

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

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In the Matter of:	)	
	)	
RCX, LLC <sup>1</sup>	)	Case No.: 14-PRO-00020
t/a Stadium	)	License No: 094244 <sup>2</sup>
	)	Order No: 2015-119
	)	
Application to Renew a	)	
Retailer's Class CN License	)	
	)	
at premises	)	
2127 Queens Chapel Road, N.E.	)	
Washington, D.C. 20018	)	

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**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Mike Silverstein, Member  
Hector Rodriguez, Member  
James Short, Member

**ALSO PRESENT:** RCX, LLC, t/a Stadium, Applicant

Julian Haffner, Counsel, on behalf of the Applicant

Karla Butler, Commissioner on behalf of Advisory Neighborhood Commission (ANC) 5C and A Group of 98 Residents and Property Owners, Protestants

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND ORDER**

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<sup>1</sup> During the protest the Board reviewed the transfer of the ownership of the establishment from Stadium Group, LLC, to RCX, LLC. This type of transfer may not be protested pursuant to D.C. Official Code §§ 25-421 and 25-601. The Board notes that it delayed the issuance of this Order until it was satisfied that the transfer would have no legal impact on the renewal.

<sup>2</sup> The Order lists Stadium's new license number. The old license number is ABRA License No. 082005.

## INTRODUCTION

The Alcoholic Beverage Control Board (Board) hereby approves the Application to Renew a Retailer's Class CN License filed by RCX, LLC, t/a Stadium, (hereinafter "Applicant" or "Stadium"). The Board renews the license held by Stadium—despite a history of problems at this establishment—because Stadium's prior operating history cannot be imputed to the new ownership. Furthermore, at this time, the Board finds that Stadium's ownership has taken sufficient steps to address potential concerns related to the appropriateness of the establishment.

### *Procedural Background*

The Notice of Public Hearing advertising Stadium's Application was posted on January 31, 2014, and informed the public that objections to the Application could be filed on or before March 17, 2014. *ABRA Protest File No. 14-PRO-00020*, Notice of Public Hearing [*Notice of Public Hearing*]. The Alcoholic Beverage Regulation Administration (ABRA) received protest letters from Advisory Neighborhood Commission (ANC) 5C and a Group of Ninety-Eight Residents and Property Owners (Butler Group) (collectively, the "Protestants"). *ABRA Protest File No. 14-PRO-00020*, Roll Call Hearing Results.

The parties came before the Board's Agent for a Roll Call Hearing on March 31, 2014, where all of the above-mentioned objectors were granted standing to protest the Application. On May 14, 2014, the parties came before the Board for a Protest Status Hearing. Finally, the Protest Hearing in this matter occurred on October 29, 2014, and December 3, 2014.

The Board recognizes that an ANC's properly adopted written recommendations are entitled to great weight from the Board. *See Foggy Bottom Ass'n v. District of Columbia Alcoholic Beverage Control Bd.*, 445 A.2d 643, 646 (D.C. 1982); D.C. Code §§ 1-309.10(d); 25-609 (West Supp. 2014). Accordingly, the Board "must elaborate, with precision, its response to the ANC[s] issues and concerns." *Foggy Bottom Ass'n*, 445 A.2d at 646. The Board notes that it received a properly adopted written recommendation from ANC 5C. The ANC's issues and concerns shall be addressed by the Board in its Conclusions of Law, below.

Based on the issues raised by the Protestants, the Board may only grant the Application if the Board finds that the request will not have an adverse impact on the peace, order, and quiet; residential parking and vehicular and pedestrian safety; and real property values of the area located within 1,200 feet of the establishment. D.C. Official Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2015).

