

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

In the Matter of:)	
)	
The Popal Group, LLC)	
t/a Lapis)	
Petition to)	Case No. 16-PRO-00061
Terminate a Settlement Agreement)	License No. ABRA-075836
for Retailer's Class CR License)	Order No. 2016-391
)	
at premises)	
1847 Columbia Road, N.W.)	
Washington, D.C. 20009)	

The Popal Group, LLC, t/a Lapis (Petitioner)

Ted Guthrie, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 1C (Protestant)

Denis James, President, Kalorama Citizens Association (KCA) (Protestant)

Michael T. Colonna, Nearby Neighbor

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ORDER ON DISMISSAL OF MICHAEL COLONNA'S PROTEST

The petition filed by The Popal Group, LLC, t/a Lapis (Petitioner) to Terminate its Settlement Agreement (Petition), having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 13, 2016, in accordance with D.C. Official Code § 25-601 (2001).

On June 13, 2016, the Board dismissed the Protest of Michael T. Colonna because he is not a property owner, nor a member of a group of five or more property owners or residents, which qualifies for standing under D.C. Official Code § 25-601.

As determined by D.C. Official Code § 25-601, the persons who have standing to file a protest are: (1) An abutting property owner; (2) A group of no fewer than 5 residents or property owners of the District sharing common grounds for their protest; provided, that in a moratorium zone established under § 25-351 (or in existence as of May 3, 2001), a group of no fewer than 3 residents or property owners of the District sharing common grounds for their protest; (3) A citizens association incorporated under the laws of the District of Columbia located within the affected area; provided, that the following conditions are met: (A) Membership in the citizens association is open to all residents of the area represented by the association, and (B) A resolution concerning the license application has been duly approved in accordance with the association's articles of incorporation or bylaws at a duly called meeting, with notice of the meeting given to the voting body and the applicant at least 7 days before the date of the meeting; (4) An affected ANC; (5) In the case of property owned by the District within a 600-foot radius of the establishment to be licensed, the Mayor; (6) In the case of property owned by the United States within a 600-foot radius of the establishment to be licensed, the designated custodian of the property; or (7) The Metropolitan Police Department District Commander, or his or her designee, in whose Police District the establishment resides.

Mr. Colonna may file a Request for Reinstatement with the Board within ten (10) days from the date of this Order.

ORDER

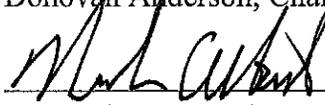
The Board does hereby, this 22nd day of June, 2016, **DISMISS** the Protest of Michael T. Colonna. Copies of this Order shall be sent to the Applicant, ANC 1C, KCA, Michael T. Colonna.

The Board advises the parties that the protests of ANC 1C and KCA remain, and the Protest Status Hearing is set for September 21, 2016 at 9:30 a.m. and the Protest Hearing for October 26, 2016 at 4:30 p.m.

District of Columbia
Alcoholic Beverage Control Board



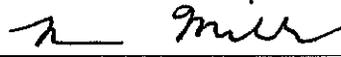
Donovan Anderson, Chairperson



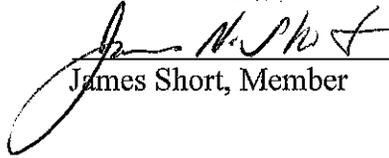
Nick Alberti, Member



Mike Silverstein, Member



Ruthanne Miller, Member



James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(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, 2000 14th Street, N.W., Suite 400S, Washington, DC 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 (2008) 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).