

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION

ADMINISTRATION BOARD

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IN THE MATTER OF: :

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The Popal Group, LLC : License Renewal

t/a Napoleon :

1847 Columbia Road N.W. :

License # ABRA-075836 :

Retailer CR :

Case # 13-PRO-00097 :

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Monday,  
July 22, 2013  
ABRA Hearing Room, 4th Floor  
Reeves Municipal Center  
2000 14th Street, N.W.  
Washington, D.C. 20009

The above-entitled matter convened at  
10:11 a.m., before the District of Columbia  
Alcoholic Beverage Regulation Administration  
Board.

BEFORE:

LA VERNE FLETCHER, Board Mediator

P R O C E E D I N G S

[10:11 a.m.]

1  
2  
3 MS. FLETCHER: Would the parties in  
4 the matter of Napoleon, the parties in the matter  
5 of Napoleon please come forward. Napoleon. The  
6 Applicant on that side, and all the parties  
7 present in the matter of Napoleon.

8 This is Case No. 13-PRO-00097 .

9 MR. HENDERSON: Ma'am, I have some  
10 representation letters. Would you like those now,  
11 or--

12 MS. FLETCHER: I'll get them. Thank  
13 you. Thank you very much.

14 This is Case No. 13-PRO-00097, the  
15 Popal Group, LLC, trading as Napoleon, 1847  
16 Columbia Road, N.W., License No. ABRA-075836.

17 This is a Retailer CR license renewal.  
18 The protest issues are adverse impact on peace,  
19 order, and quiet, and residential parking and  
20 vehicular and pedestrian safety.

21 My name is La Verne Fletcher and I'll  
22 be conducting the roll call hearing as the

1 Board's agent, pursuant to D.C. Official Code  
2 1601.2.

3 Introductions, beginning with the  
4 Applicant, please.

5 MR. O'BRIEN: Stephen O'Brien for the  
6 Applicant. I'm accompanied by Omar Popal, P-o-p-  
7 a-l, who is the managing member of the Applicant.

8 MS. FLETCHER: Thank you, Mr. O'Brien.  
9 Did you say B-o-b-a-l?

10 MR. O'BRIEN: No. P as in papa.

11 MS. FLETCHER: Oh. Okay.

12 MR. O'BRIEN: o, p as in papa, a-l.  
13 Popal.

14 MS. FLETCHER: Thank you.

15 And for ANC 1C?

16 MR. GUTHRIE: Ted Guthrie.

17 MS. FLETCHER: And Mr. Guthrie, would  
18 you spell your name for the court reporter.

19 MR. GUTHRIE: T-e-d G-u-t-h-r-i-e.

20 MS. FLETCHER: Thank you.

21 And for the Kalorama Citizens  
22 Association?

1 MR. JAMES: Denis James, president,  
2 representing the Association.

3 MS. FLETCHER: And Mr. James, would  
4 you spell your name for the court reporter.

5 MR. JAMES: D-e-n-i-s J-a-m-e-s.

6 MS. FLETCHER: Okay. We've got a  
7 couple of different groups protesting, so I'm  
8 going to try to break those down, separate those.  
9 There were two. I'm going to start with the--  
10 there was originally a group that started out as  
11 six. I'm just going to call your names and you  
12 can tell me if you're here.

13 Is Heather Heiss here? Heather Heiss?  
14 It's H-e-a-t-h-e-r H-e-i-s-s.

15 [No response]

16 MS. FLETCHER: Okay. Heather Heiss is  
17 not present. What about William Leffler?

18 MR. LEFFLER: Right here.

19 MS. FLETCHER: Mr. Leffler, would you  
20 spell your name for the court reporter, please.

21 MR. LEFFLER: W-i-l-l-i-a-m L-e-f-f, as  
22 in Frank, l-e-r.

1 MS. FLETCHER: What about Christine  
2 Koyler? Is Christine Koyler here? Christine is C-  
3 h-r-i-s-t-i-n-e. The last name appears to be K-o-  
4 y-l-e-r.

