNER: -- that you haven't had an
3 issue --

4 MR. MULLONE: That is correct. Emanating
5 from the club in 2012.

6 MR. HAFFNER: No question pending. Right.
7 All right. All right. I have no further questions,
8 at this time.

9 CHAIRPERSON MILLER: Okay. Are there
10 Board questions?

11 MEMBER SHORT: Madam Chair?

12 CHAIRPERSON MILLER: Yes, Mr. Short?

13 MEMBER SHORT: Your name again, sir, is?

14 MR. MULLONE: Kevin Mullone.

15 MEMBER SHORT: Mr. Mullone, your testimony
16 has been quite compelling. How long have you lived in
17 this neighborhood?

18 MR. MULLONE: November 2010.

19 MEMBER SHORT: And when you moved there,
20 did you know Stadium Club and those other clubs were
21 there?

22 MR. MULLONE: I did not.

1 MEMBER SHORT: When did you first
2 experience noise or disturbances from that area?

3 MR. MULLONE: I would first say probably
4 around 2011 we were having issues with The Scene
5 Nightclub. And that's when I started to pay attention
6 to my community in 2011, because, again, I moved in in
7 November 2010. At the turn of the year, 2011, I had
8 no idea that I was getting ready to encounter and
9 experience this sort of barrage of violent incidents
10 that were a result of Queens Chapel Road.

11 MEMBER SHORT: Okay. In your personal
12 view, if you decided you wanted to move today or
13 tomorrow, would you have a problem selling that
14 property?

15 MR. MULLONE: I don't know if I would have
16 a problem selling my property. I would have to speak
17 to a realtor. But I can only tell you that my -- the
18 realtor who sold my house lives in my neighborhood.
19 And there is also a realtor who lives on the corner of
20 20th and Queens Chapel. And both of those realtors,
21 in conversation, have said things about Queens Chapel
22 that creates sort of a distracter to attract people

1 into the community.

2 MEMBER SHORT: Okay. The letter you read
3 from Council Member McDuffie --

4 MR. MULLONE: Yes.

5 MEMBER SHORT: -- he specifically said in
6 that letter he did not want the license renewed for
7 this club? Is that what you read?

8 MR. MULLONE: That is what I read.

9 MEMBER SHORT: Have you heard from any
10 other elected officials in the city, their opinions?

11 MR. MULLONE: When I -- when the Mayor's
12 election was underway, I reached out to the candidate-
13 elect or now Mayor-elect, Muriel Bowser personally and
14 I reached out to then candidate David Catania
15 personally, because in these group emails, I didn't
16 get a response.

17 But when I personalized it to them and
18 made sure that they understood where I was coming from
19 as them being potential candidates for Mayor, I did,
20 in fact, hear back from them. If you need me to, I
21 can pull up the emails.

22 MEMBER SHORT: No, that's not necessary

1 right now.

2 MR. MULLONE: But I did hear back from
3 them and they understood the concerns that we all have
4 regarding the nightclubs on Queens Chapel Road.

5 MEMBER SHORT: Well, I would like to make
6 a statement to you and all the citizens here from your
7 neighborhood.

8 Pretty much I was born and raised here in
9 Washington, D.C. 68 years ago. And this wasn't
10 tolerated years ago and it should not be tolerated
11 now. I'm for business and I'm for people in
12 Washington, D.C. making money, paying their taxes
13 because it helps our base.

14 MR. MULLONE: Absolutely.

15 MEMBER SHORT: But when it becomes a
16 nuisance to our community, then I'm quite concerned.
17 And I'm just one Board Member.

18 MR. MULLONE: Right.

19 MEMBER SHORT: But hearing that letter
20 from the Council Member was very compelling. That's
21 all I have, Madam Chair.

22 CHAIRPERSON MILLER: Okay. Others? Mr.

1 Alberti?

2 MEMBER ALBERTI: Hi, Mr. Mullone. Just
3 one quick question because I don't think I heard it.

4 So the night of the drive-by shooting,
5 what day of the week was that?

6 MR. MULLONE: It was a, I want to say,
7 Saturday.

8 MEMBER ALBERTI: Okay. So Saturday, in
9 your experience, Stadium and The Scene, at least would
10 have been open and possibly --

11 MR. MULLONE: Well, The Scene was closed
12 --

13 MEMBER ALBERTI: -- Echostage.

14 MR. MULLONE: -- during the drive-by
15 shooting.

16 MEMBER ALBERTI: And Echostage, do you
17 know the status of Echostage?

18 MR. MULLONE: I don't recall them having
19 a concert that night.

20 MEMBER ALBERTI: Okay. Thank you. No
21 further questions.

22 CHAIRPERSON MILLER: Okay. Mr. Rodriguez?

1 MEMBER RODRIGUEZ: Mr. Mullone, there is
2 a -- from your testimony and my colleague has
3 described it as compelling, it is. My question is
4 this, what -- I don't get, from your testimony, that
5 there is a compelling police activity, police presence
6 with the -- you know, what are the results of, for
7 example, the drive-by shooting and all the activity
8 that is going on? What kind of--

9 MR. MULLONE: Sir, I have
10 emailed --

11 MEMBER RODRIGUEZ: -- a response?

12 MR. MULLONE: I have emails -- which this
13 really frustrates me, because I have emails where --
14 because I wasn't getting the response from Commander
15 Porter and I copied Chief Diane Groomes. She replied
16 back to me in one of her emails that they were going
17 to designate Queens Chapel as a Nightlife Zone because
18 the reimbursable detail was not enough to support all
19 of the venues being opened.

20 There is an email that I wrote to Diane --
21 Commander Groomes. I mean, I'm sorry, Commander
22 Porter one evening when I drove by Queens Chapel at

1 about 11:00. There were no police officers out there.
2 And I emailed her. I said there are no reimbursable
3 details. And he reply was they are responding to
4 another call in Ward 5.

5 How is that possible when these are
6 supposed to be off-duty cops working reimbursable
7 detail? They should not be on duty at those hours.
8 I have been going back and forth between Commander
9 Groomes and -- I'm sorry, Commander Porter and Chief
10 Groomes about this nightlife designation. It is very
11 clear that the reimbursable detail is not enough.

12 And when you -- if you guys drive down
13 Queens Chapel during club operations, those police
14 officers are parked directly across from the
15 nightclub. They are not patrolling the community
16 where the patrons are parking, where the patrons are
17 throwing their liquor bottles, where the patrons are
18 yelling obscenities, where the patrons are urinating
19 in your yard.

20 These are all the things that I have been
21 emailing and calling and complaining about. And so I
22 am at my wits end. I don't know what else to do. I

1 have emailed the entire Council. I have included
2 Mayor Grey on these emails. I have proposed idea
3 after idea after idea and only to be told no.

4 I said to Commander Porter, let's get
5 together with you, Council Member McDuffie and let's
6 come up with a plan and nothing. I asked her to close
7 Queens Chapel Bridge when the clubs are open and she
8 said no, I can't do it. I'll request a traffic study.
9 It never happened.

10 MEMBER RODRIGUEZ: Okay. Thank you.

11 CHAIRPERSON MILLER: Mr. Silverstein?

12 MEMBER SILVERSTEIN: Thank you, Mr.

13 Mullone, let's get to work. Okay. Let's come up with
14 that plan. You tell us what can be done. You know,
15 don't read anything into this. We always -- we
16 frequently ask protestants assume the license is going
17 to be granted, under what conditions would it be
18 tolerable or acceptable to you?

19 That doesn't mean what we are going to do.
20 We are just exploring this.

21 MR. MULLONE: I think for one that if you
22 are going to keep them open, then you have to place

1 conditions on their license. And the first condition
2 would be when they can sell alcohol. I don't think
3 that they should be allowed to sell alcohol until the
4 wee hours of the night like all the other
5 establishments, because the fact of the matter is, in
6 my opinion, I don't think Stadium takes responsibility
7 of what happens outside their club. And do they have
8 to really?

9 I mean, we are the ones dealing with it.
10 So the stuff that happens in the club often percolates
11 and happens in the community, which is what we have to
12 deal with. So, okay, well, let's stop them from
13 selling alcohol until 3:00 in the morning. Maybe that
14 will give their patrons some time to sober up. Okay?

15 MEMBER SILVERSTEIN: Next?

16 MR. MULLONE: And then I would like the
17 police to say okay, if we know we are going to have
18 Stadium Club and Echostage and The Scene all open at
19 the same time on the weekend, then let's close Queens
20 Chapel Bridge completely. I'll suffer and I'll
21 sacrifice to keep the congestion because what ends up
22 happening is these kids when they are -- and these

1 adults, when they are leaving these establishments,
2 their cars are right across the street sometimes.

3 And they are going back to their cars to
4 get weapons to fight, knives and guns. If you do a
5 simple search on the Washington Post, you will pull up
6 fights, shootings and stabbings. But if your car is
7 parked miles away, you don't have an opportunity to go
8 get a gun or a knife. So keep them from parking so
9 close, because that's where they are going to go get
10 their weapons.

11 MEMBER SILVERSTEIN: Next?

12 MR. MULLONE: And the next would be the
13 trash. You know, they are saying that oh, we pick up
14 trash outside of the community, but you are not going
15 far enough. We have people parking all the way along
16 Queens Chapel, 22nd, Franklin, Bladensburg Road. You
17 know, and then they are parking all around New York
18 Avenue where the Exxon and the McDonald's is, we don't
19 want to see that trash.

20 You know, we already have a challenge
21 enough where that little strip of land is industrial
22 and it abuts a residential community. There is no

1 buffer zone. And it is ugly, it's blighted. And when
2 you compound that with club flyers, which they are
3 claiming they are not doing any more, but it doesn't
4 mean they haven't done it.

5 MEMBER SILVERSTEIN: Club flyers, you
6 mean?

7 MR. MULLONE: Well, yes. And I have to
8 say to you that I have participated in two trash
9 pickups along Queens Chapel as a part of our
10 neighborhood beautification. And we picked up trash
11 along that road.

12 MEMBER SILVERSTEIN: Okay. You are
13 telling me that you have a problem. How-- what's your
14 idea?

15 MR. MULLONE: I want them to take
16 responsibility for the trash beyond their immediate
17 radius all and through the community.

18 And I want them also to ratchet up their
19 reimbursable detail. If we can't get Chief Lanier and
20 Chief Groomes to designate Queens Chapel as a
21 Nightlife Zone, their minimal amount of reimbursable
22 detail is not enough. It's not enough. The police

1 officers are not patrolling the neighborhood. They
2 park their cars right across the street from the club.

3
4 MEMBER SILVERSTEIN: Well, that's where
5 they are required to be.

