

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA  
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6 IN THE MATTER OF :  
7 THE POPAL GROUP, LLC :Case #16-PRO-00061  
8 t/a Lapis :  
9 1847 Columbia Road Northwest :  
10 License #ABRA-075836 :  
11 Retailer Class CR :  
12 Petition to Amend or Terminate:

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14 Monday, June 13, 2016

15  
16 Whereupon, the above-referenced matter  
17 came on for hearing at the Alcoholic Beverage  
18 Control Board, Reeves Center, 2000 14th Street,  
19 N.W., Suite 400S, Washington, D.C. 20009.

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21  
22

1 CHAIRPERSON:

2 LAVERNE FLETCHER, Presiding

3

4 ALSO PRESENT:

5 STEPHEN O'BRIEN

6 ZUBAIR POPAL

7 MICHAEL COLONNA

8 TED GUTHRIE

9 DENIS JAMES

1 P-R-O-C-E-E-D-I-N-G-S

2 ROLL CALL HEARING

3 CHAIRPERSON FLETCHER: Would the parties in  
4 the matter of Lapis please come forward? The  
5 parties in the matter of Lapis? This is Case  
6 #16-PRO-00061, The Popal Group trading as Lapis,  
7 1847 Columbia Road Northwest. License #ABRA-  
8 075836, This is a Retailer Class CR. This is a  
9 Petition to Amend or Terminate the Settlement  
10 Agreement. The protest issues are adverse impact  
11 on peace, order and quiet. Introductions  
12 beginning with the applicant please.

13 MR. O'BRIEN: Stephen O'Brien for the  
14 applicant, accompanied by Zubair Popal. Spell  
15 his name, though it doesn't really matter.

16 MR. POPAL: Z-U-B-A-I-R, P-O-P-A-L.

17 CHAIRPERSON FLETCHER: Z-U-B-A-I-R?

18 MR. POPAL: Yes.

19 CHAIRPERSON FLETCHER: What's the last name  
20 again?

21 MR. POPAL: P-O-P-A-L.

22 CHAIRPERSON FLETCHER: Thank you very much.

1 And present on the behalf of ANC 1C?

2 MR. GUTHRIE: Ted Guthrie.

3 CHAIRPERSON FLETCHER: Is this your case, Mr.  
4 Guthrie?

5 MR. GUTHRIE: Yeah.

6 CHAIRPERSON FLETCHER: Present on behalf of  
7 the Kalorama Citizens' Association?

8 MR. JAMES: Denis James. D-E-N-I-S, J-A-M-E-  
9 S.

10 CHAIRPERSON FLETCHER: Did an interested  
11 party by the name of Michael Colonna appear?

12 MR. COLONNA: Indeed.

13 CHAIRPERSON FLETCHER: Mr. Colonna could you  
14 spell your name for the record?

15 MR. COLONNA: Yes. Michael, M-I-C-H-A-E-L,  
16 Colonna, C-O-L-O-N-N-A.

17 CHAIRPERSON FLETCHER: Mr. Colonna, a nearby  
18 neighbor does not have standing as a protestant.  
19 Are you an abutting property owner?

20 MR. COLONNA: I'm a tenant in the building in  
21 which the establishment exists.

22 CHAIRPERSON FLETCHER: You're a tenant in the

1 building.

2 MR. COLONNA: Yeah.

3 CHAIRPERSON FLETCHER: Any particular reason  
4 that you refer to yourself as an interested party  
5 rather than a protestant?

6 MR. COLONNA: My understanding was that I am  
7 a protestant, but --

8 CHAIRPERSON FLETCHER: Well, you're a  
9 protestant who's an interested party, right?

10 MR. COLONNA: Right.

11 CHAIRPERSON FLETCHER: Thank you, just a  
12 second. I have your address as 1841 Columbia  
13 Road?

14 MR. COLONNA: That's correct.

15 CHAIRPERSON FLETCHER: That property abuts  
16 the establishment?

17 MR. COLONNA: It's the residential building  
18 that sits directly above -- above the  
19 establishment. It's -- there are multiple  
20 addresses on Columbia Road in that -- in that --  
21 in that block. Our -- our building -- our -- our  
22 residential building is addressed 1841.

1 CHAIRPERSON FLETCHER: So, you intended to  
2 file as an abutting property owner? You intended  
3 to file as an abutting property owner?

