

ATTACHMENT E

Don Padou
1335 Lawrence Street NE
Washington, DC 20017
(202) 832-4038 Don.Padou@yahoo.com

May 10, 2010

Department of Consumer and Regulatory Affairs
Mr. Nicholas Majett
1100 4th Street SW
Washington, DC 20024
Sent via email:

Re: Certificate of Occupancy No. CO1001838, issued 4/21/10

Dear Mr. Majett:

I am writing regarding the temporary certificate of occupancy DCRA recently granted to the Stadium Group LLC for 2127 Queens Chapel Road NE. There has been an error.

The Certificate is for a "Restaurant ... [Not a Sexually Oriented Business Establishment.]" The Stadium Group LLC is operating a night club with nude dancing and has been issued a liquor license for a night club with nude dancing from ABRA (ABRA license #82005). The Stadium Group advertises the nude dancing on its web site, www.StadiumClubDC.com¹. There have been newspaper stories about Stadium Club opening as a strip club. I have attached a copy of one story from the Washington Post.

The hours of the Stadium Club are:
Weekdays: 4:00 PM to 2:00 AM.
Weekends: 6:00 PM to 3:00 AM

I believe that there is nude dancing every night, but certainly on Fridays and Saturdays.

As I am sure you are aware, DCRA and the DC Court of Appeals have consistently found that nude dancing is a 'sexually oriented business' under 11 DCMR § 199. See, e.g. Upper Georgia Ave. Planning Cmte v. Alcoholic Beverage Control Bd, 500 A.2d 987

¹ Text from the website: "When you think of the best strip club cities you think of Vegas, Atlanta, Orlando, Tampa, LA, or New York. Now that is all about to change. Stadium Club is the new standard in Adult Entertainment and Fine Dining. Stadium Club is centered on providing the highest quality in talent, five-star food and the ultimate Gentlemen's Club experience, starting with providing the best in national and international feature talent as well as premiere local talent never before seen in the region."

(D.C. 1985), President and Directors of Georgetown College for Georgetown Univ. v. Diavatis, 470 A.2d 1248 (D.C. 1983).

I would like DCRA to revoke the temporary Certificate of Occupancy granted to the Stadium Group LLC because the Stadium Group is using 2127 Queens Chapel Road NE for a purpose other than one listed on the Certificate. I would like DCRA not to grant a permanent Certificate of Occupancy to the Stadium Group LLC unless the conduct of the Stadium Club conforms with the use listed on the Certificate.

Please do not hesitate to contact me if you have any questions. If you have the time to let me know the outcome of any investigation and the action DCRA decides to take I would appreciate it.

Thank you for your help.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Finkel". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

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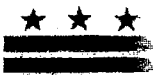
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Southeast strip club moving to Northeast

The Stadium Club is believed to be opening its doors this month in the 2100 Queens Chapel Road NE, next to club DC Star

The new club's owners paid \$1.15 million to buy the nude dance license from the manager of Nexus Gold, a strip club that was at First and I streets SE, according to records filed with the D.C. liquor board. Nexus Gold shut down a few years ago when the owner of the land where the club sat sold out to make way for the development of new apartments and office buildings around the Nationals Park.

It is tough to figure out all the details of the new Stadium Club. The phone number listed on a Web site is disconnected. James T. "Tru" Redding, who is listed on the club's Web site as the new owner and the owner of a commercial and residential construction company -- didn't return a phone call and e-mail last week seeking comment.

The club's Web site - stadiumclubdc.com - promises "special VIP rooms for private dance experiences with stadium girls," and "up front table dances" for \$20 a song, plus valet parking for up to 75 cars next door.

William Shelton, an advisory neighborhood commissioner in Ward 5, said the area feels "like it has taken its brunt" with having nightclubs, noting there are five clubs near the Stadium Club.

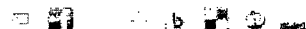
"We're worried about the parking impact, how it will use up police resources, and that people will be lurking around the neighborhood when they leave the club," he said. He said he and other neighborhood leaders met with Redding who assured them that he was bringing in a manager who had family ties to Ward 5.

In 2007, residents in Ward 5 successfully fought against a plan to create strip bar zone in the community for clubs displaced by the new baseball stadium. Under a law, only two of the six displaced clubs can move to any one ward.

-- Dana Hedgpeth

By Monica Norton | March 22, 2010; 9:45 AM ET
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Stadium Group certificate of occupancy

Thursday, May 20, 2010 9:41 AM

From: "Don Padou" <don.padou@yahoo.com>

To: nicholas.majett@dc.gov

Dear Mr. Majett:

I am writing to follow up on our conversation last week and my subsequent letter regarding the Certificate of Occupancy for the Stadium Group LLC at 2127 Queens Chapel Road NE. Has DCRA had a chance to look into the matter? If so, can you share the results with me.

The Stadium Group's temporary Certificate of Occupancy expires tomorrow, May 21st. Can you tell me the status of a permanent Certificate of Occupancy? In particular, will a permanent Certificate of Occupancy reflect that the Stadium Club is a sexually oriented business?

Thank you again for your help.