6 MR. MULLONE: I know that.

7 MEMBER SILVERSTEIN: As an RDO.

8 MR. MULLONE: And then when the fights are
9 happening, where do you think those fights take place?

10 MEMBER SILVERSTEIN: And they move down
11 the road after that, but that's --

12 MR. MULLONE: And that's precisely my
13 point.

14 MEMBER SILVERSTEIN: -- the difficulty
15 with the --

16 MR. MULLONE: And so --

17 MEMBER SILVERSTEIN: -- way that the RDO
18 Program is structured.

19 MR. MULLONE: We understand it.

20 MEMBER SILVERSTEIN: If clubs pay for it,
21 then they are supposed to --

22 MR. MULLONE: And that's the frustration.

1 MEMBER SILVERSTEIN: -- be at the clubs.
2 And then if something happens, then they move.

3 MR. MULLONE: That's the frustration,
4 because what happens in the club percolates into the
5 community.

6 MEMBER SILVERSTEIN: And then down the
7 street?

8 MR. MULLONE: And then who has to deal
9 with that? We do. And then who has to deal with the
10 drive-by shooting? We do. And do you think they
11 care? Because it didn't happen on their property and
12 they get to say, but you can't pinpoint us.

13 And so it's not going to be until somebody
14 dies that somebody cares.

15 MEMBER SILVERSTEIN: Anything else, Mr.
16 Mullone?

17 MR. MULLONE: I think that about solves
18 it.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER SILVERSTEIN: Thank you for your
21 passion. Thank you for your service.

22 MR. MULLONE: You're welcome.

1 CHAIRPERSON MILLER: Others? Well, those
2 are probably the most important questions. I just
3 have a few --

4 MR. MULLONE: Okay.

5 CHAIRPERSON MILLER: -- other questions.
6 One is I hear that you are very active in the
7 community. I just want to know do you hold any
8 position in the community?

9 MR. MULLONE: No, I do not.

10 CHAIRPERSON MILLER: No.

11 MR. MULLONE: I recently ran for ANC and
12 I did not win.

13 CHAIRPERSON MILLER: Okay.

14 MR. MULLONE: Oh, that doesn't mean I'm
15 not going to be active. I care about where I live.

16 MEMBER RODRIGUEZ: We get it.

17 MR. MULLONE: I care about where I live.

18 MEMBER RODRIGUEZ: Right attitude.

19 CHAIRPERSON MILLER: No, I just wanted to
20 know.

21 MR. MULLONE: I don't hold any position.

22 CHAIRPERSON MILLER: I wanted to know

1 whether -- have you contacted The Stadium recently?

2 MR. MULLONE: I have not contacted Stadium
3 personally, because I think it's a conflict of
4 interest, given that our commissioner has been dealing
5 with them. And so I have contacted Stadium through
6 her or through my Council Member.

7 CHAIRPERSON MILLER: Okay. And the noise
8 that you heard was related to the Howard University
9 event that was before the change in ownership though?

10 MR. MULLONE: That was all unbeknownst to
11 me, ma'am. But still, yes, in 2012, there was a day
12 party of some sort and we could hear music thumping
13 from Queens Chapel Road.

14 CHAIRPERSON MILLER: Right, right, right.
15 We heard about that.

16 MEMBER SILVERSTEIN: Did we.

17 CHAIRPERSON MILLER: This Nightclub Zone,
18 can you --

19 MR. MULLONE: It is currently not
20 designated as a Nightlife Zone. I have been-- as I
21 mentioned to you two weeks ago, Council Member
22 McDuffie had a Crime and Safety Ward 5 Symposium where

1 I approached Commander Porter to remind her again that
2 Chief Groomes said that Cathy Lanier was supposed to
3 get this happen -- get this done. When is it going to
4 get done?

5 CHAIRPERSON MILLER: And that's something
6 that you would like to see happen?

7 MR. MULLONE: Yes.

8 CHAIRPERSON MILLER: Okay.

9 MR. MULLONE: If they are going to -- if
10 this body is going to continue to allow them to
11 operate, then we need to at least do something to make
12 us feel safer in our own homes. And since the
13 reimbursable detail does not, as you said, specify
14 that the officers need to patrol the community, we
15 need additional support.

16 CHAIRPERSON MILLER: And --

17 MR. MULLONE: I mean, we just have to.

18 CHAIRPERSON MILLER: -- am I correct
19 though that the problems that you identify which are
20 serious and real, are though related to all of the
21 clubs together or you don't --

22 MR. MULLONE: They are related --

1 CHAIRPERSON MILLER: -- know if all --

2 MR. MULLONE: -- to all of the clubs, but
3 I personally think they can be pinpointed. You know
4 -- you all know that The Scene was closed. And you
5 know when there is an issue happening with Stadium.
6 You know that when Echostage --

7 CHAIRPERSON MILLER: Well, let me ask you
8 this. Do you know, is there something that you want
9 to bring to our attention with respect to what you
10 know that Stadium, in particular --

11 MR. MULLONE: What I know, and I brought
12 this up before, is that I was here during the hearing
13 before we had to get a continuance and we heard this
14 wonderful pie in the sky security plan.

15 But when I go on YouTube and
16 WorldStarHipHop and TMZ and I'm seeing Drake, a rap
17 artist, rush the front gate and when I'm seeing
18 another rap artist in November 2014 Megos and Chief
19 Keef get into a fight inside of Stadium and the
20 patrons are recording this stuff and posting it on
21 YouTube, not me, where is your security plan, sir?

22 And by the way, was this written down?

1 Because as you all heard at the last meeting, that
2 they were supposed to write down all security
3 incidents no matter what. And that manager said they
4 have not had one security incident since they had a
5 change in ownership. I don't believe that.

6 CHAIRPERSON MILLER: Okay.

7 MR. MULLONE: When it is right there on
8 YouTube.

9 CHAIRPERSON MILLER: Okay. I hear what
10 you are saying. I just wanted to know if you had any
11 direct personal knowledge. Your knowledge is coming
12 from YouTube and whatever.

13 MR. MULLONE: My knowledge is when I
14 experience stuff that percolates into the community
15 and I have to call 911.

16 CHAIRPERSON MILLER: So you heard the
17 shooting in September?

18 MR. MULLONE: Yes.

19 CHAIRPERSON MILLER: But you didn't know
20 if it was related to Stadium, per se.

21 MR. MULLONE: I pinpointed Stadium because
22 they had a rap artist performing. The Scene was

1 closed. And to my knowledge, Echostage was not having
2 a concert that night.

3 CHAIRPERSON MILLER: Okay.

4 MR. MULLONE: And their patrons were
5 parked all throughout the community to go to Stadium.

6 MEMBER RODRIGUEZ: The police report
7 doesn't show that.

8 CHAIRPERSON MILLER: Okay. Any other
9 Board questions?

10 MEMBER RODRIGUEZ: The police report
11 doesn't show that.

12 CHAIRPERSON MILLER: All right. Questions
13 on Board questions?

14 MS. BUTLER: I have none.

15 CHAIRPERSON MILLER: Okay.

16 MR. HAFFNER: Yes. I just want to follow-
17 up.

18 RE-CROSS-EXAMINATION

19 MR. HAFFNER: Mr. Mullone, I sense your
20 frustration. I think that frustration is, and correct
21 me if I'm wrong, as a result of the Council being
22 unresponsive to your request.

1 MR. MULLONE: It's not just the Council
2 being non-responsive.

3 MR. HAFFNER: So it's not just -- so who
4 are you upset -- let me withdraw the question.

5 You have made several entreaties upon the
6 Council, correct?

7 MR. MULLONE: Yes.

8 MR. HAFFNER: And your --

9 MR. MULLONE: As a result, that I don't
10 feel that you, the establishment, are doing your part
11 to operate as a good steward of the community.

12 MR. HAFFNER: Right. That's clear.

13 MR. MULLONE: If you were operating as a
14 good steward of the community--

15 MR. HAFFNER: That's clear. My question
16 was with respect to --

17 MR. MULLONE: -- I would not be frustrated
18 at you.

19 MR. HAFFNER: -- the Council Members and
20 your responses.

21 MR. MULLONE: And thus frustrated at
22 Council Member McDuffie.

1 CHAIRPERSON MILLER: Okay. He is in
2 charge of the questioning right now, so --

3 MR. MULLONE: Okay.

4 MR. HAFFNER: Okay. So I'm going to ask
5 you with respect, you said you yourself personally
6 have not reached out to Stadium Club, right?

7 MR. MULLONE: I have not.

8 MR. HAFFNER: All right. But you are
9 aware that your ANC has, correct?

10 MR. MULLONE: I have. And I have also
11 been at a meeting with the gentleman sitting next to
12 you.

13 MR. HAFFNER: All right. All right. So
14 is it fair to say that when requested, management of
15 Stadium has conceded and has actually met with the
16 community?

17 MR. MULLONE: Conceded in what way?

18 MR. HAFFNER: Has actually met with the
19 community, correct?

20 MR. MULLONE: Sure.

21 MR. HAFFNER: Okay. And at those
22 meetings, the community continued to express concerns,

1 correct?

2 MR. MULLONE: There was one meeting that
3 I attended.

4 MR. HAFFNER: One that you attended,
5 right?

6 MR. MULLONE: Yes.

7 MR. HAFFNER: But are you aware that there
8 are at least three other meetings with the ANC and
9 management?

10 MR. MULLONE: Yes.

11 MR. HAFFNER: And are you aware that
12 community concerns were actually expressed at these
13 meetings?

14 MR. MULLONE: Yes.

15 MR. HAFFNER: Is that right? All right.
16 And are you aware of the steps that have been taken to
17 address the concerns of the community?

18 MR. MULLONE: I do not have a measure in
19 which those steps have been successfully achieved.

20 MR. HAFFNER: So you are aware that there
21 actually --

22 MR. MULLONE: I cannot testify that you

1 have taken steps to --

2 MR. HAFFNER: I didn't say you testified.

3 MR. MULLONE: -- do anything.

4 MR. HAFFNER: My question was are you
5 aware that there are steps being taken by the new
6 management to address --

7 MR. MULLONE: I cannot testify --

8 MR. HAFFNER: -- concerns of --

9 MR. MULLONE: -- that you have taken steps
10 to do that, sir, because I have not witnessed any
11 steps.

12 MR. HAFFNER: So you are not aware? You
13 are not aware?

14 MR. MULLONE: I'm not aware that you have
15 taken steps to do anything.

16 MR. HAFFNER: All right. So you mentioned
17 about problems percolating into the community causing
18 you to call 911. On how many occasions have you
19 called 911?

20 MR. MULLONE: I would say in this last
21 2014 probably five to six times.

22 MR. HAFFNER: Okay. And of those five to

1 six times, how many of those calls resulted in a
2 finding of fault on the part of stadium?

3 MR. MULLONE: I cannot say for sure,
4 because I'm not a police officer.

5 MR. HAFFNER: So have you followed up and
6 found that there are any reports?

7 MR. MULLONE: I have -- sir, I have tons
8 of emails where I have communicated with Commander
9 Porter. I can pull those up if you like.

10 MR. HAFFNER: So --

11 MR. MULLONE: But I'm not a police
12 officer. I'm not privy to their investigative
13 information.

14 MR. HAFFNER: Indeed. So Commander Porter
15 in her response to your emails and 911 phone calls,
16 has she found any fault on the part of Stadium Club as
17 a result of your calls?

18 MR. MULLONE: Not to my knowledge.

19 MR. HAFFNER: All right. No further
20 questions.

21 CHAIRPERSON MILLER: Any questions?

22 MS. BUTLER: No.

1 CHAIRPERSON MILLER: Okay. Thank you very
2 much.

3 (Whereupon, witness was excused.)

