

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
Caf, Japone Limited Partnership: :
t/a Caf, Japone : :
2032 P Street, NW : Show Cause
Retailer Class CR : Hearing
License No. 10581 : (Status)
Case No. 11-CMP-00257 : :
ANC 2B : :
Failed to Maintain Books and : :
Records; Failed to File : :
Quarterly Statements : :
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FEBRUARY 15, 2012
The Alcoholic Beverage Control
Board met in the Alcoholic Beverage Control

Hearing Room, Reeves Building, 2000 14th
Street, N.W., Washington, D.C., Ruthanne
Miller, Chairperson, presiding.

PRESENT
RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member

DONALD BROOKS, Member
HERMAN JONES, Member
JEANNETTE MOBLEY, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT

FERNANDO RIVERO, OIG

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

2 10:00 a.m.

3 CHAIRPERSON MILLER: The next case
4 is another show cause status hearing. It's
5 case No. 11-CMP-00257, Caf, Japone, 2032 P
6 Street, N.W., License No. 10581, ANC 2B.

7 Would parties introduce themselves
8 for the record?

9 MR. RIVERO: Good morning, Board
10 members. Fernando Rivero for the District of
11 Columbia standing in for Louise Phillips.

12 MR. MPRAS: Good morning, Manny
13 Mpras for Caf, Japone.

14 MR. AKIHO: Kenji Akiho, owner,
15 Caf, Japone.

16 CHAIRPERSON MILLER: I'm sorry, I
17 missed your name. You said it so fast. Could
18 you say that again?

19 MR. AKIHO: Kenji Akiho.

20 CHAIRPERSON MILLER: And, Mr.
21 Akiho, did you receive notice of the show
22 cause hearing, this hearing?

1 (No audible response.)

2 CHAIRPERSON MILLER: Yes? It's
3 has to be on the record. I think you're
4 nodding, but --

5 MR. AKIHO: Yes.

6 CHAIRPERSON MILLER: Yes? Okay.
7 And did you read it?

8 MR. AKIHO: Yes.

9 CHAIRPERSON MILLER: And did you
10 understand it?

11 MR. AKIHO: Yes.

12 CHAIRPERSON MILLER: And would you
13 waive our reading it into the record?

14 MR. AKIHO: Yes.

15 CHAIRPERSON MILLER: Okay. Thank
16 you.

17 Okay. Mr. Rivero, do we have any
18 preliminary matters on this case?

19 MR. RIVERO: Yes.

20 CHAIRPERSON MILLER: Okay.

21 MR. RIVERO: The parties have an
22 Offer in Compromise to present to the Board at

1 this time.

2 CHAIRPERSON MILLER: Okay.

3 MR. RIVERO: And that offers
4 consists of a fine of \$4,000 payable in 60
5 days and the service of a stayed day from a
6 prior case to be served on February 26th,
7 2012. That's the offer.

8 CHAIRPERSON MILLER: And what day
9 of the week is that?

10 MR. RIVERO: I think it's a
11 Sunday. It's a Sunday, a date on which the
12 Licensee is regularly open.

13 CHAIRPERSON MILLER: Okay. I'm
14 going to repeat it back as I heard and I'd
15 like the Licensee to state whether you're in
16 agreement with the Offer in Compromise; that
17 being a fine of \$4,000 payable in 60 days,
18 service of one day served for a prior case,
19 and that date being February 26th, 2012.

20 MR. MPRAS: Yes, we are.

21 CHAIRPERSON MILLER: Okay. Do
22 Board members have any questions about -- yes,

1 Mr. Jones?

2 MEMBER JONES: Thank you, Madam
3 Chair. Would you be so inclined as to provide
4 a breakdown or --

5 MR. RIVERO: Certainly. It's
6 \$2,000 for charge 1 and \$2,000 for charge 2.

7 MEMBER JONES: Thank you.

8 MR. RIVERO: You're welcome.

9 CHAIRPERSON MILLER: Any other
10 questions?

11 (No audible response.)

12 CHAIRPERSON MILLER: Okay. Then I
13 would move that we accept this Offer in
14 Compromise of a fine of \$4,000 payable in 60
15 days, and that \$4,000 covers two charges,
16 \$2,000 each, and service of a stayed day
17 pursuant to a previous case, and that would be
18 February 26th, 2012. Do I have a second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: All those in
21 favor, say aye? Aye.

22 MEMBER ALBERTI: Aye.

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MEMBER BROOKS: Aye.

MEMBER MOBLEY: Aye.

MEMBER NOPHLIN: Aye.

MEMBER SILVERSTEIN: Aye.

CHAIRPERSON MILLER: All those
opposed?

MEMBER JONES: Nay.

CHAIRPERSON MILLER: All those
abstaining?

(No audible response.)

CHAIRPERSON MILLER: And the vote
is 6-1-0. The motion passes.

The Offer in Compromise is
accepted. Thank you very much.

(Whereupon, the hearing was
concluded at 10:03 a.m.)