## FINDINGS OF FACT

The Board, having considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board's official file, makes the following findings:

## I. Background

1. Stadium has submitted an Application to Renew a Retailer's Class CN License at 2127 Queens Chapel Road, N.E., Washington, D.C. *Notice of Public Hearing*. Stadium's license permits it to operate as a strip club. The former license holder at this premises was Stadium Group, LLC. *See ABRA Licensing File No. 082005*. The Board formally approved the transfer of the license to RCX, LLC, while the renewal of the license was pending.
2. ABRA Investigator Abyie Ghenene investigated the Application and prepared the Protest Report submitted to the Board. *ABRA Protest File No. 14-PRO-00020, Protest Report (Jul. 2014) [Protest Report]*.
3. The proposed establishment is located in a C-M-2 zone. *Protest Report*, at 2. Eleven licensed establishments are located within 1,200 feet of the proposed location. *Id.* at 3. There are no schools or recreation centers located within 400 feet of the establishment. *Id.* The Edward C. Mazique Parent Child Center, Inc., is located within 400 feet of the establishment. *Id.*
4. According to the public notice, Stadium's hours of operation are as follows: 11:00 a.m. to 3:00 a.m., Sunday through Thursday, and 11:00 a.m. to 4:00 a.m. on Friday and Saturday. *Notice of Public Hearing*. The establishment's hours of alcoholic beverage sales, service, and consumption are as follows: 11:00 a.m. to 2:00 a.m., Sunday through Thursday, and 11:00 a.m. to 3:00 a.m. on Friday and Saturday. *Id.* Finally, the establishment's summer garden hours are 11:00 a.m. to 2:00 a.m., Sunday through Thursday, and 11:00 a.m. to 3:00 a.m., on Friday and Saturday. *Id.*
5. Investigator Ghenene described his observations regarding the establishment's impact on traffic and parking. *Transcript (Tr.)*, October 29, 2015 at 20. Stadium has a parking lot on its property. *Id.* The parking lot has approximately fifty parking spaces. *Id.* During Investigator Ghenene's visits to the establishment, he regularly observed parking available at the establishment. *Id.* at 21. He noted that traffic in the neighborhood is not bad when Echostage is closed. *Id.* at 22, 30. Echostage is generally only open six to seven days per month. *Id.* at 30-31. The investigator further observed that the Metropolitan Police Department regularly manages the traffic in the neighborhood. *Id.* at 33.
6. Investigator Ghenene also described his observations regarding the establishment's impact on noise. *Id.* at 21. During his visits to the establishment, he has never heard noise emanate from the building. *Id.* Further, the Noise Task Force reported no violations between January 1, 2013, and October 22, 2014. *Id.* at 24.
7. Investigator Ghenene described Stadium's impact on litter. *Id.* at 24-25. During his visits, he has not observed litter on or around the premises. *Id.* at 51-52. He also has seen flyers in the neighborhood and on his government-issued vehicle related to events. *Id.* at 24-25. Nevertheless, none of the flyers he has seen have related to Stadium. *Id.* at 25.
8. Investigator Ghenene further observed the establishment's security practices. *Id.* at 26. Specifically, he noted that the establishment places its security in the parking lot, which means

that employees contact patrons before they reach Stadium's door. *Id.* at 27. Furthermore, it appears that the new management has hired new employees to manage the establishment's security. *Id.* at 41.

## **II. Rudolph Thomas**

9. Rudolph Thomas serves as the majority owner of RCX, LLC (RCX). *Id.* at 64-65. RCX, LLC, obtained Stadium after the former owners defaulted on a debt owed to the corporation. *Id.* at 65. RCX, LLC, has hired Anthony Morse and Nathaniel Johnson to manage the establishment on a daily basis. *Id.* at 66. Mr. Morse is responsible for operating the establishment, while Mr. Johnson will handle Stadium's finances. *Id.* at 66-67.

10. As part of RCX's takeover, the establishment has hired new bar, kitchen, and maintenance staff, as well as new managers. *Id.* at 67, 99. At this time, RCX has only retained the old ownership's comptroller as an employee. *Id.* at 67-68. RCX also hired ABC Consulting to recommend and provide appropriate policies and procedures related to operating the establishment. *Id.* at 68-69, 96.