4 MS. BUTLER: I do not have any other
5 witnesses, but I do have -- I would like to go under
6 oath with information that I have received as an ANC
7 Commissioner in regards to you, Stadium Nightclub.

8 CHAIRPERSON MILLER: You would like to
9 testify?

10 MS. BUTLER: Correct.

11 CHAIRPERSON MILLER: So would you go to
12 the witness stand then, please?

13 Whereupon,

14 KARLA BUTLER

15 was called as a witness by the Protestant, and having
16 been first duly sworn, assumed the witness stand and
17 was examined and testified as follows:

18 MS. BUTLER: I do.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER RODRIGUEZ: A name?

21 CHAIRPERSON MILLER: Oh, yes. Starting
22 off with your name again, just for the record.

1 DIRECT EXAMINATION

2 MS. BUTLER: Karla Butler, K-A-R-L-A,
3 Butler, B-U-T-L-E-R.

4 CHAIRPERSON MILLER: Okay.

5 MS. BUTLER: I am the ANC Commissioner for
6 5C02. My Single Member District incorporates Stadium
7 Nightclub. There have been numerous complaints that
8 I have received from the residents in regards to this
9 establishment. Of course, we have heard the testimony
10 from Mr. Mullone. We are in constant communication in
11 regards to his concerns regarding Stadium Nightclub.

12 The night of September 20th, I believe,
13 there was a shooting on 22nd Street. I did hear that
14 particular -- the rounds of shots on 22nd Street and
15 I did call 911. My concern with the particular
16 shooting was that I met with Mr. Johnson, Mr. Nate
17 Johnson several hours earlier and he stated that they
18 were preparing for an event with the artist Scarface.

19 I know of Scarface because I grew up with
20 him when I was a teenager in college, so I do know of
21 the lyrics and the music that he is associated with
22 and a lot of it has some violent connotations to it.

1 So I was a little nervous in regards to that
2 information that I received from Mr. Johnson.

3 So when I heard the gunshots around 3:00
4 or 4:00 a.m., I initially thought that it had
5 something to do with the clientele that came to
6 Stadium Nightclub. And as such, after that particular
7 incident, I did hear from other residents who
8 submitted emails to me and I do have copies of those
9 emails with me and I also reached out to Commander
10 Porter in regards to the shooting.

11 Her response was as Mr. Mullone stated,
12 that they only had eight detail officers that night
13 and they were actually, I guess, rerouted to another
14 incident where they had to apprehend another suspect
15 for another crime.

16 So there was very limited detail officers
17 that night of the shooting and she did state that it
18 was a very unusually busy night, that particular night
19 for the shooting. So there were some -- a lot of
20 concerns from the residents in regards to that.

21 So and I do have pictures as well that I
22 have submitted to Mr. Mullone to verify as well in

1 regards to vehicles being shot. And actually, we do
2 not have all the vehicles, but there were an
3 additional four other residents who approached me in
4 regards to their cars and vehicles being shot as well
5 as being broken into that particular night. And they
6 did reach out to the police officers in regards to
7 that.

8 I did speak to officers that particular
9 morning who were actually investigating the shooting
10 and they did state that it was a crazy night, crazy,
11 they used the word crazy night on Queens Chapel and
12 that this is a normal -- this is normal activity over
13 in Queens Chapel between 3:00 and 4:00 a.m.

14 Also, I do have another email from a
15 resident by the name of Jennifer Gearholt and she is
16 a new resident. She moved into the community in July
17 of 2014. And she has reached out to me several times
18 because her home is literally a half a block from
19 Stadium. And she has expressed that she -- the
20 activities that she has experienced in front of her
21 home and as a new resident, she is having a little bit
22 of buyer's remorse.

1 And she has reached out to myself as well
2 as Council Member McDuffie trying to find some way and
3 some solution to the problems that they experience
4 over on her street on Lafayette. She is directly off
5 of Queens Chapel Road. And I do have emails from her
6 as well.

7 I have spoken with Mr. Johnson as well as
8 Mr. Haffner and that was only after the Status Hearing
9 with Mr. Redding in August of 2014. Prior to 2014, I
10 had no acknowledgement of Mr Haffner or Mr. Johnson.

11 When I initially started this protest, the
12 assumption was that I was going up against Mr.
13 Redding, not Mr. Haffner. They have used the term
14 management. However, they are not new management.
15 They are owners. And that has been the conflicting
16 statement given in this entire testimony that -- the
17 hearing, I'm sorry, that they are new management.

18 They are not new management. The Board
19 knows that there was a special hearing in regards to
20 the transfer of license. The applicants have,
21 basically, lied under oath throughout this hearing
22 stating that they never had a hearing, special hearing

1 with the Board, which is untrue.

2 MR. HAFFNER: I object.

3 MS. BUTLER: And from those incidents, I
4 cannot -- I would have to say that I don't believe
5 that they are trustworthy and I don't believe that
6 they will be a good fit for the community, because
7 they have said one thing prior to the hearing and now
8 they are flipping and saying something different
9 today.

10 So those are the concerns that I have as
11 ANC Commissioner, because when I have had dialogue
12 with them, they have stated to me that they were
13 management and not owners. However, they have had
14 licenses transferred to be new owners. And that's all
15 I have.

16 CHAIRPERSON MILLER: Okay. I was just
17 checking with Mr. Short that you have 10 minutes left.
18 Okay. Cross-examination?

19 MR. HAFFNER: Yes.

20 CROSS-EXAMINATION

21 MR. HAFFNER: So with respect to the
22 September drive-by shooting, you have had several

1 conversations with the Commander, right?

2 MS. BUTLER: Correct.

3 MR. HAFFNER: All right. And again, the
4 same question, no findings of association with The
5 Stadium Club, correct?

6 MS. BUTLER: Correct.

7 MR. HAFFNER: All right. No evidence that
8 there were any patrons that had anything to do with
9 The Stadium that night had anything to do with that
10 drive-by shooting, correct?

11 MS. BUTLER: Correct.

12 MR. HAFFNER: All right. So to the extent
13 you are even speaking about the drive-by shooting and
14 intimating that there was an association with Stadium
15 Club, all that is speculation and opinion, right?

16 MS. BUTLER: I'm going by the fact that I
17 spoke with Mr. Johnson who stated that there was an
18 artist by the name of Scarface and that several hours
19 later there was a shooting.

20 MR. HAFFNER: Right. Okay. Now, you are
21 not familiar with the workings of RCX, LLC, are you?

22 MS. BUTLER: I am aware. I am aware.

1 MR. HAFFNER: Are you aware?

2 MS. BUTLER: I am aware based on your
3 testimony.

4 MR. HAFFNER: So if you are aware of the
5 workings of RCX, LLC, you would know that the
6 transaction to actually assume ownership of The
7 Stadium Club and its assets has not closed, correct?

8 MS. BUTLER: I am aware that there was a
9 hearing on August 6th with RCX and ABRA in regards to
10 their license being transferred.

11 MR. HAFFNER: Okay. But do you understand
12 that the transaction to assume ownership of the assets
13 of Stadium Club has not closed?

14 MS. BUTLER: I'm not aware of that.

15 MR. HAFFNER: You're not aware of that?

16 MS. BUTLER: No.

17 MR. HAFFNER: Therefore, you do not know
18 whether RCX, LLC is, in fact, the true owner of
19 Stadium. Is that correct?

20 MS. BUTLER: I am not sure.

21 MR. HAFFNER: Okay. So to the extent you
22 just testified and said that, in fact, they are the

1 owners, you did not know?

2 MS. BUTLER: Because I am basing it on the
3 testimony from the August 6 hearing that RCX stated
4 that they were owners, not managers.

5 MR. HAFFNER: No. So --

6 MS. BUTLER: The record, the transcript is
7 available and it has been stated that RCX classified
8 themselves as owners, not managers.

9 MR. HAFFNER: Okay. All right. I'll ask
10 you, how many times have you met with the new
11 management of Stadium Club?

12 MS. BUTLER: I have met with Mr. Johnson
13 and yourself, approximately, three to four times.

14 MR. HAFFNER: Okay. And would you say --
15 wouldn't you say that the new manager was receptive to
16 the concerns of the community?

17 MS. BUTLER: Yes.

18 MR. HAFFNER: Okay. Would you say that
19 new management has taken steps, as far as you know, to
20 address the concerns of the community?

21 MS. BUTLER: No. I don't -- I haven't
22 witnessed any steps.

1 MR. HAFFNER: Could you elaborate? Could
2 you elaborate?

3 MS. BUTLER: There were concerns that I
4 presented to the new owners that -- as well as Mr. --
5 well, I'm sorry, to Mr. Johnson and yourself, that the
6 concerns ranged from trash pickup to parking to
7 violent activities as well as some of the sexual
8 content of the establishment. Those have been
9 concerns from the community and that's what I have
10 stated.

11 MR. HAFFNER: Okay. I have no further
12 questions.

13 CHAIRPERSON MILLER: Okay. Mr.
14 Silverstein?

15 MEMBER SILVERSTEIN: Thank you, Ms.
16 Butler. Describe the difference in tone, transaction,
17 whatever, between the previous -- your relationship
18 with the previous management under Mr. Redding, who is
19 no longer in town, and Mr. Johnson.

20 MS. BUTLER: I met -- actually, I have met
21 with Mr. Redding, approximately, three times. I was
22 sworn in in 2012 as ANC Commissioner. Soon after

1 that, I met with Mr. Redding and Keith Fluorney at the
2 establishment. And we discussed the issues that the
3 community had regarding some of the activities from
4 the establishment.

5 And I also met with him a year -- I'm
6 sorry. I also spoke with Mr. Fluorney a year later
7 when there was a community cleanup. And then I spoke
8 with Mr. Haffner roughly two to three -- I'm sorry,
9 three to four times in 2014.

10 So I have had roughly around the same
11 amount of interaction with the owners as well as with
12 the new owners.

13 MEMBER SILVERSTEIN: Have you noticed any
14 difference? Can you compare and contrast your
15 dealings?

16 MS. BUTLER: I cannot because since the
17 time that I have spoken with the new owners, Stadium
18 was closed for roughly a month in the summer due to
19 suspension that the Board ordered. So roughly, it has
20 been maybe a month or two that I have actually had to
21 interact with them with their establishment being
22 open. And there have been incidents where I have also

1 witnessed video of artists fighting and pushing their
2 way through security at Stadium.

3 MEMBER SILVERSTEIN: Okay. Let's get into
4 the same questions that I had with Mr. Mullone. Let's
5 assume simply for the sake of argument that the
6 license is renewed. What are the conditions you need?
7 What is the relief that you would be seeking in that
8 situation that would make your life more tolerable?

9 MS. BUTLER: Well, honestly unlike Mr.
10 Mullone, I don't really believe that they are capable
11 of running a safe business. We have scene multiple
12 Board Orders, multiple incidents at the establishment.
13 They have lied under oath to the Board.

14 So I really don't believe that anything
15 right now will be sufficient if their license would be
16 renewed.

17 MEMBER SILVERSTEIN: Tell me again how
18 they have lied under oath to the Board.

19 MS. BUTLER: They stated basically here
20 when I -- in the first part of the hearing that they
21 never attended the August 6th Hearing.

22 MEMBER SILVERSTEIN: That they never

1 attended?