4 MR. COLONNA: I don't understand the  
5 question.

6 CHAIRPERSON FLETCHER: You intended to file a  
7 protest as an abutting property owner?

8 MR. COLONNA: Yes, yes.

9 CHAIRPERSON FLETCHER: I'm reading your  
10 protest letter at the moment.

11 MR. COLONNA: Okay.

12 CHAIRPERSON FLETCHER: Mr. O'Brien did you  
13 receive a copy of this protest letter?

14 MR. OBRIEN: I did not. But I do note that  
15 Mr. Colonna says that he's a tenant, he's not an  
16 owner. So, I don't think we then have to get  
17 into the issue of whether he's abutting or not --

18 CHAIRPERSON FLETCHER: Mm hmm.

19 MR. OBRIEN: -- he's not an owner. And I  
20 think his interests certainly can be represented  
21 by --

22 CHAIRPERSON FLETCHER: And you designated

1 Denis James as your representative. You  
2 designated Denis James as your representative.

3 MR. COLONNA: Yes.

4 CHAIRPERSON FLETCHER: So, that is -- that is  
5 correct. However, Mr. O'Brien said you would be  
6 an abutting property owner.

7 MR. COLONNA: Right.

8 CHAIRPERSON FLETCHER: Do you own or?

9 MR. COLONNA: I do not own. I'm a tenant in  
10 that -- in the building in which the  
11 establishment is located.

12 CHAIRPERSON FLETCHER: Okay, thank you. So,  
13 Mr. Colonna, as a tenant you cannot be granted  
14 standing as an abutting property owner, but of  
15 course Mr. Denis James can still represent your  
16 interests.

17 MR. COLONNA: Right, I understand that.

18 CHAIRPERSON FLETCHER: So, I'm going to  
19 dismiss the protest, although that's not what  
20 your letter said, I'm going to --

21 MR. COLONNA: Right, okay.

22 CHAIRPERSON FLETCHER: That's what you

1 intended, to be a protestant. So, I'm going to  
2 dismiss the protest.

3 MR. COLONNA: Right, but my interest will  
4 still be represented in the -- at the -- at  
5 subsequent hearings, is that right?

6 CHAIRPERSON FLETCHER: You designated Denis  
7 James as your representative --

8 MR. COLONNA: Yes.

9 CHAIRPERSON FLETCHER: -- and I'm sure he'll  
10 be at all subsequent hearings, you won't be a  
11 protestant but Denis James -- he can speak on  
12 your behalf.

13 MR. COLONNA: Just clarifying.

14 CHAIRPERSON FLETCHER: Yes. Or, for  
15 clarification, Mr. James appears as a president  
16 of the Kalorama Citizens' Association. But in  
17 your protest letter you said that Mr. James  
18 represents you so I'm just saying that although  
19 you're not a protestant Mr. James can --

20 MR. COLONNA: As a representative of -- of  
21 the Kalorama Association.

22 MR. GUTHRIE: That's correct.

1 CHAIRPERSON FLETCHER: Yeah, yeah, Mm hmm.  
2 You good with that?

3 MR. COLONNA: Yes I do have one other  
4 question. I'll wait until you ask for questions.

5 CHAIRPERSON FLETCHER: I'm ready.

6 MR. COLONNA: Okay, is -- is it possible to  
7 submit a written statement to be made part of the  
8 record on my -- just on my own, on my own behalf?

9 CHAIRPERSON FLETCHER: Well, when you filed  
10 the letter that you filed as an interested party  
11 that was your attempt to do that, so you've done  
12 that already.

13 MR. COLONNA: I see.

14 CHAIRPERSON FLETCHER: Your letter is in the  
15 record.

16 MR. COLONNA: I see.

17 CHAIRPERSON FLETCHER: There'll be a record  
18 that because you're not an abutting property  
19 owner that you weren't recognized as a  
20 protestant. Whether or not Denis James  
21 represents you, that's up to him, but I'm  
22 assuming we'll work that out.

1 MR. COLONNA: Right. I'm just curious as to  
2 whether that letter could be embellished or --

3 CHAIRPERSON FLETCHER: It can't be.

4 MR. COLONNA: Okay.

5 CHAIRPERSON FLETCHER: Yeah, everything that  
6 needed to be done to it would have needed to be  
7 done before today, before the petition deadline.