5 [No response]

6 MR. LEFFLER: We're one big group.

7 MS. FLETCHER: You didn't file your  
8 protest that way.

9 MR. LEFFLER: Yes.

10 MS. FLETCHER: We'll get to that,  
11 then. Thank you.

12 MR. LEFFLER: Okay. Thank you.

13 MS. FLETCHER: They came in as two  
14 separate protests. That would be fine.

15 MR. LEFFLER: Yes. We're consolidated,  
16 ma'am. That's--

17 MS. FLETCHER: Okay. I'll consolidate  
18 those.

19 MR. LEFFLER: Thank you.

20 MS. FLETCHER: Thank you.

21 Is Deborah Baer here? Deborah Baer?

22 [No response]

1 MS. FLETCHER: Deborah is spelled D-e-  
2 b-o-r-a-h. Baer. B-a-e-r. Deborah Baer is not  
3 present.

4 So Mr. Leffler, you were originally a  
5 part of a group of six. You all filed a protest--

6

7 MR. LEFFLER: Yes.

8 MS. FLETCHER: --and two individuals  
9 from your protestant group withdrew their  
10 protest, which reduced your number to a group of  
11 four. Your group would not have been granted  
12 standing because only four remain.

13 Today, only you are present, so the  
14 group would have been dismissed, just--I'm just  
15 looking, dealing with the group of six only. I  
16 have to deal with one group at a time.

17 So the fact that only you are present  
18 today from that group of six, that group of six  
19 would have been dismissed, because it's been  
20 further reduced to just one person because only  
21 you appear from that group.

22 So the group of six that included

1 Heather Heiss, William Leffler, Rosa Randjelovic-  
2 -I'll spell that in a moment--Zivorad  
3 Randjelovic, Christine Koyler, K-o-y-l-e-r, and  
4 Deborah Baer--that group is dismissed as a  
5 Protestant, because only one person appeared on  
6 behalf of that group, and two, other individuals  
7 withdrew from that group prior to today.

8 I'm going to spell the name of the  
9 individuals that withdrew, that I just mentioned  
10 a moment ago, and said that I would spell for the  
11 court reporter. Rosa is R-o-s-a. Her last name  
12 is spelled R-a-n-d-j-e-l-o-v-i-c. Rosa withdrew  
13 her protest, as well as Zivorad Randjelovic.

14 Mr. Randjelovic's name is spelled Z-i-  
15 v-o-r-a-d, and his last name is spelled the same  
16 as Rosa.

17 So the group of six is dismissed. Mr.  
18 Leffler, I'll deal with you remaining as  
19 Protestant in a moment; but the group of six is  
20 dismissed.

21 And then there is a group of nine.  
22 Aside from you, Mr. Leffler, with everyone else,

1 stand behind the microphone and state your name,  
2 and spell it for the court reporter.

3 MR. COLONNA: Michael Colonna. M-i-c-h-  
4 a-e-l. C-o-l-o-n-n-a.

5 MS. FLETCHER: Thank you.

6 MR. HENDERSON: My name is Sonam  
7 Henderson. It's S-o-n, as in Nancy, a, m as in  
8 Mary. Henderson. H-e-n-d-e-r-s-o-n.

9 MS. FLETCHER: Mr. Henderson, you have  
10 letters there designating?

11 MR. HENDERSON: I do. I have letters  
12 on behalf of four people who aren't here.

13 MS. FLETCHER: I'll take those. Are  
14 they designating you as their representative?

15 MR. HENDERSON: They're--I'm sorry.

16 MS. FLETCHER: I'll take those.

17 MR. HENDERSON: They're designating  
18 each of the other members of the group as their  
19 representative, if that's acceptable.