2 MS. BUTLER: There was a -- they never
3 attended the August 6th Fact-Finding Hearing with the
4 Board. They stated that they were never here. Mr.
5 Johnson was a witness at that hearing. He stated he
6 did not attend the hearing.

7 MEMBER SILVERSTEIN: Is there -- you are
8 passing up something here that could be very important
9 to you. If the majority of the Board decides to move
10 forward and grant them their license, you didn't
11 really answer my question.

12 You answered it, but you didn't. You said
13 I don't think that they can. Well, let's assume --
14 again, this is sake of argument. Don't read anything
15 into it.

16 Let's assume that the majority on this
17 Board says that you have not met the threshold and
18 that we have to give them their license. What are the
19 conditions, and I mean, you know, you can tell me that
20 they should be open between 12:00 and 12:02 on
21 Wednesdays only.

22 MS. BUTLER: Um-hum.

1 MEMBER SILVERSTEIN: You tell me what are
2 the conditions that would make your life liveable or
3 would make -- would provide you the relief you want.

4 MS. BUTLER: Again, and this is based on
5 if the Board decides to grant the license, which we
6 are having the protest because the community would
7 like to have the license denied or revoked.

8 MEMBER SILVERSTEIN: But this is a
9 question we ask all the time.

10 MS. BUTLER: Correct. So --

11 MEMBER SILVERSTEIN: And you know that.

12 MS. BUTLER: -- yes. So I would have to
13 say that I would have to follow-up with Mr. Mullone
14 where I would like to see Queens Chapel possibly
15 designated as some type of Nightlife Entertainment
16 District. I have been out there at 3:00, 4:00.
17 Honestly, I have been out there from 10:00 to 4:00
18 a.m. several times throughout my term in the last two
19 years, so I have personally seen the activities that
20 go out -- that go on on Queens Chapel Road and it's
21 horrendous.

22 And our officers are not able to handle

1 the crowd that is out there. Parking is an issue.
2 Traffic, vehicles. I have witnessed vehicles driving
3 on -- in the same direction using both lanes with MPD
4 standing right there.

5 So there potentially could have been --

6 MEMBER SILVERSTEIN: What is that?

7 MS. BUTLER: I have witnessed -- Queens
8 Chapel is a two-lane road. One way going north, one
9 way going south. I have seen two vehicles driving
10 south on Queens Chapel Road with MPD standing right
11 there. This is how bad it is there.

12 I have witnessed -- I have actually
13 witnessed, and this I know for sure because I was
14 there, Stadium Nightclub was open. And the owners of
15 Waste Management as well as the properties directly
16 across the street, they have all given me letters
17 stating that they do not want any of these patrons.
18 They don't have any agreements with the nightclub
19 owners where they would allow patrons to park on their
20 property.

21 And as such, there was a towing
22 enforcement that particular night and a patron, a

1 young lady, I remember exactly, leaving Stadium
2 Nightclub. She received a ticket because she was
3 parked on private property and she, basically,
4 solicited MPD to remove that ticket. She pulled her
5 skirt up to solicit sexual act for the removal of a
6 ticket.

7 I saw it. I was right there and she left
8 Stadium Nightclub. And she was upset because it was
9 not her car. It was her brother's car she was driving
10 that night. She did not want her brother to know that
11 he had a \$250 ticket. So she tried to solicit the
12 officer to remove the ticket.

13 MEMBER SILVERSTEIN: I'm dying to know,
14 did she succeed or --

15 MS. BUTLER: She did not. She did not.
16 But these are the activities that we see there every
17 single night, every weekend. And I have been there.
18 I have been there more than I should, because I had to
19 understand what is going on there and see why our
20 community is not protected.

21 It's too much. It's too much. So if we
22 had to do anything, we have to designate that area for

1 some type of Entertainment Nightlife Zone, so that we
2 can have additional enforcement from MPD, additional
3 officers, because eight or 10 officers is not enough
4 for that area. They cannot control the crowd.

5 I have seen another incident. I'm sorry,
6 I have seen a lot. Another incident where a patron
7 actually left the nightclub, he was so intoxicated, he
8 actually opened up -- MPD walked across the street
9 almost -- he was almost hit by several vehicles,
10 because he was so intoxicated he didn't know which way
11 he was going.

12 He walked across -- directly across from
13 Stadium where MPD cars are parked and he opened up the
14 back seat of the vehicle and got in and told the
15 officer to drive him home. The officer had to tell
16 him twice to get out. He got out of the car and at
17 that particular time, I believe, Echostage was
18 exiting. They had ended their concert. So roughly
19 around 500 patrons were flooding the street, so he had
20 to attend to the crowd in the street.

21 And that particular patron went back to
22 the car and got inside thinking that it was a taxi.

1 Telling the officer to drive him home. These are the
2 incidents that we experience and he cannot control it.
3 But he could not attend to this guy as well as the 500
4 other people exiting Echostage and Stadium that
5 particular night.

6 So he had to pick and choose which one to
7 attend to.

8 MEMBER SILVERSTEIN: And you didn't run
9 for reelection?

10 MS. BUTLER: I did not because I'm tired.
11 I'm tired because I have reached out for the last two
12 years. And as you have seen, I have been here at
13 every license renewal in the area. I am exhausted,
14 because I don't see that we are winning this journey.
15 I do not believe that we are winning.

16 Because the community has expressed
17 concerns, we have reached out to the Council Member.
18 We have reached out to MPD with the former 5D
19 Commander, Commander Solberg, the current 5D
20 Commander, Commander Porter. We have gone to the
21 Mayor's office. We protested. I don't know what else
22 to do.

1 MEMBER SILVERSTEIN: Thank you for your
2 service. I have no further questions.

3 MS. BUTLER: Thank you.

4 CHAIRPERSON MILLER: Mr. Short?

5 MEMBER SHORT: Madam Chair. Thank you
6 again for your service as an ANC Commissioner. I know
7 that has got to be burdensome of problems that you
8 have there in Ward 5.

9 MS. BUTLER: Thank you.

10 MEMBER SHORT: I just want to get
11 something straight. Did I hear Mr. Mullone and
12 yourself say that Council Member McDuffie is going to
13 designate that area as a Nightlife Zone?

14 MS. BUTLER: No. We --

15 MEMBER SHORT: Oh, okay. I'm sorry.

16 MR. MULLONE: That was an email from Chief
17 Diane Groomes.

18 CHAIRPERSON MILLER: Wait. Okay.

19 MS. BUTLER: Yes, I'm sorry.

20 CHAIRPERSON MILLER: But wait. He is
21 addressing --

22 MS. BUTLER: Yes, he is addressing me.

1 CHAIRPERSON MILLER: -- Ms. Butler.

2 MS. BUTLER: Yes.

3 CHAIRPERSON MILLER: Okay.

4 MS. BUTLER: Council Member McDuffie did
5 not designate the area, but that was a suggestion that
6 the residents presented to 5D Commander Porter.

7 MEMBER SHORT: Well, let me give you some
8 advice.

9 MS. BUTLER: Yes.

10 MEMBER SHORT: He cannot do it.

11 MS. BUTLER: Okay.

12 MEMBER SHORT: He has to take it before
13 the Council and it -- just get the legislation
14 written. And then for the Council to vote on it. But
15 no Council Member can designate a Nightlife Zone.

16 MS. BUTLER: Okay.

17 MEMBER SHORT: But the Council Member can
18 provide the legislation and get support from other
19 members of the Council, if that's what he decides to
20 do.

21 MS. BUTLER: Correct.

22 MEMBER SHORT: But the bottom line, that

1 sounds like a great idea. It probably would help
2 everybody out in this situation.

3 MS. BUTLER: I believe so. And again, we
4 have reached out to the Council Member and other
5 members of the Council to try to figure out some
6 solution, because I mean, it's one thing to hear from
7 the residents, but it's another to actually see it
8 happening.

9 MEMBER SHORT: And please forgive me, I do
10 have some other city business to take care of tonight,
11 so I'm going to have to leave, but this situation
12 isn't going to go away unless there is something that
13 happens legislatively.

14 MS. BUTLER: Yes.

15 MEMBER SHORT: The police officers are not
16 going to do it, I don't think, unless something
17 happens legislatively. And the citizens won't get
18 relief unless something happens legislatively.

19 MS. BUTLER: I agree. I agree.

20 MEMBER SHORT: Thank you. That's all I
21 have, Madam Chair.

22 CHAIRPERSON MILLER: Okay. Thank you.

1 Anybody else? I just want to clarify with you as well
2 that the problems that you are talking about, are they
3 primarily related to all the clubs or the combination
4 of the clubs? If you don't necessarily know, I mean,
5 the traffic combination or the -- it sounds like you
6 don't necessarily know if The Stadium, per se, is
7 causing the problems. They are one of the clubs that
8 is, you know, in that area.

9 MS. BUTLER: They are one of the clubs of
10 the other clubs out there. However, I have personally
11 witnessed activities from where, like I have stated,
12 the intoxicated, inebriated patrons have left --

13 CHAIRPERSON MILLER: Right.

14 MS. BUTLER: -- their establishment. I
15 have actually interacted with the owners of Stadium
16 Nightclub. So my experience has been with -- due to
17 what I have personally experienced. And then as well
18 as what my constituents have presented to me.

19 CHAIRPERSON MILLER: So with respect to
20 your personal interaction, you have had some meetings
21 with them, from what I have heard. Isn't that right?

22 MS. BUTLER: Correct.

1 CHAIRPERSON MILLER: Are you dissatisfied
2 with a lack of action as a result or has there just
3 been not enough time for you to see any action?

4 MS. BUTLER: There hasn't been any --
5 there hasn't been enough time, but then also based on
6 the testimony that -- from the Fact-Finding Hearing on
7 August 6th was totally different than what we have
8 discussed. They have stated that at least for a year
9 the owners, RCX, have been basically operating the
10 establishment.

11 So if they -- if we are talking a year in
12 August, that would have been August 2013. I didn't
13 meet them until this year, August. I mean, sorry,
14 April of 2014.

15 Previous to that in May -- in March, I was
16 talking to Mr. Redding in March of 2014.

17 CHAIRPERSON MILLER: And so can I just ask
18 you? I mean, did you like -- when specific concerns
19 like litter or something and ask them to do something
20 with respect to it and what happened?

21 MS. BUTLER: I did have a conversation
22 with them regarding litter.

1 CHAIRPERSON MILLER: Yes.

2 MS. BUTLER: And they stated that they
3 would be proactive and clean the -- clean in front of
4 the establishment after an event. But again, as Mr.
5 Mullone stated as well as the other constituents, they
6 have stated that this, the litter, goes beyond just
7 the front gate of their establishment, because patrons
8 park in our neighborhood.

9 CHAIRPERSON MILLER: Right. You don't
10 know whether they are Stadium patrons though, correct?

11 MS. BUTLER: I -- again, I have witnessed
12 Stadium patrons go and leaving their establishment
13 parking on private property where we have had to
14 ticket and tow.

15 CHAIRPERSON MILLER: So you have actually
16 followed Stadium patrons?

17 MS. BUTLER: I have not followed them. I
18 am standing directly across the street watching them
19 leave the establishment, cross over to Queens Chapel
20 to park on a private property and get their vehicles
21 and drive away. So I have witnessed that.