11. RCX has also revamped the establishment's security. *Id.* at 69. The establishment has doubled its security staff. *Id.* Further, the establishment is committed to hiring more Metropolitan Police Department (MPD) Reimbursable Detail officers on Friday and Saturday nights. *Id.*

12. RCX has changed the establishment's dress code. *Id.* at 70. At this time, Stadium will not allow patrons to wear hats, boots, shorts, and other types of activewear. *Id.*

13. In addition, RCX has also improved the establishment's advertising practices. *Id.* Stadium no longer uses flyers to advertise events at the establishment. *Id.* at 70-71. Instead, the establishment solely uses social media. *Id.* at 70.

14. Finally, the establishment also has taken steps to address litter. *Id.* at 83. Specifically, some of the establishment's employees have been tasked with picking up litter in the area surrounding the establishment. *Id.* at 84.

## **III. Nathaniel Johnson**

15. Nathaniel Johnson is a principal of RCX, LLC. *Id.* at 112, 151. Mr. Johnson "... work[s] directly with Mr. Thomas to oversee strategy and operations . . . ." *Id.*

16. Mr. Johnson discussed the establishment's security practices. *Id.* at 116. When low attendance is expected, Stadium will have four security employees on duty. *Id.* When a large crowd is expected, Stadium will have up to twenty security employees on duty. *Id.* On Friday, Saturday, and special event days, Stadium plans to hire at least four MPD Reimbursable Detail officers. *Id.* at 117. During closing time, the establishment turns on the house lights and makes announcements advising patrons to leave the establishment. *Id.* at 124.

17. Mr. Johnson discussed how the establishment positions its security staff. *Id.* at 142. When four security employees are present, one employee will check identification and wand patrons with metal detectors; one acts as a greeter by the entrance, one roams the crowd; and another stands by the entertainer. *Id.* at 142-43. On days with heavy attendance, Stadium has more employees checking identifications and searching customers while the rest are stationed inside. *Id.* at 145-46.

18. Mr. Johnson also discussed the establishment's efforts to address noise concerns. *Id.* at 122. Specifically, Stadium has not provided entertainment outside and solely uses the outdoor seating area as an area for smokers. *Id.* at 123, 155.

19. Finally, Mr. Johnson also discussed how Stadium addresses parking concerns. *Id.* at 125. Besides on-site parking, there is a parking lot across from the establishment that has fifteen to twenty spaces. *Id.* Occasionally, Stadium designates some parking spots in its lot as "VIP" spots. *Id.* at 136-37. During weekends, the establishment's employees do not park in Stadium's parking lot. *Id.* at 138. The establishment also holds a valet parking contract with Tag-B. *Id.* at 168.

#### **IV. Anthony Morse**

20. Anthony Morse serves as Stadium's general manager. *Id.* at 170. Mr. Morse manages the establishment's employees. *Id.* at 171.

21. Stadium has provided alcohol awareness training for all of the establishment's bartenders. *Id.* at 174; *Applicant's Exhibit No. 3* (training certificates). The establishment also uses radios, an identification checking machine, and security cameras to assist security. *Tr.*, 10/29/14 at 209, 218, 230.

22. Stadium's security employees are required to wear a uniform while working at the establishment. *Id.* at 174. The uniform includes a shirt, tie, and a suit. *Id.*

#### **V. Yolanda Odunsi**

23. Yolanda Odunsi resides in the Woodridge neighborhood. *Tr.*, 12/3/14 at 10. She lives approximately five blocks from Stadium. *Id.*

24. As a resident, she has observed Stadium's operations on occasion. *Id.* On some occasions, she has observed litter on or near Stadium's property. *Id.* at 11-13, 23-24. She has never heard noise emanate from the establishment. *Id.*

25. Ms. Odunsi discussed her issues regarding traffic in the neighborhood. *Id.* at 13. Ms. Odunsi has experienced heavy traffic on Queens Chapel Road, N.E., after 9:00 p.m. when the local nightclubs are in operation. *Id.* at 13, 17-18. Nevertheless, she admitted that alternative routes are available. *Id.* at 14, 22. She noted that many cars park in the local lots, but some engage in double parking; nevertheless, she did not indicate that people were double parking in the residential areas of the neighborhood. *Id.* at 19-20.

