

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

<b>In the Matter of:</b>	)	
	)	
The Popal Group, LLC	)	
t/a Lapis	)	
	)	
Petition to	)	Case No.: 16-PRO-00061
Terminate Cooperative Agreement	)	License No.: ABRA-075836
for a Retailer's Class CR License	)	Order No.: 2016-510
	)	
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

Denis James, President, Kalorama Citizens Association (KCA)

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

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**ORDER ON AMENDMENT TO COOPERATIVE AGREEMENT AND  
WITHDRAWAL OF PROTESTS**

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The official records of the Alcoholic Beverage Control Board (Board) reflect that The Popal Group, LLC, t/a Lapis, (Petitioner), entered into a Cooperative Agreement with ANC 1C and KCA on September 1, 2005, and it was approved by the Board on October 19, 2005. The Petitioner sought to terminate its Cooperative Agreement, under D.C. Official Code § 25-446(d). The Petition to Terminate was protested by ANC 1C and KCA.

The official records of the Board reflect that the Petitioner, ANC 1C, and KCA have entered into an Amendment to Cooperative Agreement (Amendment), dated September 7, 2016, that governs the operation of the Petitioner's establishment.

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Petitioner; Chairperson Ted Guthrie, on behalf of ANC 1C; and Denis James, on behalf of KCA; are signatories to the Amendment.

This Amendment constitutes a withdrawal of the Protests filed by ANC 1C and KCA of this Petition.

Accordingly, it is this 28th day of September, 2016, **ORDERED** that:

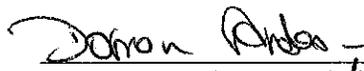
1. The Protests of the ANC 1C and KCA in this matter are hereby **WITHDRAWN**;
2. The above-referenced Amendment to Cooperative Agreement submitted by the Parties to govern the operations of the Petitioner's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modification:

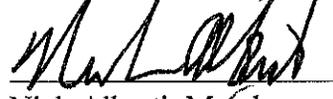
Section 5(f) (substitution of the following therefor) -- The first sentence shall be modified to read as follows: "Unamplified live music will be allowed."

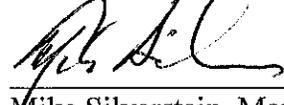
The parties have agreed to this modification.

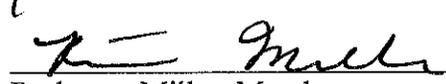
3. All terms and conditions of the original Cooperative Agreement, not amended by the Amendment, shall remain in full force and effect; and
4. Copies of this Order shall be sent to the Petitioner, ANC 1C, and KCA.

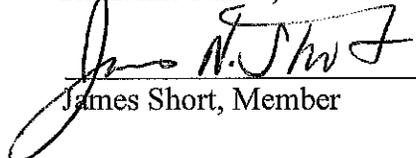
District of Columbia  
Alcoholic Beverage Control Board

  
\_\_\_\_\_  
Donoyan 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 14<sup>th</sup> 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).

FIRST AMENDMENT TO COOPERATIVE AGREEMENT  
CONCERNING RENEWAL AND SUBSTANTIAL CHANGE OF ABC LICENSE  
FOR SALE OF ALCOHOLIC BEVERAGES

This First Amendment is made this 7<sup>th</sup> day of September, 2016, by and between The Popal Group, LLC, t/a Lapis ("the Licensee") and Advisory Neighborhood Commission 1C and the Kalorama Citizens Association (together "Protestants").

WHEREAS, India 2000 LLC, the Licensee's predecessor in interest in ownership of the restaurant business located at 1847 Columbia Road, N.W. and Protestants entered into a certain Cooperative Agreement Concerning Renewal and Substantial Change of ABC License for Sale of Alcoholic Beverages dated September 1, 2005 ("the Cooperative Agreement"); and,

WHEREAS, the Licensee has petitioned the District of Columbia Alcoholic Beverage Control Board for abrogation of the Cooperative Agreement in whole or in part; and,

WHEREAS, Protestants have objected before the ABC Board to the requested abrogation of the Cooperative Agreement in any manner; and,

WHEREAS, the parties desire to settle and resolve Protestants' objections to the Licensee's petition to abrogate the Cooperative Agreement;

NOW, THEREFORE, in consideration of the premises above-recited and the terms and conditions set forth below, the parties agree as follows:

1. That portion of section 3 of the Cooperative Agreement which reads

SIDEWALK CAFÉ/SUMMER GARDEN  
(on the Mintwood Place side of the building):  
12:00 Noon until 11:00pm, Monday through Friday  
10:00 am until 11:00 pm, Saturday & Sunday

is deleted hereby and replaced by:

SIDEWALK CAFÉ (Columbia Road)/SUMMER GARDEN(Mintwood):

10:00 AM until 11:00 pm, Sunday  
12:00 Noon until 11:00 pm, Monday – Thursday  
12:00 Noon until 11:30 pm Friday  
10:00 am until 11:30 pm Saturday

provided, that “breakdown”  
(stacking of chairs and removal of equipment)  
shall be completed within 5 minutes of the above-  
specified closing times

2. Section 5.f. of the Cooperative Agreement is amended by deletion of:

There will be no other live entertainment  
of any type. The parties wish to make it  
clear that no musical instruments will be  
played in the establishment and that no drums  
will be kept on the premises.

and substitution of the following therefor:

Only unamplified live Afghan music will be  
allowed. The music may be played on no  
more than two of the following traditional  
Afghan instruments at one time: The rabab,  
the tabla (a pair of hand drums of contrasting  
size and timbers) and the harmonium. Such  
music may be accompanied by singing  
(either by one of the two allowed instrumentalists  
or by a separate singer).

This live music shall cease not later than 11:30pm  
daily. This shall be the only live music presented  
by the Licensee. All provisions of Section 5 of the  
Cooperative Agreement shall be applicable to this  
permitted presentation of live music.

3. Except as specifically provided in this First Amendment, all provisions of the

Cooperative Agreement remain unmodified and in full force and effect.

THE POPAL GROUP, LLC

By:   
Zubair Popal, Managing Member

ADVISORY NEIGHBORHOOD COMMISSION 1C

By:   
Ted Guthrie, Chairman

KALORAMA CITIZENS ASSOCIATION

By:  9-7-2016  
Denis James, President