22 CHAIRPERSON MILLER: Okay. And that's

1 within the last year?

2 MS. BUTLER: Yes.

3 CHAIRPERSON MILLER: Okay. And my last
4 question goes to the -- your concern about the artist,
5 Scarface or something.

6 MS. BUTLER: Yes.

7 CHAIRPERSON MILLER: Is it your opinion
8 that certain types of music lead to violence and that
9 -- is that something you would wish the Board to
10 consider?

11 MS. BUTLER: I definitely would because a
12 lot of the incidents that they have had has been based
13 on the type of artist that had been there that night.

14 CHAIRPERSON MILLER: So how would you
15 articulate that for the Board?

16 MS. BUTLER: Well, I'm basing it on their
17 testimony where they stated that they -- with the new
18 owners or new management that they have a more
19 professional clientele now and that they would change
20 the type of artist or celebrities that come in, that
21 hasn't happened, because as we stated on YouTube, of
22 course, you know, I'm only going by what has been

1 posted and what articles are being written in the
2 Washington Post and City Paper where the artists have
3 come.

4 Like Scarface was in September. There was
5 a shooting. Of course, we don't know personally if,
6 you know, the shooting was directly, but it happened
7 the same night as that artist. That was in September.

8 October, Drake was there and a video
9 showing him pushing his way through security.

10 November, Megos was there where there was
11 a fight. So a lot of times these incidents are
12 happening when they have these artists.

13 CHAIRPERSON MILLER: So just excuse my
14 ignorance, but do these three artists fall within a
15 category?

16 MS. BUTLER: A lot of them are sort of
17 hip-hop, flash rap artists and a lot of their lyrics,
18 you know, have some violent conation to them. So when
19 you mix in violent lyrics and alcohol, I'm sure that's
20 not a good mix, you know.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER RODRIGUEZ: I have one question.

1 CHAIRPERSON MILLER: Yes, Mr. Rodriguez?

2 MEMBER RODRIGUEZ: Ms. Butler, you

3 mentioned a Nightlife District, I think --

4 MS. BUTLER: Yes.

5 MEMBER RODRIGUEZ: -- as a potential
6 solution that maybe the community would be interested
7 in. Is there such a Nightlife District model in D.C.?

8 MS. BUTLER: I believe there is one in
9 Adams Morgan, I believe. I believe Adams Morgan has
10 something designated as a Nightlife or Entertainment-
11 type District because of the number of, you know,
12 nightclubs or lounge establishments.

13 MEMBER RODRIGUEZ: Okay.

14 CHAIRPERSON MILLER: You okay?

15 MS. BUTLER: And I would say, I would like
16 to say that on -- I believe this was January, there
17 was an artist by the name of Jay Z. He wasn't at
18 Stadium, but he was at Echostage.

19 MEMBER RODRIGUEZ: Yes.

20 MS. BUTLER: And that particular night,
21 the, I believe, promoter for that particular event
22 owns another establishment Downtown D.C. off of K

1 Street and he paid for at least about a good 20 to 30
2 officers that night.

3 MR. HAFFNER: I would object. I don't
4 think this has any relevance to what is going on with
5 The Stadium.

6 MS. BUTLER: Well, I'm --

7 MR. HAFFNER: Speaking with respect to
8 Echostage.

9 CHAIRPERSON MILLER: Wait a second.

10 MS. BUTLER: No, we are talk -- I'm not --
11 I'm talking about MPD.

12 CHAIRPERSON MILLER: Is she being
13 responsive to your question, Mr. Rodriguez? If she
14 is, I think I'm going to overrule the objection.

15 MEMBER RODRIGUEZ: Yes, it is.

16 CHAIRPERSON MILLER: Okay.

17 MS. BUTLER: And that particular night,
18 there were -- our community had, I noticed, several
19 officers patrolling the neighborhood.

20 MEMBER RODRIGUEZ: Yes.

21 MS. BUTLER: We didn't have any incident
22 that particular night. This has to happen every

1 weekend in our neighborhood. It can't just happen for
2 one event. It has to happen every night, because we
3 have experienced an increase an car thefts and car
4 break-ins.

5 MEMBER RODRIGUEZ: Thank you, Ms. Butler.
6 I appreciate it.

7 CHAIRPERSON MILLER: Okay. Can I just
8 follow-up before you do. When you say this has to
9 happen every night, what are you saying? That there
10 is has to be more MPD?

11 MS. BUTLER: Correct.

12 CHAIRPERSON MILLER: Okay. Go ahead.

13 MEMBER SILVERSTEIN: Just one question.
14 You were sworn in January 2, 2013?

15 MS. BUTLER: '12, 2012.

16 MEMBER SILVERSTEIN: No, you were elected
17 in '12, sworn in '13, correct.

18 MS. BUTLER: I'm sorry, yes. I'm sorry,
19 we're going to '15, yes, sorry.

20 MEMBER SILVERSTEIN: In that time, has it
21 been unrelenting?

22 MS. BUTLER: Yes.

1 MEMBER SILVERSTEIN: Have there been any
2 time when it has gotten better?

3 MS. BUTLER: No. I take -- I'm sorry. I
4 will take that back. Honestly, when they -- when
5 Stadium was suspended for that month in July and
6 August, Queens Chapel, particularly during the week
7 like a Monday through Friday was oh, it was so
8 peaceful, because we didn't have any activity.

9 We didn't have anyone walking up and down
10 Queens Chapel. We didn't have cars in our
11 neighborhood. I mean, you could walk past. It was
12 clean, you know. Of course, weekends, you know, we do
13 have another establishment there.

14 MEMBER SILVERSTEIN: Thank you. No
15 further questions.

16 CHAIRPERSON MILLER: Okay. Any other
17 Board Members? All right. Questions based on Board
18 questions?

19 MR. HAFFNER: Yes.

20 CHAIRPERSON MILLER: Yes.

21 MR. HAFFNER: Yes, just briefly.

22 RE CROSS-EXAMINATION

1 MR. HAFFNER: You were in attendance at
2 the meeting between the new management and the ANC
3 that happened at the MPD Headquarters, District 5
4 Headquarters, correct? I believe that was in
5 September.

6 MS. BUTLER: Mr. Johnson was there.

7 MR. HAFFNER: I'm asking if you were
8 there.

9 MS. BUTLER: Yes, I was there.

10 MR. HAFFNER: And Commander Porter was at
11 that meeting, correct?

12 MS. BUTLER: Correct.

13 MR. HAFFNER: And a question was posed to
14 Commander Porter regarding the crime trends?

15 MS. BUTLER: Correct.

16 MR. HAFFNER: And Commander Porter stated
17 that, in fact, violent crime had gone down in District
18 5, correct?

19 MS. BUTLER: In Ward 5, yes.

20 MR. HAFFNER: In Ward 5.

21 MS. BUTLER: Yes.

22 MR. HAFFNER: During the time that the new

1 management has actually taken over Stadium, correct?

2 MS. BUTLER: I'm sorry? Rephrase that.

3 MR. HAFFNER: So violent crime has been
4 reduced during the period in which the new management
5 has taken control of Stadium, correct? This is per
6 officer -- I'm sorry, Commander Porter.

7 MS. BUTLER: The trend for violent crime
8 has gone down, but car thefts and burglaries and
9 robberies --

10 MR. HAFFNER: My question is --

11 MS. BUTLER: -- are up.

12 MR. HAFFNER: -- violent crime.

13 MS. BUTLER: Correct.

14 MR. HAFFNER: All right. And again, you
15 have no evidence, you have presented none that would
16 suggest any of the violent crime that we have heard
17 about is attributable to Stadium, correct?

18 MS. BUTLER: No, I didn't -- we stated
19 about the shooting.

20 MR. HAFFNER: My question is with respect
21 to any of the violent crime that we have heard about,
22 you have no evidence or presented none that attributes

1 any of it to Stadium or Stadium's new management?

2 MS. BUTLER: That's incorrect. There is
3 public record from Board Orders regarding incidents at
4 Stadium.

5 MR. HAFFNER: I'm sorry?

6 MS. BUTLER: So that's public record.

7 MR. HAFFNER: With respect to the time
8 period in which the new management has taken over,
9 there have been no violent crimes that have been
10 associated with or attributable to Stadium, correct?

11 MS. BUTLER: That's incorrect. There have
12 been Board Orders regarding violent crimes at Stadium.
13 And you guys -- there was a suspension in June -- I'm
14 sorry, July of 2014, based on a violent incident.

15 MR. HAFFNER: That occurred when?

16 MS. BUTLER: That occurred within last
17 year when RCX was an owner.

18 MR. HAFFNER: So are you aware that RCX
19 took over management in October of 2013?

20 MS. BUTLER: RCX based on the August 6th
21 Fact-Finding Hearing stated that they have been owners
22 of the establishment for, approximately, a year.

1 MR. HAFFNER: August of 2013? That is
2 just patently incorrect, but I'll leave it at that.

3 MS. BUTLER: Well, it's public record.

4 MR. HAFFNER: No further questions. No
5 further questions.

6 CHAIRPERSON MILLER: Okay. Thank you very
7 much.

8 (Whereupon, witness was excused.)

9 MEMBER RODRIGUEZ: Their time is up, Madam
10 Chair.

11 CHAIRPERSON MILLER: Okay. I think they
12 are finished with their witnesses as well, correct?

13 MS. BUTLER: Correct.

14 CHAIRPERSON MILLER: Okay. Now, do you
15 have documents you want to move into evidence?

16 MS. BUTLER: Yes. I want to submit an
17 email from Commander Porter in regards to the shooting
18 on September 20th where she stated that it was an
19 unusually busy night and that there were only eight
20 detail officers that night.

21 CHAIRPERSON MILLER: Do you have an
22 objection to that? Okay.

1 MS. BUTLER: I also would like

2 to --

3 CHAIRPERSON MILLER: That would be No. 1.

4 (Whereupon, the above-referred to

5 document was marked as Protestant Exhibit

6 No. 1 for identification and was received

7 into evidence.)

8 CHAIRPERSON MILLER: Correct?

9 Protestant's Exhibit No. 1. What's the date of that
10 letter?

11 MS. BUTLER: That is Saturday, September
12 20, 2014.

13 CHAIRPERSON MILLER: An email?

14 MS. BUTLER: Yes, it's an email.

15 CHAIRPERSON MILLER: From?

16 MS. BUTLER: Commander Porter, the 5th
17 District Commander.

18 CHAIRPERSON MILLER: To?

19 MS. BUTLER: To me.

20 CHAIRPERSON MILLER: You, okay.

21 MS. BUTLER: I would also like to present
22 into evidence, submit as evidence Council Member

1 McDuffie's letter. He actually sent that letter to me
2 as well as the community in opposition to the liquor
3 license for Stadium Nightclub.

4 CHAIRPERSON MILLER: What do you mean the
5 community? Who is --

6 MS. BUTLER: The community. There is a
7 community Listserv that he actually submitted the
8 letter to, because there were concerns from multiple
9 residents.