## **VI. Frances Penn**

26. Frances Penn serves as the vice-president of the Woodridge South Community Association and sits on the Citizens Advisory Council for the Fifth District of the Metropolitan Police Department. *Id.* at 29. She has heard MPD complain about the amount of patrons attracted to the area, but has not heard any specific complaints regarding Stadium. *Id.* at 32. The Board notes that MPD did not file a formal protest in this case.

27. Ms. Penn described her concerns regarding parking in the neighborhood. *Id.* On some occasions, she has observed that nightclub patrons park in the residential area or walk in the street. *Id.* at 33, 36-37. Nevertheless, this has not been a concern on the street that she lives on. *Id.* at 43.

28. Ms. Penn noted that the trash she has observed in the neighborhood is generally gone by midday. *Id.* at 40.

## **VII. Kevin Mullone**

29. Kevin Mullone has lived in the neighborhood since 2010. *Id.* at 47. He lives approximately four blocks away from Stadium. *Id.* He noted that he frequently observes trash and litter throughout the community. *Id.* at 47-48. He noted that traffic on Queens Chapel Road, N.E., can be congested at times, and in response, MPD has shut down access to the road. *Id.* at 67-68.

30. Mr. Mullone indicated that problems occurred at the Howard Homecoming event held at Stadium in 2012. *Id.* at 66. Nevertheless, the Board recognizes that the current owners did not control the establishment in 2012. *Id.* at 91.

## **VIII. ANC Commissioner Karla Butler**

31. Commissioner Karla Butler represents ANC 5C02. *Id.* at 102. She is aware that a drive by shooting occurred in September 2014. *Id.* at 102. Nevertheless, there is insufficient evidence in the record to tie this event to the operations of a licensed establishment. *Id.* at 102-03, 107; *see also id.* at 74-75.

32. Commissioner Butler also argued that artists such as Scarface, Drake, and Megos attended events held at the establishment and caused violent incidents to occur. *Id.* at 125-26. The Board finds insufficient evidence in the record to adopt this conclusion. *Id.* at 126.

33. Commissioner Butler indicated that she is aware that violent crime has recently decreased in Ward 5. *Id.* at 131-32.

## **IX. Miscellaneous**

34. Councilmember Kenyan R. McDuffie submitted a letter to the Board indicating his opposition to the Application. *Letter from Councilmember Kenyan R. McDuffie, to Ruthanne Miller, Chair, Alcoholic Beverage Control Board, 1-2* (Mar. 13, 2014).

## **X. Applicant's Rebuttal Evidence**

35. Mr. Johnson explained that while the transfer of the license was pending, RCX, LLC, operated Stadium as a management company, not as the owner of the establishment. *Id.* at 145. Mr. Johnson indicated that RCX, LLC, has been managing the operations of Stadium since October 2013. *Id.* at 154.

## **CONCLUSIONS OF LAW**

36. The Board may approve an Application to Renew a Retailer's Class CN License when the proposed establishment will not have an adverse impact on the neighborhood. D.C. Official Code §§ 25-104, 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2015). Specifically, the question in this matter is whether the Application will have a negative impact on the peace, order, and quiet; residential parking and vehicular and pedestrian safety; and real property values of the area located within 1,200 feet of the establishment. D.C. Official Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2015).

37. Furthermore, “. . . the Board shall consider whether the proximity of [a tavern or nightclub] establishment to a residence district, as identified in the zoning regulations of the District and shown in the official atlases of the Zoning Commission for the District, would generate a substantial adverse impact on the residents of the District.” D.C. Official Code § 25-314(c).

### **I. STADIUM IS APPROPRIATE FOR THE NEIGHBORHOOD.**

38. The Board determines that Stadium satisfies the appropriateness test. Under the appropriateness test, “. . . the applicant shall bear the burden of proving to the satisfaction of the Board that the establishment for which the license is sought is appropriate for the locality, section, or portion of the District where it is to be located . . . .” D.C. Official Code § 25-311(a). The Board shall only rely on “reliable” and “probative evidence” and base its decision on the “substantial evidence” contained in the record. 23 DCMR § 1718.3 (West Supp. 2014).