8 MR. COLONNA: I see.

9 CHAIRPERSON FLETCHER: But it is in the file.

10 MR. COLONNA: Okay, thank you.

11 MR. JAMES: Just to be clear about the  
12 representation part, that was basically for the  
13 purpose of Mr. Colonna wasn't able to attend a  
14 hearing, I would be representing him, not --

15 CHAIRPERSON FLETCHER: Not beyond this point?  
16 Okay. So, Mr. James --

17 MR. JAMES: --unless our interests converge,  
18 yes.

19 CHAIRPERSON FLETCHER: Okay, so do you?

20 MR. COLONNA: Yes, okay. Right.

21 CHAIRPERSON FLETCHER: So you understand what  
22 Mr. James just said? That he was going to be

1 representing you today if you hadn't appeared.

2 MR. COLONNA: Right.

3 CHAIRPERSON FLETCHER: But you're here, so  
4 beyond today he's not your representative but  
5 your concern has been made -- your letter is in  
6 the file.

7 MR. COLONNA: Right. So -- so -- so the  
8 association won't be representing me in fact --

9 CHAIRPERSON FLETCHER: That's what Mr. James  
10 just said.

11 MR. COLONNA: -- and subsequently.

12 MR. JAMES: And that's -- well.

13 CHAIRPERSON FLETCHER: I'm just clarifying .

14 MR. JAMES: Yeah, no, no, no, I just don't  
15 want there to be a feeling like we don't  
16 understand.

17 CHAIRPERSON FLETCHER: No, I'm just making  
18 sure Mr. Colonna understands. Okay, then -- you  
19 do understand, don't you?

20 MR. COLONNA: I actually don't at this point.

21 CHAIRPERSON FLETCHER: Well, let me -- let me  
22 -- so you're not a protestant. Mr. James said

1 that he would have been willing to represent you  
2 today if you had not shown up --

3 MR. COLONNA: Right.

4 CHAIRPERSON FLETCHER: -- and then he would  
5 have been here on your behalf. And then I would  
6 have been saying to Mr. James what I'm saying to  
7 you, but since you're here I'm telling you  
8 directly that you're not a protestant because  
9 you're not an abutting property owner.

10 MR. COLONNA: Right.

11 CHAIRPERSON FLETCHER: If you weren't here  
12 Mr. James would be here on your behalf and I  
13 would be telling him the exact same thing, and  
14 then he would tell you. But since you are here,  
15 you're speaking on your own behalf, beyond today  
16 Mr. James is only representing the Kalorama  
17 Citizens' Association, but your -- your -- your  
18 letter-- the letter that you submitted --

19 MR. COLONNA: Right.

20 CHAIRPERSON FLETCHER: -- is in the file, so  
21 --

22 MR. COLONNA: I see, thanks.

1 CHAIRPERSON FLETCHER: You're welcome. The  
2 ANC and the Kalorama Citizens' Association have  
3 standing as a protestant. We need to set a date  
4 for a status hearing, protest hearing and a  
5 mediation. The status hearing is set for  
6 September 21 at 9:30. The protest hearing is  
7 October 26th at 4:30. I'll give you the next  
8 available date for mediation. Oh, Mr. O'Brien,  
9 this is the one where you mentioned you wanted to  
10 attempt to put Lapis on the calendar with an  
11 earlier case.

12 MR. O'BRIEN: Yes.

13 CHAIRPERSON FLETCHER: Which case was that?

14 MR. OBRIEN: It was the immediately preceding  
15 case, Pasta Mia. Commissioner Guthrie and I both  
16 have to be here for mediation in Pasta Mia at  
17 11:00 a.m. on the 16th. I think 1:00 a.m. on the  
18 16th is convenient for Commissioner Guthrie and I  
19 don't know about Mr. James.

20 MR. GUTHRIE: I don't do 1:00 a.m., but I'll  
21 be glad to do 1:00 p.m.

22 CHAIRPERSON FLETCHER: So we're good for 1:00

1 p.m.? On the -- August 16th? Okay.

2 MR. GUTHRIE: Before we go any further, I  
3 would just like to know if at the status hearing  
4 all three of the cases that I currently have  
5 scheduled for status at the same time and protest  
6 at the same time and the same date aren't  
7 settled, something will be fixed so that we don't  
8 have three hearings at once?

9 CHAIRPERSON FLETCHER: You may consult with  
10 Martha Jenkins about that. Martha manages the  
11 Board's calendar on Wednesday.

12 MR. GUTHRIE: Okay.

13 CHAIRPERSON FLETCHER: She'll let you know.  
14 So, mediation is set for Tuesday, August 16, at  
15 1:00. Roll Call Hearing is concluded. Thank  
16 you.

17 MR. GUTHRIE: Thank you.

18 MR. COLONNA: Thank you.

19 [Whereupon, the above-entitled matter  
20 concluded.]