10 CHAIRPERSON MILLER: What's the date of
11 that?

12 MS. BUTLER: This is March 13, 2014. This
13 is when the community started the protest process.

14 CHAIRPERSON MILLER: Okay. Do you have an
15 objection to that one?

16 MR. HAFFNER: No objection.

17 CHAIRPERSON MILLER: Okay. That's already
18 in the public record, if it was addressed to the
19 Board.

20 (Whereupon, the above-referred to
21 document was marked as Protestant Exhibit
22 No. 2 for identification and was received

1 into evidence.)

2 CHAIRPERSON MILLER: Okay.

3 MS. BUTLER: I would also like to submit
4 to you the letter from the new resident, Jennifer
5 Gearholt, where I testified that she stated since
6 moving into the community in July, that she has had
7 buyer's remorse because of the activities at Stadium.

8 CHAIRPERSON MILLER: Who is -- is the
9 letter from a resident who is not here?

10 MS. BUTLER: From a resident.

11 CHAIRPERSON MILLER: To whom?

12 MS. BUTLER: I'm sorry? To myself and
13 also she cced the Board as well.

14 CHAIRPERSON MILLER: The cced the Board.

15 MS. BUTLER: The ABRA Board. Correct.

16 CHAIRPERSON MILLER: Okay. What's the
17 date of that?

18 MS. BUTLER: That is October 19th.

19 CHAIRPERSON MILLER: Do you have an
20 objection to that?

21 MR. HAFFNER: No objection.

22 CHAIRPERSON MILLER: Okay.

1 (Whereupon, the above-referred to
2 document was marked as Protestant Exhibit
3 No. 3 for identification and was received
4 into evidence.)

5 MS. BUTLER: I would also like to submit
6 the pictures of litter in front of Stadium Nightclub
7 that was taken by Ms. Yolanda Odunsi.

8 CHAIRPERSON MILLER: Okay.

9 MR. HAFFNER: No objection.

10 CHAIRPERSON MILLER: Okay. All right.
11 That's No. 4.

12 (Whereupon, the above-referred to
13 document was marked as Protestant Exhibit
14 No. 4 for identification and was received
15 into evidence.)

16 MS. BUTLER: I would like to also submit
17 the letter from Mr. Kevin Mullone in regards to the
18 gunshots on the night of September 20th that he
19 emailed to Commander Porter as well as the members of
20 the Council.

21 CHAIRPERSON MILLER: Do you have extra
22 copies, by the way, that I could see right now?

1 MS. BUTLER: I --

2 CHAIRPERSON MILLER: Otherwise, I'll just
3 look them over when you are done.

4 MS. BUTLER: Sure. I can give you these,
5 because I have two extra copies. I'm sorry I didn't
6 --

7 CHAIRPERSON MILLER: You have it?

8 MS. BUTLER: I can give them to you.

9 CHAIRPERSON MILLER: Okay.

10 MS. BUTLER: Would you like to see them
11 now?

12 CHAIRPERSON MILLER: Of all the exhibits
13 that you want to put in?

14 MS. BUTLER: Yes.

15 CHAIRPERSON MILLER: Okay.

16 MS. BUTLER: And I would also like to --

17 CHAIRPERSON MILLER: Wait a second. What
18 was No. 5? That's when I stopped you for the -- oh,
19 the litter pictures.

20 MS. BUTLER: Yes.

21 CHAIRPERSON MILLER: Right. Okay.

22 (Whereupon, the above-referred to

1 document was marked as Protestant Exhibit
2 No. 5 for identification and was received
3 into evidence.)

4 CHAIRPERSON MILLER: And there is no
5 objection to those. Is that right? Okay. Thank you.

6 MS. BUTLER: And I also mentioned in the
7 first part of the hearing last month where there was
8 a poster advertised -- a poster advertising for an
9 event at Stadium Nightclub.

10 MR. HAFFNER: I'm going to object to the
11 admission of this particular photo, particularly
12 because I don't think the foundation has been laid,
13 you now, who took it, when they took it and nobody is
14 here to testify to those issues, those are the reasons
15 I would object.

16 MS. BUTLER: This --

17 CHAIRPERSON MILLER: Which photo is this?

18 MS. BUTLER: It's a picture of a poster
19 advertising an event at Stadium Nightclub that were
20 plastered on light posts throughout the community.

21 CHAIRPERSON MILLER: Did you give that or
22 hand that up to me?

1 MS. BUTLER: This was from the first half
2 of the hearing last month.

3 CHAIRPERSON MILLER: No. I mean just now
4 for --

5 MS. BUTLER: No, because I have it here.

6 CHAIRPERSON MILLER: So no one
7 authenticated that picture?

8 MS. BUTLER: No. We stated -- in the
9 first half of the hearing, I presented this to Mr.
10 Johnson and he stated that he did not know who did it,
11 but it has their name and logo and he agreed that that
12 was their name and logo on the flyer.

13 CHAIRPERSON MILLER: Can I see the
14 picture, please?

15 MEMBER RODRIGUEZ: There is no date.

16 MEMBER SHORT: That's from the transcript
17 from the last hearing.

18 CHAIRPERSON MILLER: Yes, but she didn't
19 have any witnesses up before. I don't understand the
20 significance of this.

21 MS. BUTLER: The litter that we have in
22 the community where they post, they place posters in

1 the surrounding community advertising events. And
2 then, of course, it flies into the community on the
3 streets and litter our area.

4 CHAIRPERSON MILLER: We didn't have a
5 person testify to that, correct?

6 MS. BUTLER: And I believe, if I'm not
7 mistaken, it's illegal to post posters on light posts
8 in the city.

9 MR. HAFFNER: Be that as it may, we don't
10 know who took the picture, when the picture was taken.

11 CHAIRPERSON MILLER: When it was taken,
12 right, correct. This could have been taken years ago,
13 I mean, I really don't know.

14 MS. BUTLER: No, I took this picture.
15 That's from my -- I actually personally took that
16 picture.

17 CHAIRPERSON MILLER: Okay. You didn't
18 testify when you were under oath to the picture. You
19 didn't testify when you were under oath and you ran
20 out of time, so I'm going to disallow it, yes. Okay.
21 Anything else?

22 MS. BUTLER: No, that's it.

1 CHAIRPERSON MILLER: Okay. All right. So
2 you have five exhibits that have been admitted,
3 everything but the poster there.

4 MS. BUTLER: Okay.

5 CHAIRPERSON MILLER: All right. So that
6 completes your case, right?

7 MS. BUTLER: Yes.

8 CHAIRPERSON MILLER: All right. Great.
9 Is there any rebuttal?

10 MR. HAFFNER: Yes. I would like to call
11 Nate Johnson.

12 CHAIRPERSON MILLER: Okay.

13 MR. HAFFNER: Briefly.

14 CHAIRPERSON MILLER: Okay.

15 MS. BUTLER: I have an objection just
16 because I'm not sure, is it he testified earlier.

17 CHAIRPERSON MILLER: I know he did. The
18 applicant has a right to rebuttal--

19 MS. BUTLER: Okay.

20 CHAIRPERSON MILLER: -- of what you all
21 presented and so he can call anybody for rebuttal.

22 MS. BUTLER: All right.

1 Whereupon,

2 NATHANIEL JOHNSON

3 was recalled as a witness by Counsel for the Applicant
4 and having been previously duly sworn, resumed the
5 witness stand, was examined and testified as follows:

6 MR. JOHNSON: Yes.

7 CHAIRPERSON MILLER: Okay.

8 DIRECT EXAMINATION

9 MR. HAFFNER: All right. Can you state
10 your name for the record again, please?

11 MR. JOHNSON: Nathaniel Johnson.

12 MR. HAFFNER: Okay. Mr. Johnson, what is
13 your position with RCX, LLC?

14 MR. JOHNSON: Principal.

15 MR. HAFFNER: Okay. And as principal,
16 would you have knowledge of the inner-workings and
17 operation of RCX, LLC?

18 MR. JOHNSON: Yes.

19 MR. HAFFNER: Okay. Are you familiar with
20 the transaction that RCX, LLC is currently involved
21 in, which is seeking to take ownership of the assets
22 of Stadium Club?

1 MR. JOHNSON: Yes.

2 MR. HAFFNER: All right. Can you explain
3 to the Board where exactly that transaction is right
4 now? Let me ask you this. Has that transaction
5 closed?

6 MR. JOHNSON: The transaction has not
7 closed.

8 MR. HAFFNER: Okay. So is RCX, LLC the
9 titular owner of Stadium Club, at this point?

10 MR. JOHNSON: No. RCX, LLC is not, in
11 fact, the owner, but a management company until the
12 transaction is completed.

13 MR. HAFFNER: Okay. Now, you have heard
14 testimony about an August 6th hearing. Are you
15 familiar -- were you in attendance at that hearing?

16 MR. JOHNSON: The honest answer around
17 that situation, which I spoke to last time, was that
18 I came for a hearing during a date in August. I do
19 not recall the exact circumstances around it.

20 MR. HAFFNER: Okay. So you wouldn't
21 recall whether you stated RCX was the owner of Stadium
22 Club?

1 MR. JOHNSON: I do not recall that.

2 MR. HAFFNER: Okay. But just for the
3 record, RCX is not the owner of Stadium Club, at this
4 point?

5 MR. JOHNSON: That is correct.

6 MR. HAFFNER: Okay. Mr. Johnson, with
7 respect to -- well, can you give the Board a sense of
8 who comes to the club? Is it possible that artists
9 come to the club who aren't necessarily invited or
10 paid to come to the club?

11 MR. JOHNSON: Yes, that is correct. A
12 variety of patrons come from different backgrounds,
13 different walks of life. And at times, artists do
14 come to the venue as it is a popular destination for
15 people who come into town.

16 MR. HAFFNER: Okay. Let me ask you
17 something about the litter. Is it -- you are familiar
18 with what I believe is marked as Protestant's Exhibit,
19 it might have been, 3 was the litter, a picture of
20 some litter in front of the Stadium Club?

21 MR. JOHNSON: Yes, that is correct.

22 MR. HAFFNER: You saw that picture?

1 MR. JOHNSON: Yes.

2 MR. HAFFNER: Okay. And it was testified
3 -- there was testimony that that picture was taken at
4 approximately 8:00 a.m. Is that fair? Is that
5 possible?

6 MR. JOHNSON: 8:30, I believe was said,
7 but, yes, that is possible.

8 MR. HAFFNER: Now, tell the Board why that
9 would be possible. Why would there be litter in front
10 of the club at 8:30 a.m.?

11 MR. JOHNSON: So at -- so, you know, say
12 a Saturday night where we will close everything down
13 at 3:00 a.m., there is a process where we close out
14 the service staff where we empty patrons out of the
15 venue. When we, you know, complete the books for the
16 evening and many times that process goes late into the
17 night/early into the morning, as late as 6:30/7:00
18 a.m. Subsequent to that, the cleaning crew comes in
19 and addresses the immediate premises.

20 MR. HAFFNER: So what is the possibility,
21 in your opinion and given your experience with
22 managing Stadium Club, that that litter would have

1 been there say an hour later or two hours later even?

2 MR. JOHNSON: I can't speculate because --
3 you know, but I do know that we have had a cleaning
4 crew there seven days a week. And on that day
5 specifically, a cleaning crew came in. They haven't
6 missed any days during our operation.