39. The appropriateness test has never been limited to mere compliance with the law. *See Panutat, LLC v. D.C. Alcoholic Beverage Control Bd.*, 75 A.3d 269, 277 n. 12 (D.C. 2013) (“However, in mandating consideration of the effect on peace, order, and quiet, § 25-313(b)(2) does not limit the Board’s consideration to the types of noises described in § 25-725.”). It has been said, that each location where an establishment is located is “unique,” which requires the Board to evaluate each establishment “. . . according to the particular circumstances involved.” *Le Jimmy, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 433 A.2d 1090, 1093 (D.C. 1981). Under this test, the Board must consider the “prospective” effect of the establishment on the

neighborhood.” *Id.* Among other considerations, this may include the Applicant’s efforts to mitigate or alleviate operational concerns,<sup>3</sup> the “character of the neighborhood,”<sup>4</sup> the character of the establishment,<sup>5</sup> and the license holder’s future plans.<sup>6</sup> Thus, the appropriateness test seeks to determine whether the applicant’s future operations will satisfy the reasonable expectations of residents to be free from disturbances and other nuisances. D.C. Council, Bill 6-504, the “District of Columbia Alcoholic Beverage Control Act Reform Amendment Act of 1986,” Committee on Consumer and Regulatory Affairs, 38 (Nov. 12, 1986).

**a. Renewing Stadium’s license will not have an adverse impact on peace, order, and quiet.**

40. The Board finds that Stadium satisfies the peace, order, and quiet portion of the appropriateness test for two reasons. First, Stadium’s prior operating history cannot be imputed to the new owners. Second, the new owners are taking adequate steps to address concerns regarding peace, order, and quiet at this time.

41. The law states that “[i]n determining the appropriateness of an establishment, the Board shall consider . . . [t]he effect of the establishment on peace, order, and quiet, including the noise and litter provisions set forth in §§ 25-725 and 25-726.” D.C. Official Code § 25-313(b)(2); *see also* D.C. Official Code §§ 25-101(35A), 25-314(a)(4). Among other considerations, the Board is instructed to consider “. . . noise, rowdiness, loitering, litter, and criminal activity.” 23 DCMR § 400.1(a) (West Supp. 2015).

**i. There are no grounds for imputing Stadium’s prior operating history to RCX, LLC.**

42. The Board is well-aware that Stadium, as owned and operated by The Stadium Group, LLC, has had a troubled history; however, there is no justification for imputing or attributing Stadium’s prior record to RCX, LLC. *See e.g., In re The Stadium Group, LLC, t/a Stadium*, Case No. 13-251-00072, Board Order No. 2014-251 (D.C.A.B.C.B. Jun. 25, 2014) *as amended by* Board Order No. 2014-273 (D.C.A.B.C.B. Jul. 9, 2014) (imposing a \$6,000 fine and ten day suspension for violations); *In re The Stadium Group, LLC, t/a Stadium*, Case No. 12-CMP-00680, Board Order No. 2014-244 (D.C.A.B.C.B. Jun. 25, 2014) *as amended by* Board Order No. 2014-272 (D.C.A.B.C.B. Jul. 9, 2014) (imposing a \$8,500 fine and twenty day suspension for violations). As noted in *Panutat*, the creation of a corporate entity does not prevent the

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<sup>3</sup> *Donnelly v. District of Columbia Alcoholic Beverage Control Board*, 452 A.2d 364, 369 (D.C. 1982) (saying that the Board could rely on testimony related to the licensee’s “past and future efforts” to control negative impacts of the operation); *Upper Georgia Ave. Planning Comm. v. Alcoholic Beverage Control Bd.*, 500 A.2d 987, 992 (D.C. 1985) (saying the Board may consider an applicant’s efforts to “alleviate” operational concerns).

<sup>4</sup> *Citizens Ass’n of Georgetown, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 410 A.2d 197, 200 (D.C. 1979).