20 MS. FLETCHER: I will take that up in  
21 a moment.

22 MR. HENDERSON: I have a pile of other

1 ones just designating me, if that's not--

2 MS. FLETCHER: I need everything that  
3 you have.

4 MR. HENDERSON: Okay. I mean, these  
5 are--they're redundant.

6 MS. FLETCHER: Oh, that's okay. Okay.  
7 Thank you. I have a letter of designation from  
8 Gretchen Ellsworth. G-r-e-t-c-h-e-n. E-l-l-s-w-o-  
9 r-t-h. Gretchen Ellsworth.

10 I have a letter of designation from  
11 Robert M. Hirsch. Last name is spelled H-i-r-s-c-  
12 h.

13 I have a letter from Pia Agostini. P-  
14 i-a. A-g-o-s-t-i-n-i.

15 I have a letter from Matt Statz. M-a-  
16 t-t. S-a-t---S-t-a-t-z.

17 And I have a letter from Laura Reilly.  
18 L-a-u-r-a-. Her last name is spelled Reilly, R-e-  
19 i-l-l-y.

20 MS. REILLY: I'm here as well.

21 MS. FLETCHER: Oh, you're present, Ms.  
22 Reilly. And each of these individuals signed the

1 protest letter.

2 MR. O'BRIEN: Ms. Fletcher, the  
3 notification of the protest that we received from  
4 the Board, a letter signed by Atasha Anderson,  
5 did not include the group of nine. Can we get a  
6 copy of that.

7 MS. FLETCHER: Yes.

8 MS. ARISTIZABAL-PERZA: There's more  
9 people present than them.

10 MS. FLETCHER: Yes. Everyone present  
11 would need to step forward, and state their name,  
12 and--

13 MS. ARISTIZABAL-PERZA: Could I do it  
14 now?

15 MS. FLETCHER: Yes.

16 MS. ARISTIZABAL-PERZA: My name is  
17 Juanita Aristizabal. J-u-a-n-i-t-a. A-r-i-s as in  
18 Sam, t as in Tom, i-z as in zebra, a, b as in  
19 boy, a-l.

20 MS. FLETCHER: And there's another  
21 part to your last name?

22 MS. ARISTIZABAL: No. Oh, yeah.

1       Actually, yes. P-e-r-z as in zebra, a.

2                   MS. FLETCHER: Okay. Thank you very  
3 much.

4                   MS. ARISTIZABAL-PERZA: Thanks.

5                   MS. REILLY: Laura Reilly. L-a-u-r-a.  
6 R-e-i-l-l-y.

7                   MS. FLETCHER: Thank you.

8                   MR. SIMMONS: Hal, H-a-l. Simmons. S-i-  
9 m-m-o-n-s.

10                   MS. FLETCHER: Thank you, Mr. Simmons.

11 And you also signed the protest letter. You also  
12 signed the protest letter?

13                   MR. SIMMONS: Yes.

14                   MS. FLETCHER: Thank you. Yes,  
15 everyone present did sign the protest letter, and  
16 Mr. O'Brien, I'll get you a copy of that letter.

17                   MR. O'BRIEN: Okay. After roll call is  
18 fine.

19                   MS. FLETCHER: Yes.

20                   MR. O'BRIEN: Or if you want to send  
21 it to me later today, that'd be fine.

22                   MS. FLETCHER: Okay. Thank you.

1 MR. O'BRIEN: Sure.

2 MS. FLETCHER: So the group of nine is  
3 granted standing as well.

4 Mr. Leffler. Okay. You're the person,  
5 the only person remaining from your group of six,  
6 and if the group is not opposed, you can join the  
7 group of nine.

8 MR. LEFFLER: Okay.

9 MS. FLETCHER: Is everyone in agree  
10 with that?

11 PARTICIPANT: We'd be happy to have  
12 him. Yeah.

13 MS. FLETCHER: Okay. Then you're a  
14 part of the group of--now ten, including you.

15 So we have as the Protestants in this  
16 matter that have standing, ANC 1C, the Kalorama  
17 Citizens Association, and a group of ten.

18 In terms of the group of nine, you're  
19 going to need to designate a person. You can't  
20 designate everybody. We need to have a person to  
21 contact. So you can decide today, if you like,  
22 who's going to represent the group; but we just

1 need a person to speak on behalf of the entire  
2 group.