7 MR. HAFFNER: Okay. And just again for
8 the record, can you tell the Board how many -- strike
9 that. Strike that. No further questions.

10 CHAIRPERSON MILLER: Okay. Any cross?

11 MS. BUTLER: Yes.

12 CHAIRPERSON MILLER: Okay. Oh, wait a
13 second.

14 MEMBER SILVERSTEIN: She has no time?

15 CHAIRPERSON MILLER: She has no time left.
16 Does she have any time left?

17 MEMBER SHORT: Yes, she has got a minute.

18 CHAIRPERSON MILLER: Oh, okay.

19 MS. BUTLER: How much time do I have?

20 MEMBER SHORT: One minute.

21 MS. BUTLER: One minute.

22 CROSS-EXAMINATION

1 MS. BUTLER: Are you aware of -- are you
2 -- I'm sorry. Did you attend the August 6th hearing,
3 the Fact-Finding Hearing here at ABRA?

4 MR. HAFFNER: Objection. Asked and
5 answered.

6 CHAIRPERSON MILLER: That's true. You've
7 got a minute. Do you want to ask a question that has
8 been asked and answered?

9 MS. BUTLER: Did you attend the hearing?

10 MR. JOHNSON: I attended a hearing. I
11 don't recall the specific date. I believe it might
12 have been that one, but I can't say with certainty.

13 MS. BUTLER: Are you aware of any
14 application to -- are you aware of any application by
15 the new owners that was submitted to ABRA?

16 MR. JOHNSON: I don't understand the
17 question. Application with respect to?

18 MS. BUTLER: Application for, I'm sorry,
19 renewal of the license. Transfer of the license, I'm
20 sorry.

21 MR. JOHNSON: Yes.

22 MS. BUTLER: That's all I have.

1 CHAIRPERSON MILLER: Okay. Board
2 questions? Okay. I just want to -- you know, I would
3 like you to clarify this ownership issue.

4 MR. JOHNSON: Sure.

5 CHAIRPERSON MILLER: So who is the owner
6 of The Stadium?

7 MR. JOHNSON: While the transaction is
8 pending, the owner, you know, is James Redding.

9 CHAIRPERSON MILLER: And what is it going
10 to take to resolve this transaction that is pending?

11 MR. JOHNSON: So there are certain
12 documents with respect to the zoning, with respect to
13 the licensing, the business licensing and the
14 transference of the liquor license on which the
15 transaction is contingent. And, you know, once all of
16 those pieces are in place, the transaction can then
17 close.

18 CHAIRPERSON MILLER: Okay. And who is the
19 owner of the alcohol license?

20 MR. JOHNSON: RC -- wait. So you are
21 saying who currently holds the liquor license?

22 CHAIRPERSON MILLER: Correct.

1 MR. JOHNSON: The Stadium Group pending
2 transfer to RCX.

3 CHAIRPERSON MILLER: That means Mr.
4 Redding? Is that what you are saying?

5 MR. JOHNSON: I can't confirm that.

6 CHAIRPERSON MILLER: Okay. Is there a
7 specific time that the cleaning company cleans the
8 litter?

9 MR. JOHNSON: They typically come in
10 between 8:00 and 9:00. There is some flexibility
11 given that we don't open until much later in the
12 evening, so it's possible that they came into work
13 subsequent to when those photos were taken.

14 CHAIRPERSON MILLER: I understand that,
15 but you have in place a procedure by which a cleaning
16 company comes every day between 8:00 and 9:00?

17 MR. JOHNSON: Every single day, yes.

18 CHAIRPERSON MILLER: I have no further
19 questions. Mr. Short?

20 MEMBER SHORT: Well, financially, the
21 liquor sales that you have with your license at the
22 establishment right now known as Stadium --

1 MR. JOHNSON: Yes.

2 MEMBER SHORT: -- Mr. Redding gets what
3 financial end of that?

4 MR. JOHNSON: He is not financially
5 interested in the current sales. The management
6 agreement designates RCX as the steward of all aspects
7 of day-to-day operations of the venue.

8 MEMBER SHORT: Okay. I'm not a business
9 student at the moment, so just kind of guide me
10 through this. Mr. Redding is still the owner of
11 Stadium at this time, correct?

12 MR. JOHNSON: Yes. So --

13 MEMBER SHORT: Well, wait a minute. Thank
14 you very much. Now, the is the owner, but he has no
15 financial interest?

16 MR. JOHNSON: So the simplest way that,
17 you know, I think I can best explain it is that the
18 management agreement designates, due to the conflict
19 of interest of us managing a venue that was formerly
20 his, the management agreement designates that he is to
21 have no say in the day-to-day operations. He is not
22 a part of the day-to-day operations. And --

1 MEMBER SHORT: Okay. That's good. Now,
2 you answered. You are the principal, as you
3 testified.

4 MR. JOHNSON: Yes.

5 MEMBER SHORT: What is your financial
6 interest in the ABC license?

7 MR. JOHNSON: So --

8 MEMBER SHORT: Profits?

9 MR. JOHNSON: -- I work with the-- with
10 RCX. Currently, we are not profitable, so my
11 financial interest is getting the venue profitable.

12 MEMBER SHORT: So you are working for zero
13 dollars?

14 MR. JOHNSON: No, I'm not working for zero
15 dollars. I'm an officer with Mr. Thomas' firm who is
16 not here to join us as well. So those earnings are
17 how I function.

18 MEMBER SHORT: Okay. Well, here is what
19 I would like for you to do.

20 MR. JOHNSON: Sure.

21 MEMBER SHORT: Prior to and if your
22 license transfer goes through, the financial interest

1 will have to be part of the record. You know that
2 don't you?

3 MR. JOHNSON: Yes.

4 MEMBER SHORT: Okay. Thank you. So you
5 will have that straightened out by then?

6 MR. JOHNSON: Yes.

7 MEMBER SHORT: So how long have you been
8 managing it?

9 MR. JOHNSON: Personally? Well, so RCX
10 has --

11 MEMBER SHORT: When did you take over from
12 Mr. Redding?

13 MR. JOHNSON: October of 2013.

14 MEMBER SHORT: So now we are October '14,
15 so a whole year Mr. Redding is still the owner and you
16 are still in the process?

17 MR. JOHNSON: Yes.

18 MEMBER SHORT: That's all I have, Madam
19 Chair.

20 CHAIRPERSON MILLER: Okay. I'm a little
21 bit confused on this. And so I would like to ask you,
22 has there or has there not been a transfer of the

1 liquor license from Mr. Redding to RCX or someone?

2 MR. JOHNSON: The transfer is pending. So
3 there are several items that are a part of the deal
4 that have to close and they -- to close entirely,
5 those must happen concurrently.

6 CHAIRPERSON MILLER: Okay. And do we have
7 the management agreement in the record?

8 MR. HAFFNER: We should.

9 CHAIRPERSON MILLER: Okay. And we can
10 look at that and that should answer these questions.
11 Okay. Well, I can appreciate why Ms. Butler might
12 have been confused, because I'm a little confused at
13 this point, because I thought there was a transfer in
14 ownership as well and you are saying no, it's pending,
15 but there is a change in manager. Is that right? And
16 that you all are in charge of all the every day
17 decisions.

18 MR. JOHNSON: Yes, yes.

19 CHAIRPERSON MILLER: Okay. Okay. Other
20 questions? Any questions on Board questions?

21 MEMBER RODRIGUEZ: Excuse me.

22 CHAIRPERSON MILLER: Oh, yes, Mr.

1 Rodriguez?

2 MEMBER RODRIGUEZ: Very quickly, because
3 I don't want to hold this up, but so if you are
4 responsible for the day-to-day decisions, then you are
5 also liable? Are you liable for the day-to-day
6 decisions?

7 MR. JOHNSON: In part, yes. Yes, we are
8 liable as a management company. Yes.

9 MEMBER RODRIGUEZ: Okay.

10 CHAIRPERSON MILLER: Okay. Any questions
11 on Board questions? Ms. Butler?

12 RECROSS-EXAMINATION

13 MS. BUTLER: You stated that you were
14 partial -- that you were an owner of RCX.

15 MR. HAFFNER: Objection. Mischaracterizes
16 the testimony. He never--

17 CHAIRPERSON MILLER: Right.

18 MR. HAFFNER: -- said --

19 CHAIRPERSON MILLER: No.

20 MR. HAFFNER: -- he was an owner.

21 CHAIRPERSON MILLER: And okay.

22 MS. BUTLER: I'll strike it. I'll strike

1 it.

2 CHAIRPERSON MILLER: Okay.

3 MS. BUTLER: And then this is my last
4 question.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER SHORT: Yes, because you're out of
7 time.

8 CHAIRPERSON MILLER: Because you were out
9 of time.

10 MS. BUTLER: I'm sorry.

11 CHAIRPERSON MILLER: Okay. No, you can
12 have one question.

13 MS. BUTLER: Did you state during the
14 August 6th hearing that you were the financial manager
15 of RCX?

16 MR. JOHNSON: We addressed this last time.
17 As an officer of RCX, you know, I characterized it at
18 that time as a financial manager. That is correct.

19 MS. BUTLER: The --

20 CHAIRPERSON MILLER: Okay. That was your
21 last question.

22 MS. BUTLER: Okay. So that was -- is he

1 saying yes or --

2 CHAIRPERSON MILLER: It is what it is. He
3 explained it. Okay. Anything else? All right.
4 Thank you very much.

5 MR. JOHNSON: Thank you.

6 (Whereupon, witness was excused.)

7 CHAIRPERSON MILLER: Okay. Is that it for
8 rebuttal?

9 MR. HAFFNER: That's it.

10 CHAIRPERSON MILLER: Okay. All right.
11 Everybody has moved whatever documents they wished to
12 into evidence.

13 So I'm going to close the record, except
14 I'll now entertain closing arguments. Okay. The
15 applicant goes first.

16 MR. HAFFNER: So thank you, Board, for
17 entertaining our testimony. I want to start off by
18 stating something that I heard back when I was a kid
19 in church. And it had to do with whether the sins of
20 the father are then pushed on the son.

21 Essentially, what we have heard today is
22 that all the violations that have brought us here and

1 brought the protestants here occurred prior to the
2 takeover of management. In fact, when directly asked
3 about specific issues that they had with Stadium Club,
4 that they being the protestants had with Stadium Club,
5 not one piece of evidence directly pointed to Stadium
6 Club.

7 We heard speculation about a drive-by, but
8 when directly questioned, nobody could tie that drive-
9 by shooting to Stadium Club.

10 We heard about litter, trash, but we have
11 also heard that Stadium Club is taking affirmative
12 measures to reduce that litter. And in fact, the one
13 person who offered testimony, Ms. Odunsi, with respect
14 to the litter said that trash -- that there was no
15 trash outside of the Stadium Club's immediate area.

16 Yet we heard conflicting testimony that,
17 in fact, trash outside that area is a persistent
18 problem. So to the extent we have heard anything
19 about trash, we have heard inconsistent testimony and
20 consistent testimony on the part of Stadium that it's
21 actually being taken care of.

22 What is most striking about the trash

1 issue is that when we heard from Investigator Abyie,
2 he quite credibly testified that he has been familiar
3 with Stadium Club for four years, during which time he
4 has visited no less than 40 or 50 times. And he
5 mentioned that with respect to the takeover of
6 management, that there is a noticeable discernable
7 difference.