Sincerely,
Don Padou
(202) 832-4038



Stadium Group Certificate of Occupancy

Monday, June 7, 2010 9:19 AM

From: "Don Padou" <don.padou@yahoo.com>

To: linda.argo@dc.gov

Cc: nicholas.majett@dc.gov

Dear Ms. Argo,

I am writing to follow up on a complaint I filed a couple of weeks ago regarding the Stadium Club located at 2127 Queens Chapel Rd NE.

The club is currently operating under a temporary Certificate of Occupancy that expires on June 21, 2010. The Certificate is for a "restaurant, non-sexually oriented business."

As I explained in my complaint, the Stadium Club offers nude dancing and is, therefore, a sexually oriented business.

Can you tell me the status of DCRA's investigation?

Sincerely,

Don Padou

1335 Lawrence Street NE

Washington, DC 20017

202-832-4038

**RE: Stadium Group Certificate of Occupancy**

Thursday, June 10, 2010 5:00 PM

From: "Don Padou" <don.padou@yahoo.com>

To: "Nicholas (DCRA)Majett" <nicholas.majett@dc.gov>

Dear Mr. Majett

I was curious about the Zoning Administrator's reliance on a liquor license provision. So, I went to the law library at lunch time. I think you might find this interesting.

It turns out that the regulation the Zoning Administrator is relying on to determine that the Stadium Club is not a sexually oriented business was repealed several years ago. The repealed regulation was located at 23 DCMR 904.5 (1997).

Restaurants and nightclubs that offer nude dancing--such as the Stadium Club--have been found by every DC Court and Board that has considered the issue to be sexually oriented businesses.

I still think the Stadium Club is a sexually oriented business under the zoning regulations. I'd like to ensure that the Stadium Club abides by those regulations—including getting a certificate of occupancy that reflects that the establishment is a sexually oriented business.

Do you have any suggestions of where I should turn next? The only option I can think of is to file an appeal with BZA.

Thank you very much for your help.

Sincerely,

Don Padou

(202) 832-4038

--- On Mon, 6/7/10, Majett, Nicholas (DCRA) <nicholas.majett@dc.gov> wrote:

From: Majett, Nicholas (DCRA) <nicholas.majett@dc.gov>

Subject: RE: Stadium Group Certificate of Occupancy

To: "Don Padou" <don.padou@yahoo.com>

Date: Monday, June 7, 2010, 1:49 PM

According to our Zoning Administrator these are not zoning regulations. Rather, they are rules from the Alcohol Beverage Regulation Administration (ABRA).

Nicholas A. Majett

Deputy Director For

Communications & Customer Service

DCRA

1100 4th Street, S.W.

Washington, D.C. 20024

202-442-8937

nicholas.majett@dc.gov

From: Don Padou [mailto:don.padou@yahoo.com]
Sent: Monday, June 07, 2010 1:36 PM
To: Majett, Nicholas (DCRA)
Subject: RE: Stadium Group Certificate of Occupancy

Dear Mr. Majett,

Thank you very much for getting back to me so quickly.

Can you tell me where I can find the rules that define a sexually oriented business (e.g. the 18" and three foot rules). I looked in the DCMR, but could not locate them. Perhaps I am looking in the wrong title.

Sincerely,
Don Padou

--- On Mon, 6/7/10, Majett, Nicholas (DCRA) <nicholas.majett@dc.gov> wrote:

From: Majett, Nicholas (DCRA) <nicholas.majett@dc.gov>
Subject: RE: Stadium Group Certificate of Occupancy
To: "Don Padou" <don.padou@yahoo.com>
Cc: "Argo, Linda (DCRA)" <linda.argo@dc.gov>, "Byrd, Jill (DCRA)" <jill.byrd@dc.gov>
Date: Monday, June 7, 2010, 1:23 PM

I am responding on behalf of Director Argo to your inquiry regarding the Stadium club located at 2127 Queens Chapel Rd. N.E.

The Stadium Club is operating within the scope of its existing nightclub and restaurant certificate of occupancy and not considered "sexually oriented" so long as its performers are at least 18 inches off the floor, at least three feet from and not touching the customers.

Nicholas A. Majett
Deputy Director For
Communications & Customer Service
DCRA
1100 4th Street, S.W.
Washington, D.C. 20024
202-442-8937
nicholas.majett@dc.gov

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From: Don Padou [mailto:don.padou@yahoo.com]
Sent: Monday, June 07, 2010 9:19 AM
To: Argo, Linda (DCRA)
Cc: Majett, Nicholas (DCRA)
Subject: Stadium Group Certificate of Occupancy

Dear Ms. Argo,

I am writing to follow up on a complaint I filed a couple of weeks ago regarding the Stadium Club located at 2127 Queens Chapel Rd NE.

The club is currently operating under a temporary Certificate of Occupancy that expires on June 21, 2010. The Certificate is for a "restaurant, non-sexually oriented business."

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Can you tell me the status of DCRA's investigation?

Sincerely,
Don Padou
1335 Lawrence Street NE
Washington , DC 20017
202-832-4038

DCRA has moved to a new location. Please visit us now at 1100 4th Street SW , Waterfront/SEU Metro Station.