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David Halpern,
partner at Kean Miller

Q & A

Age: 62

Title: Business, real estate and commercial litigation partner at Kean Miller

Education: Psychology undergraduate and juris doctor, Louisiana State University

Practice: A range of commercial and real estate matters, including land use and regulatory issues, transactions and business development

Hometown: New Orleans

Interesting fact: Halpern and his nephew will be opening three Dat Dog restaurant locations in the Baton Rouge area as the first franchisees of the popular New Orleans-based gourmet hot dog and sausage chain. His nephew, Teva Sempel, is an attorney at Schonekas, Evans, McGoey and McEachin in New Orleans.

For more than 35 years, David Halpern has worked with dozens of French Quarter restaurants, bars and entertainment venues, helping them form and implement business plans and buy, sell and lease properties in the nation's second oldest historic district and New Orleans' top tourist attraction.

A former chair of the Alcohol Beverage Control Board, which oversees alcohol permits in the city, Halpern also handles matters for tenants and landlords before local regulatory authorities, including the Vieux Carré Commission and the New Orleans City Council.

Halpern talked to CityBusiness about what makes representing businesses in the French Quarter unique, the "natural clash" between preservationists and commercial interests and how an influx of residents in recent years to the city's primary adult entertainment destination requires balancing regulatory priorities.

— Michael Joe

Q. How did you begin working with French Quarter businesses and establish this niche?

I have been representing people in the restaurant industry for quite some time, helping people get their businesses off the ground. I was also on the Alcohol Beverage Control Board for the city of New Orleans in the 1990s and early 2000s – so when I got off the board it seemed a natural progression to represent even more people in the entertainment industry, including the restaurant and ballroom and nightclub industry.

It's fun because for a lot of people in the restaurant industry or the entertainment industry, it's as much a passion as a business. It's really a lot of fun to help people put their life plan into action and see it develop as a viable commercial enterprise.

Q. What makes working with a business in the Quarter different?

What makes it unique is much of the French Quarter is an entertainment venue. People are walking around the Quarter because they want to look at the old buildings and experience part of the rich cultural history. And because of the substantial number of restaurants, nightclubs and music venues, you get different kinds of crowds and larger crowds. While people are spending money on retail, a lot of money is being spent on entertainment.

Q. How has the regulatory environment changed over the years?

Because it is such an economic engine for New Orleans, there's been a lot of governmental concern on protecting not only the entertainment business side but also the character and quality of the construction of structures. Recently, I think the inspection side of the Vieux Carré Commission has stepped up its review and enforcement of the rules, which in turn helps protect the viability and maintain the character and integrity of the buildings in the French Quarter.

The French Quarter is a big residential area as well. So people who govern, like the New Orleans City Council, have to also make sure that the voices of that constituency are heard. That's where the biggest clash comes. On the one hand, you've got people living, sleeping and getting up for work in close proximity to people who just came in town for a bachelor or bachelorette party or the Sugar Bowl. That really doesn't exist in a lot of other places in New Orleans. You just don't have the combination of people saying "Roll Tide!" right next to people raising families. The City Council is always looking for ways to maintain that balance, which isn't always easy.

Q. What issues arise between business owners and the VCC? Have tensions eased over time?

It's kind of a natural clash, if you will. You've got someone who is a businessman who wants a business on Bourbon Street or Royal Street or Conti Street or wherever, and his business goal is to make sure that his property is super accessible to as many people as he can do business with. In a perfect world, a business may want to change the entrances or change the light to make it more welcoming, but sometimes that's in conflict with the goal of the VCC, which is to protect the nature of these buildings as they were developed over time.

Sometimes a business wants a blue building but the building needs to be a brown building. Sometimes they want XYZ light fixtures because they are more attractive to younger people on vacation, but those particular fixtures are not consistent with what has been in the French Quarter for 200 years.

I don't know if the tension can ever really go away – because the VCC has a mandate to make sure history is preserved. It's not a perfect process. Oftentimes there

are differences of opinion and sometimes they can both be right. The VCC is charged with the responsibility to make sure things are preserved for future generations and have to be sort of ever vigilant, so it's always going to be a constant push-pull.

Q. Is the French Quarter still growing residentially?

I think there's a limited footprint. You are not going to be able to tear down and create apartment complexes or condominiums. So the new construction density is not going to happen. The only density that really has occurred is there have been buildings that may have had a commercial purpose at one point but because of the popularity of owning a place in the French Quarter, a 3,000-square-foot building that was the home of a former furniture repair business is now four 750-square-foot condominium units. The inventory is dwindling. There has been quite a bit of refurbishment, renovation and enhancement for occupancy in the last 20 years, especially since Hurricane Katrina.

Q. Has anything changed in regard to other issues, such as alcohol compliance?

I think because many of the restaurants and entertainment venues in the French Quarter realize how important their asset is, there's been a pretty good compliance record for a lot of those operators because they don't want to jeopardize their business by running afoul of the regulatory world.

Having said that, things happen – maintenance of property issues that occur or just human beings managing other human beings. I think there's a high if not a higher sense of regulatory compliance because of the value people see in the business they have in their venue.

Q. As a lifelong resident of the city, what makes the French Quarter special to you?

It's such a great place to walk around. So many great places to eat in the French Quarter, and there's a great number of festivals during the year. It's close to the river, which we don't really see as much as we should, and it is a few degrees cooler when you are on the water. It's just great walking around and being a tourist in your own town sometimes. You can always find something you've never seen before or noticed before in the Quarter.

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