8 Now, I understand where the protestants
9 are coming from and, frankly, when I hear stories like
10 some of the ones that I have heard, it touches me, but
11 we need to be clear that we are dealing in reality.
12 And the reality is is that fundamental changes have
13 been instituted and will continue to be instituted.

14 The reality is is that to the extent
15 concerns have been expressed, those concerns are being
16 addressed. The reality is is that as bad a picture as
17 the protestants want to paint, the new management of
18 Stadium Club is not responsible.

19 So I understand where they are coming from
20 with respect to their frustration. However, this
21 Board knows that what it is being charged with is
22 determining whether Stadium Club is in a measurable

1 way affecting the peace and order of that community,
2 whether the issues of traffic are being directly --
3 are directly related to anything that Stadium Club is
4 doing and whether the parking situation that has been
5 complained about is directly attributable to Stadium.

6 And I would submit that none of the
7 testimony or evidence that we have heard today would
8 allow the Board to conclude that that, in fact, is
9 what is happening.

10 I understand that there might be concern
11 about the nature of the club and what it does, but,
12 frankly, that is not what this Board is being called
13 on to pass judgment on. It's not about what happens
14 in the club with respect to some of the entertainment.

15 It's about whether this club is affecting
16 the peace and order of the community. And we submit
17 that the evidence has shown that it is not.

18 We would ask that the Board take into
19 account the evidence and the testimony of Stadium and
20 its owners with respect to how they plan to address
21 some of the issues that have been stated. And what we
22 have heard is that there have been at least five

1 different meetings with the community that in those
2 meetings, the concerns were heard and are being
3 addressed.

4 We have also heard testimony with respect
5 to the crime trend in that area. Since the takeover,
6 and this is corroborated by Ms. Butler, the commander
7 has stated that there has, in fact, been a downturn in
8 violent crime. So to the extent any conclusions can
9 be drawn, I think the conclusion that needs to be
10 drawn is that, in fact, Stadium is, under new
11 management, attempting to become/be a good neighbor.

12 It is dedicated to being a good neighbor
13 and that to the extent any of the measures that they
14 have undertaken -- have been undertaken, they have
15 been effective. Crime is down. Litter is being
16 addressed. Parking is being addressed. And these
17 will be ongoing issues.

18 So I guess we will conclude by stating
19 that there has been no evidence that shows that
20 Stadium Club's presence has affected this community.
21 Yes, there have been anecdotes, but there has been
22 nothing in terms of probative evidence that would

1 suggest that Stadium Club is in any way responsible
2 for some of the negative experiences that some of the
3 people have expressed.

4 And so that being the case, we ask that
5 the liquor license be renewed. And that the protest
6 be denied. Nothing further.

7 CHAIRPERSON MILLER: Okay.

8 MS. BUTLER: Good evening, again, Board.
9 I want to once again thank you for hearing the
10 community's side in regards to the activities at
11 Stadium Nightclub.

12 We started this process almost a year ago.
13 The community submitted their protest in opposition to
14 the renewal of the liquor license in November of 2013.

15
16 During the first hearing, the Roll Call
17 Hearing, Stadium was not present. We had a room full
18 of residents here in solidarity in opposition to the
19 liquor license and Stadium did not think that that
20 particular day was important enough to show up to the
21 Roll Call Hearing.

22 They have been given numerous times to

1 reapply, to reinstate their applications, which has
2 been unfair to the community, because we have been
3 here every step of the way.

4 I was unaware of any transfer or any talks
5 of transfer of license from the new application from
6 Mr. Redding until August -- I'm sorry, April of 2014.
7 During that time, The Stadium Nightclub was closed for
8 a month. So it's unfair for the community to say that
9 they will be good neighbors.

10 We have also noticed that there have been
11 conflicting testimony from the applicant based on
12 their August 6th Fact-Finding Hearing to the Board.
13 So they have given you several different answers to
14 your questions and to our questions.

15 So right now, we have no clue what is
16 going on at Stadium. If that's the case, the
17 community has -- is not being protected. We are --
18 basically, we have no understanding of anything that
19 is going on. We don't know if Mr. Redding is the
20 owner. We don't know if it's RCX. We don't know if
21 it's F9. We don't know if it's Mr. Johnson. We have
22 no -- it could be Santa Claus for all we know, at this

1 particular point.

2 And these are concerns that the community
3 has. This is not -- this does not show that they are
4 working in good faith with the community.

5 Since our last hearing, there have been
6 two incidents where there have been violent episodes
7 at the establishment. What can we say? This is not
8 the end. They have not changed anything from the old
9 owners, if this is what we are seeing.

10 Even though Mr. Haffner has stated that
11 Commander Porter reported that violent crime is down,
12 yes, it's down in the entire Ward 5, but we are a
13 small community within Ward 5 and we experience
14 incidents every weekend. And not only that, we have
15 experienced an increase in robberies, car thefts and
16 car break-ins. Our small community cannot take any
17 more.

18 We have also heard from Mr. Johnson that
19 he is a passive owner in the first half of the
20 hearing. Yet, in his testimony, he stated he was a
21 financial manager. And these are the people I'm
22 having dialogue with. I don't trust that they will

1 continue to work in the best interest of the
2 community.

3 He also, Mr. Johnson, stated that the
4 cleaning crew arrives on the property between the
5 hours of 8:00 and 9:00. Yet, Ms. Odunsi had pictures
6 where she testified she took a picture at 8:30, so
7 they are not cleaning. We have shown that there is
8 trash outside.

9 I have submitted testimony from residents
10 in opposition to their license. Some of the issues
11 that they are facing are regarding fights and public
12 urination. Residents have testified that they are
13 tired. They don't know what else to do. They have
14 exhausted every means possible.

15 The community has been disenfranchised by
16 the number of clubs that are there and Stadium has
17 been an issue. Stadium has been an issue since its
18 opening in 2010 up until 2014. The community is
19 saying the same thing. It's not going to change.

20 I would hope that the Board will look at
21 all the evidence and -- as well as the testimony from
22 the residents, the concerns that we have that we have

1 to deal with this every weekend. We have to deal with
2 shootings. We have to deal with our cars being broken
3 into.

4 As Mr. Mullone stated in his testimony, we
5 are a community of seniors. Unfortunately, we are --
6 all of them are not able to get out, because they are
7 elderly.

8 Our first half of the meeting, we knew
9 there were several residents here over 75 years-old.
10 We had a resident here that was 92. They can't fight
11 these battles all the time and they feel that they are
12 not being heard. And we feel that with Stadium
13 continuing to be in operation, that it would not be in
14 the best interest of the community. Thank you.

15 CHAIRPERSON MILLER: Okay. Thank you.
16 Thank you very much. All right. I want to ask you if
17 you want to file proposed findings of facts and
18 conclusions of law or waive your right to do so? Are
19 you familiar with that question?

20 MR. HAFFNER: I'm sorry, I didn't hear
21 that.

22 CHAIRPERSON MILLER: The question is do

1 you want to file proposed findings of fact and
2 conclusions of law or waive your right to do so.

3 MR. HAFFNER: Oh.

4 CHAIRPERSON MILLER: And if you want me to
5 explain this, I would be happy to. Okay. It's a
6 right that is in the statute in which a few
7 individuals take advantage of, but for the most part
8 don't, because you can't add any new evidence. It
9 would be when the transcript comes out in a few weeks,
10 you get to review the transcript and then it's like
11 writing a draft order.

12 Like finding -- giving proposed findings
13 of facts that you would like the Board to reach,
14 obviously, favorable to your side and conclusions of
15 law. I would say in most cases it is not done, but it
16 is a right that is available to you, if you choose to
17 do that.

18 MR. HAFFNER: I would like to reserve the
19 right to do so.

20 CHAIRPERSON MILLER: You would like to
21 reserve your right?

22 MR. HAFFNER: Yes.

1 CHAIRPERSON MILLER: Okay.

2 MS. BUTLER: We would as well.

3 CHAIRPERSON MILLER: Okay. So what that
4 means is that in a few weeks, the transcript will come
5 out and that will be sent to you, I believe. And then
6 if it isn't, you should contact Ms. Jenkins in a few
7 weeks if you don't get it.

8 And then you should have the whole record,
9 including the exhibits, and you can set forth your
10 proposed findings of facts and conclusions of law.
11 And you will have 30 days from when you get it to
12 serve each other and the Board.

13 And if one of you decides that maybe you
14 don't want to do it after all, you should contact the
15 other side and see where they are at, because
16 sometimes we have seen where if one is doing it, the
17 other will do it. But if one is not doing it, then
18 maybe the other one won't.

19 Okay. And if that is the case, also
20 contact Ms. Jenkins, because we won't deliberate on
21 the case until those come in. Okay. All right.

22 So that completes that. And what is left

1 is for the Board to take a vote on deliberating the
2 case when everything is in in closed session, as is
3 allowed under the Open Meetings Act.

4 As Chairperson of the Alcoholic Beverage
5 Control Board for the District of Columbia and in
6 accordance with Section 405 of the Open Meetings
7 Amendment Act of 2010, I move that the ABC Board hold
8 a closed meeting for the purpose of seeking legal
9 advice from our counsel on Case No. 13-PRO-00020,
10 Stadium, per Section 405(b)(4) of the Open Meetings
11 Amendment Act of 2010, and deliberating upon this case
12 for the reasons cited in Section 405(b)(13) of the
13 Open Meetings Amendment Act of 2010.

14 Is there a second?

15 MEMBER BROOKS: Second.

16 CHAIRPERSON MILLER: Who seconded it?

17 MEMBER BROOKS: I.

18 CHAIRPERSON MILLER: Mr. Brooks. Mr.
19 Brooks has seconded the motion. I'll now take a roll
20 call vote on the motion before us now that it has been
21 seconded.

22 Mr. Brooks?

1 MEMBER BROOKS: I agree.

2 CHAIRPERSON MILLER: Mr. Rodriguez?

3 MEMBER RODRIGUEZ: I agree.

4 CHAIRPERSON MILLER: Ms. Miller agrees.

5 Mr. Silverstein?

6 MEMBER SILVERSTEIN: I agree.

7 CHAIRPERSON MILLER: Mr. Short?

8 MEMBER SHORT: I agree.

9 CHAIRPERSON MILLER: Okay. It appears
10 that the motion has passed by a 5-0-0 vote.

11 And I hereby give notice that the ABC
12 Board will hold a closed meeting in the ABC Board
13 conference room pursuant to the Open Meetings
14 Amendment Act of 2010 after receipt of the proposed
15 findings of facts and conclusions of law or indication
16 from the parties that they won't be coming in.

17 Okay. That concludes this hearing. Thank
18 you all very much.

19 MR. MULLONE: Thank you.

20 MS. BUTLER: Thank you.

21 CHAIRPERSON MILLER: Have a good night.

22 MEMBER RODRIGUEZ: Good night.

1 CHAIRPERSON MILLER: And I think that
2 concludes the business of the Board for the day and we
3 are adjourned. Thank you.

4 (Whereupon, the Protest Hearing in the
5 above-entitled matter was concluded at 7:53 p.m.)

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