<p style="text-align: center;">A</p> <p>abstaining 6:9 accept 5:13 accepted 6:14 agreement 4:16 Akiho 2:14,14,19 2:19,21 3:5,8,11 3:14 ALBERTI 1:19 5:22 Alcoholic 1:2,15,15 ANC 1:10 2:6 audible 3:1 5:11 6:10 aye 5:21,21,22 6:1 6:2,3,4 a.m 2:2 6:16</p> <hr/> <p style="text-align: center;">B</p> <p>back 4:14 Beverage 1:2,15,15 Board 1:2,15 2:9 3:22 4:22 Books 1:10 breakdown 5:4 BROOKS 1:20 5:19 6:1 Building 1:16</p> <hr/> <p style="text-align: center;">C</p> <p>Caf 1:6,7 2:5,13,15 CALVIN 1:22 case 1:9 2:3,5 3:18 4:6,18 5:17 cause 1:8 2:4,22 Certainly 5:5 Chair 5:3 Chairperson 1:17 1:19 2:3,16,20 3:2 3:6,9,12,15,20 4:2 4:8,13,21 5:9,12 5:20 6:5,8,11 charge 5:6,6 charges 5:15 Class 1:8 Columbia 1:1 2:11 Compromise 3:22</p>	<p>4:16 5:14 6:13 concluded 6:16 consists 4:4 Control 1:2,15,15 covers 5:15 CR 1:8</p> <hr/> <p style="text-align: center;">D</p> <p>date 4:11,19 day 4:5,8,18 5:16 days 4:5,17 5:15 District 1:1 2:10 DONALD 1:20 D.C 1:17</p> <hr/> <p style="text-align: center;">F</p> <p>Failed 1:10,11 fast 2:17 favor 5:21 February 1:14 4:6 4:19 5:18 Fernando 1:24 2:10 File 1:11 fine 4:4,17 5:14</p> <hr/> <p style="text-align: center;">G</p> <p>going 4:14 Good 2:9,12</p> <hr/> <p style="text-align: center;">H</p> <p>heard 4:14 hearing 1:8,16 2:4 2:22,22 6:15 HERMAN 1:21</p> <hr/> <p style="text-align: center;">I</p> <p>inclined 5:3 introduce 2:7</p> <hr/> <p style="text-align: center;">J</p> <p>Japone 1:6,7 2:5,13 2:15 JEANNETTE 1:21 Jones 1:21 5:1,2,7 6:7</p> <hr/> <p style="text-align: center;">K</p>	<p>Kenji 2:14,19</p> <hr/> <p style="text-align: center;">L</p> <p>License 1:9 2:6 Licensee 4:12,15 Limited 1:6 Louise 2:11</p> <hr/> <p style="text-align: center;">M</p> <p>Madam 5:2 Maintain 1:10 Manny 2:12 MATTER 1:5 matters 3:18 MEETING 1:3 Member 1:19,20 1:21,21,22,22 5:2 5:7,19,22 6:1,2,3 6:4,7 members 2:10 4:22 met 1:15 MIKE 1:22 Miller 1:17,19 2:3 2:16,20 3:2,6,9,12 3:15,20 4:2,8,13 4:21 5:9,12,20 6:5 6:8,11 missed 2:17 MOBLEY 1:21 6:2 morning 2:9,12 motion 6:12 move 5:13 Mpras 2:12,13 4:20</p> <hr/> <p style="text-align: center;">N</p> <p>name 2:17 Nay 6:7 NICK 1:19 nodding 3:4 NOPHLIN 1:22 6:3 notice 2:21 NW 1:8 N.W 1:17 2:6</p> <hr/> <p style="text-align: center;">O</p> <p>offer 3:22 4:7,16 5:13 6:13</p>	<p>offers 4:3 OIG 1:24 Okay 3:6,15,17,20 4:2,13,21 5:12 open 4:12 opposed 6:6 owner 2:14</p> <hr/> <p style="text-align: center;">P</p> <p>P 1:8 2:5 parties 2:7 3:21 Partnership 1:6 passes 6:12 payable 4:4,17 5:14 Phillips 2:11 preliminary 3:18 present 1:18,23 3:22 presiding 1:17 previous 5:17 prior 4:6,18 provide 5:3 pursuant 5:17 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>Quarterly 1:12 questions 4:22 5:10</p> <hr/> <p style="text-align: center;">R</p> <p>read 3:7 reading 3:13 receive 2:21 record 2:8 3:3,13 Records 1:11 Reeves 1:16 regularly 4:12 repeat 4:14 response 3:1 5:11 6:10 Retailer 1:8 Rivero 1:24 2:9,10 3:17,19,21 4:3,10 5:5,8 Room 1:16 Ruthanne 1:17,19</p>	<p style="text-align: center;">S</p> <p>second 5:18,19 served 4:6,18 service 4:5,18 5:16 show 1:8 2:4,21 SILVERSTEIN 1:22 6:4 sorry 2:16 standing 2:11 state 4:15 Statements 1:12 status 1:9 2:4 stayed 4:5 5:16 Street 1:8,17 2:6 Sunday 4:11,11</p> <hr/> <p style="text-align: center;">T</p> <p>Thank 3:15 5:2,7 6:14 think 3:3 4:10 time 4:1 two 5:15 t/a 1:7</p> <hr/> <p style="text-align: center;">U</p> <p>understand 3:10</p> <hr/> <p style="text-align: center;">V</p> <p>vote 6:11</p> <hr/> <p style="text-align: center;">W</p> <p>waive 3:13 Washington 1:17 week 4:9 welcome 5:8</p> <hr/> <p style="text-align: center;">P</p> <p>p 1:5,12</p> <hr/> <p style="text-align: center;">\$</p> <p>\$2,000 5:6,6,16 \$4,000 4:4,17 5:14 5:15</p> <hr/> <p style="text-align: center;">1</p> <p>1 5:6 10:00 2:2 10:03 6:16</p>
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