<sup>5</sup> *Gerber v. D.C. Alcoholic Beverage Control Bd.*, 499 A.2d 1193, 1196 (D.C. 1985); *Sophia’s Inc. v. Alcoholic Beverage Control Bd.*, 268 A.2d 799, 801 (D.C. 1970).

<sup>6</sup> *Sophia’s Inc.*, 268 A.2d at 800.

Board from considering a separate establishment's record when the establishment has overlapping ownership or similar management. *Panutat, LLC v. D.C. Alcoholic Beverage Control Bd.*, 75 A.3d 269, 275 (D.C. 2013). Nevertheless, the current Applicant is not The Stadium Group, LLC, it is RCX, LLC. The record in this case contains no evidence that RCX, LLC, shares similar ownership, management, or otherwise retained any employees of significance to the daily operations of the establishment. *Supra*, at ¶¶ 8, 10. Furthermore, there is no evidence that the transfer between RCX, LLC, and The Stadium Group, LLC, did not qualify as an arms-length transaction; specifically, there is no evidence that the transfer of this license involved relatives, persons not acting independently, or otherwise involves an illegitimate business transaction. As a result, RCX, LLC, cannot be saddled with the old owner's operating history and is entitled to a "clean slate."

**ii. Stadium has taken reasonable steps to address potential problems involving related to peace, order, and quiet.**

43. Stadium has also demonstrated that it is taking sufficient steps to address any potential concerns regarding peace, order, and quiet.

44. Under the appropriateness test, an applicant's efforts to mitigate or alleviate operational concerns may be used to justify a finding of appropriateness. *Donnelly v. District of Columbia Alcoholic Beverage Control Board*, 452 A.2d 364, 369 (D.C. 1982); *Upper Georgia Ave. Planning Comm. v. Alcoholic Beverage Control Bd.*, 500 A.2d 987, 992 (D.C. 1985).

45. The record in this case shows that Stadium has made efforts to prevent the establishment from having a negative impact on peace, order, and quiet. First, as noted by Investigator Ghenene, noise does not emanate from the building. *Supra*, at ¶¶ 6, 18. Second, the establishment has addressed security concerns by hiring new employees, positioning security in the parking lot, providing alcohol awareness training, and obtaining the services of an alcohol management consultant to provide appropriate policies and procedures for the establishment. *Supra*, at ¶¶ 8, 10, 21. Third, the establishment has tasked employees with picking up litter in the area around the establishment. *Supra*, at ¶ 14.

46. Therefore, the Board finds that renewing Stadium's license will not have an inappropriate impact on the neighborhood's peace, order and quiet.

**b. Stadium will not have a negative impact on residential parking and vehicular and pedestrian safety.**

47. The Board further concludes that Stadium has satisfied the residential parking and vehicular and pedestrian safety portion of the appropriateness test.

48. Under § 25-313(b)(3), "[i]n determining the appropriateness of an establishment, the Board shall consider . . . [t]he effect of the establishment upon residential parking needs and vehicular and pedestrian safety . . . ." D.C. Official Code § 25-313(b)(3); *see also* D.C. Official Code §§ 25-101(35A), 25-314(a)(4). Among other considerations, the Board is instructed to consider the availability of both private and public parking, any parking arrangements made by

the establishment, whether “[t]he flow of traffic . . . will be of such pattern and volume as to . . . increase the [reasonable] likelihood of vehicular [or pedestrian] accidents . . . .” 23 DCMR § 400.1(b), (c) (West Supp. 2015).

49. In this case, the Board finds that Stadium has taken sufficient steps to address parking concerns. Specifically, Stadium has on-site parking, provides valet parking, and there is a parking lot across the street. *Supra*, at ¶¶ 5, 19. While the Protestants complained about traffic, the record shows that there are alternative routes available for residents. *Supra*, at ¶ 25. Further, there is no evidence that any dangerous conditions exist in the neighborhood that impacts pedestrians or vehicles. For this reason, the Board finds that Stadium will not have a negative impact on residential parking or vehicular or pedestrian safety.