3 MR. HENDERSON: I can do it.

4 MS. FLETCHER: Mr. Henderson?

5 MR. HENDERSON: Yes.

6 MS. FLETCHER: Okay. Sonam Henderson  
7 is going to be the designated representative for  
8 the group. That's S-o-n-a-m?

9 MR. HENDERSON: Yes.

10 MS. FLETCHER: So Mr. Henderson, on  
11 that sign-in sheet, could you please put your  
12 name, daytime number, and your e-mail address.

13 MR. HENDERSON: They're both on here.

14 MS. FLETCHER: Oh. Okay. Perfect. What  
15 that means is that Mr. Henderson would be the  
16 person contacted by the Agency, and he will keep  
17 you informed about what's going on. Because at  
18 least five of you are present today at the status  
19 hearing that I'm about to give you, only you need  
20 to show up. Only the designated representative  
21 needs to show up for the status hearing.

22 MR. HENDERSON: Okay.

1 MS. FLETCHER: Everybody can come, if  
2 you want, but you're the only person that needs  
3 to come, because at least five of you were  
4 present today.

5 MR. JAMES: Actually, it's in a  
6 moratorium zone, but it's--

7 MS. FLETCHER: You said a moratorium  
8 zone. Well, if only you're going to come, that's  
9 still fine. I n the moratorium zone, we only need  
10 three Protestants. But I've still granted you  
11 standing as a group of ten. But only three are  
12 really necessary in a moratorium zone.

13 MR. JAMES: Okay.

14 MS. FLETCHER: Also, I'm going to give  
15 you a date for mediation in a moment, and Mr.  
16 Henderson, you actually need only show up for  
17 that too. But I'll leave that to you to decide--  
18 who's going to come for the mediation. But  
19 normally, it's just the designated representative  
20 who would appear and represent the interests of  
21 the entire group. I'll let you work that out.

22 So I'm going to give you the date for

1 mediation, a status hearing, and the protest  
2 hearing.

3 I'll give you the date for the status  
4 hearing and the protest hearing first.

5 The date for the status hearing is  
6 September the 11th at 9:30 a.m.

7 And the date for the protest hearing  
8 is November the 6th.

9 MR. JAMES: Excuse me. You said 5th?

10 MS. FLETCHER: I'm sorry. 6th.

11 MR. JAMES: 6th.

12 MS. FLETCHER: November 6.

13 MR. HENDERSON: At what time?

14 MS. FLETCHER: 1:30. We need to set  
15 a date for mediation to occur prior to the  
16 September 11th status hearing. The next available  
17 date for mediation is Thursday, August the 22nd  
18 at 9:00 o'clock, 10:00 o'clock, 11:00 or 1:00.

19 PARTICIPANT: We could do the 22nd at  
20 1:00 o'clock in the afternoon.

21 MS. FLETCHER: Would that work for you  
22 Mr. James? Mr. Guthrie? Mr. Henderson? That's

1 Thursday, August 22nd, at 1:00.

2 MR. HENDERSON: Yes, it does.

3 MR. GUTHRIE: I just--I don't have my  
4 written calendar in front of me. I know I have  
5 some other dates with you for hearings. Are they-  
6 -they're in the following week?

7 MS. FLETCHER: Yes. You don't have  
8 anything on the 22nd.

9 MR. GUTHRIE: Thank you.

10 PARTICIPANT: Sorry, ma'am. What was  
11 the time again?

12 MS. FLETCHER: The times are--it'll be  
13 1:00 o'clock. 1:00 o'clock on the 22nd. On August  
14 the 22nd. Is that okay for you, Mr. Guthrie?

15 MR. GUTHRIE: Yes.

16 MS. FLETCHER: Okay. Any questions?

17 [No response]

18 MS. FLETCHER: Okay. Thanks for  
19 coming. The roll call hearing is concluded.

20 [Whereupon, at 10:29 a.m., the roll  
21 call hearing was concluded.]

22

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