

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADVISORY NEIGHBORHOOD COMMISSION 3B

GLOVER PARK AND CATHEDRAL HEIGHTS



Resolution with Regard to the Application to Renew ABRA License #8511; BJ Enterprises t/a JP's located at 2412 Wisconsin Avenue N.W. in the District of Columbia

The following resolution was approved by Advisory Neighborhood Commission 3B:

Whereas ANC3B was duly informed by the Alcoholic Beverage Regulatory Administration (hereafter "ABRA") in a notice dated November 5, 2010, that BJ Enterprises, Inc. t/a JP's (hereafter "JPs") had applied for the renewal of its Class CN alcoholic beverage license #8511 at the premises 2412 Wisconsin Avenue NW;

Whereas, as of the date of this resolution, JPs has not displayed in the windows of the location (2412 Wisconsin Avenue NW) to which its liquor license is attached the placards providing public notice of its intent to renew as required by ABRA;

Whereas, JPs license has been held in safekeeping and it has not operated as a nude dancing establishment since a fire destroyed the property nearly three years ago on January 22, 2008, during which time many changes have occurred in the commercial and residential area in which JPs was previously located;

Whereas ANC3B took multiple actions starting in September 2010 to inform the community that JP's license was due to be renewed before the end of the year, including putting the issue of JPs license renewal on the duly announced and circulated agendas for ANC3B meetings in September, October and November, and encouraging residents and businesses to advise ANC3B about whether or not the license should be renewed via Internet mailing lists, local online chat groups, inclusion in the Glover Park Gazette, which is delivered to every resident in Glover Park, and through communication with the Glover Park Citizens' Association;

Whereas ANC3B received a significant number of responses both by email from named persons with Glover Park addresses and in person by known residents of Glover Park at ANC meetings in September, October and November, in opposition to the renewal of JPs license and only one anonymous message in favor;

Whereas JPs principal, Michael Papanicolas, appeared at ANC3B's September 28 meeting where he stated publicly in response to questions from the Commission about the reported offering for sale or actual sale of his liquor license (1) that his privately-held corporation, BJ Enterprises, was the owner of the liquor license and had not sold it to anyone, (2) that he was personally involved in the rebuilding and renovations of the property at 2412 Wisconsin Avenue NW, (3) that he

Whereas JPs principal, Michael Papanicolas, appeared at ANC3B's September 28 meeting where he stated publicly in response to questions from the Commission about the reported offering for sale or actual sale of his liquor license (1) that his privately-held corporation, BJ Enterprises, was the owner of the liquor license and had not sold it to anyone, (2) that he was personally involved in the rebuilding and renovations of the property at 2412 Wisconsin Avenue NW, (3) that he intended to reopen as a nude dancing establishment when the building was completed and (4) that he would be the operator of the establishment; and

Whereas, the October issue of the Glover Park Gazette reported the statements of James Charles, described as the attorney for JPs owner Michael Papanicolas, (1) that a contract has been signed between Mr. Papanicolas and an unnamed person for the sale of BJ Enterprises, Inc., including the liquor license that conveys the grandfathered privilege to operate a nude dancing establishment, (2) that the contract is void if the would-be buyer cannot negotiate to lease the property at 2412 Wisconsin Avenue NW, and (3) that as of the publication date of the Gazette, such a lease had not been negotiated;

Therefore, in light of significant neighborhood opposition to the renewal of JPs license and with legitimate concern about who will, in the end, own the license, if renewed, and operate the nude dancing establishment in Glover Park, ANC3B hereby resolves to protest the renewal of JPs license on the following grounds:

- (1) If the license is renewed, the establishment will not be appropriate for the location which it occupied prior to January 22, 2008, and will have adverse effects on the peace, order and quiet of the neighborhood as well as on parking needs and pedestrian safety, in accordance with D.C. Code Section 25-313. ANC3B believes that Section 25-313(a) requires the Board to consider the totality of circumstances in the neighborhood today with regard to the appropriateness of such an establishment in close proximity to a popular children's playground, a ball field used by school-age children, and stores and restaurants frequented by families with young children.
- (2) JPs appears not to be in compliance with D.C. Code Section 25-311(c), which requires a valid certificate of occupancy for the premises in which the establishment is located before any license (except a solicitor's license) can be issued.
- (3) JPs failed to provide information to enable the Board to determine whether JPs operations in the entirely new building would constitute a substantial change and failed to provide a security plan to reflect the changes in the new building, particularly with regard to protecting passersby from viewing the nude dancing entertainment through the large picture windows that now front the new building on both floors.
- (4) The truthfulness of Mr. Papanicolas's statements to ANC3B about the ownership status of JPs' liquor license has been called into question by the statements his lawyer gave to the Glover Park Gazette and by other information obtained by ANC3B. This inevitably raises a significant issue regarding Mr. Papanicolas's character and fitness for the responsibility of licensure under D.C. Code Section 25-301(1).

(5) In view of D.C. Code Section 25-301(5), the Board cannot renew the license without addressing the conflicting statements regarding the existence of a contract for sale of the license and determining that Mr. Papanicolas continues to possess all the legal and equitable interests in the Applicant.

This Resolution was properly moved, seconded, and passed 4-0 with one Commissioner absent for health reasons at the public meeting of ANC3B held on November 18, 2010.

Melissa J. Lane, Chair

Jackie Blumenthal, Acting Secretary