**c. Stadium will not have a negative impact on real property values.**

50. Finally, the Board concludes that Stadium satisfies real property values portion of the appropriateness test. In determining whether an establishment is appropriate under D.C. Official Code § 25-313(b)(1), the Board must examine whether the establishment is having a negative effect on real property values. D.C. Official Code § 25-313(b)(1). The Board has noted in the past that the presence of blight may have a negative impact on property values. *In re Historic Restaurants, Inc., t/a Washington Firehouse Restaurant, Washington Smokehouse*, Case No. 13-PRO-0031, Board Order No. 2014-107, ¶ 48 (D.C.A.B.C.B. Apr. 2, 2014) *citing In re Rail Station Lounge, LLC, t/a Rail Station Lounge*, Case No. 10-PRO-00153, Board Order No. 2011-216, ¶ 62 (D.C.A.B.C.B. Jun. 15, 2011). In this case, there is no evidence that Stadium’s property is blighted. Further, the Protestants have not rebutted this showing by establishing that Stadium, or any other licensed establishment, is having a negative impact on real property values.

51. Therefore, the Board concludes that Stadium satisfies the appropriateness test.

**II. STADIUM’S RECORD OF COMPLIANCE AT THIS JUNCTURE MERITS RENEWAL OF THE LICENSE.**

52. Under § 25-315, “[t]he Board shall consider the licensee's record of compliance with this title and the regulations promulgated under this title and any conditions placed on the license during the period of licensure, including the terms of a settlement agreement.” D.C. Official Code § 25-315(b)(1). Here, RCX’s investigative history shows no violations committed during its management of the establishment; therefore, RCX’s satisfactory record of compliance further supports the Board’s decision to renew the license. *ABRA Investigative History*, ABRA License No. 094244 (Feb. 9, 2015).

**III. THE BOARD HAS SATISFIED THE GREAT WEIGHT REQUIREMENT BY ADDRESSING ANC 5C’S ISSUES AND CONCERNS.**

53. ANC 5C’s written recommendation submitted in accordance with D.C. Official Code § 25-609(a) indicated that its protest was based on concerns regarding Stadium’s impact on peace,

order, and quiet. *Advisory Neighborhood Commission 5C*, Resolution (Feb. 19, 2014). The Board notes that it specifically addressed these concerns above.

**IV. THE APPLICATION SATISFIES ALL REMAINING REQUIREMENTS IMPOSED BY TITLE 25.**

54. Finally, the Board is only required to produce findings of fact and conclusions of law related to those matters raised by the Protestants in their initial protest. *See Craig v. District of Columbia Alcoholic Beverage Control Bd.*, 721 A.2d 584, 590 (D.C. 1998) (“The Board’s regulations require findings only on contested issues of fact.”); 23 DCMR § 1718.2 (West Supp. 2015). Accordingly, based on the Board’s review of the Application and the record, the Applicant has satisfied all remaining requirements imposed by Title 25 of the D.C. Official Code and Title 23 of the D.C. Municipal Regulations.

**ORDER**

Therefore, the Board, on this 1st day of April 2015, hereby **APPROVES** the Application to Renew a Retailer’s Class CN License at premises 2127 Queens Chapel Road, N.E. filed by RCX, LLC, t/a Stadium.

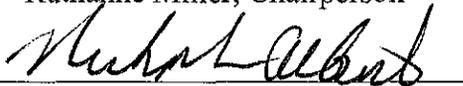
**IT IS FURTHER ORDERED** that the Board’s findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision.

The ABRA shall deliver a copy of this order to the Applicant and the Protestants.

District of Columbia  
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Albera, Member



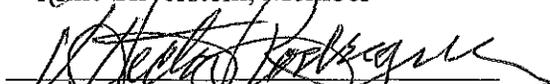
Donald Brooks, Member



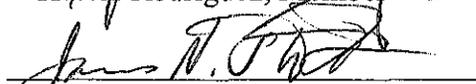
Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, Member

Pursuant to 23 DCMR § 1719.1, any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. *See* D.C. App. Rule 15(b) (2004).