

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Vap H Street, LLC
t/a Vapiano
623 H Street, NW
Retailer CR - ANC-2C
License No. 76727
Case #14-CMP-00708

Show Cause
Hearing
(Status)

(Failed to Take Steps Necessary
to Ensure Property is Free of
Litter, No ABC Manager on Duty)

April 8, 2015

The Alcoholic Beverage Control Board
met in the Alcoholic Beverage Control Hearing
Room, Reeves Building, 2000 14th Street, N.W.,
Suite 400S, Washington, D.C. 20009, Chairperson
Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG

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

2 9:54 a.m.

3 CHAIRPERSON MILLER: The next case is
4 Case No. 14-CMP-00708, Vapiano located at 623 H
5 Street, N.W., License No. 76727, in ANC-2C.

6 MR. RIVERO: Good morning, Board
7 Members. Fernando Rivero standing in for Senior
8 Assistant Attorney General Zaniel for the
9 District of Columbia.

10 We don't know where the licensee is
11 and we are ready to move to the next hearing
12 date.

13 CHAIRPERSON MILLER: Okay. Anybody
14 here from Vapiano? Okay. Not hearing from
15 anyone on that, it is 9:54 and the case was
16 called for 9:30, so the Show Cause Hearing then
17 is scheduled for May 20, 2015 at 10:00 a.m.

18 Oh, are you here for Vapiano?

19 MR. TABIEI: Madam Chair, I am.

20 CHAIRPERSON MILLER: Oh, come take a
21 seat.

22 MR. TABIEI: Thank you so much.

1 MR. RIVERO: Introduce himself.

2 CHAIRPERSON MILLER: Yes, when you are
3 ready, could you introduce yourself for the
4 record?

5 MR. TABIEI: My name is Omeed Tabiei.
6 I am the representative for Fuel Pizza.

7 CHAIRPERSON MILLER: No, we called
8 Vapiano.

9 MR. TABIEI: Oh.

10 CHAIRPERSON MILLER: So you are not
11 here for Vapiano?

12 MR. TABIEI: I'm not.

13 CHAIRPERSON MILLER: Okay. We will
14 call you in a little bit. Oh, we will call you
15 right now.

16 Okay. So okay, so no one was here for
17 Vapiano. And that case is scheduled for May 20,
18 2015 at 10:00 p.m.

19 MR. RIVERO: 10:00 a.m.?

20 CHAIRPERSON MILLER: What?

21 MR. RIVERO: 10:00 a.m.

22 CHAIRPERSON MILLER: 10:00 a.m.,

1 sorry. Okay. 10:00 a.m. Is that correct?

2 MR. RIVERO: Yes.

3 CHAIRPERSON MILLER: Okay.

4 (Whereupon, the above-entitled matter
5 went off the record at 9:55 a.m. and resumed at
6 10:49 a.m.)

7 CHAIRPERSON MILLER: Okay. We have
8 one other case that I'm also going to recall,
9 that's Vapiano, Case No. 14-CMP-00708.

10 MR. RIVERO: Good morning, Board
11 Members. Fernando Rivero for the District of
12 Columbia standing in for Assistant Attorney
13 General Gephardt.

14 CHAIRPERSON MILLER: Okay. Sir, would
15 you give your name for the record, please?

16 MR. VU: Simon Vu.

17 CHAIRPERSON MILLER: Simon Vu?

18 MR. VU: Yes.

19 CHAIRPERSON MILLER: Okay. And are
20 you the owner?

21 MR. VU: I'm the general manager at
22 that location.

1 CHAIRPERSON MILLER: Do you have
2 authorization to represent the company?

3 MR. RIVERO: Indulgence, please?

4 CHAIRPERSON MILLER: Okay.

5 MR. RIVERO: Thank you for that brief
6 indulgence. I have explained that -- he does
7 have authorization from a phone call, but I have
8 explained that a phone call doesn't cut it. So
9 he will pick up a form and have it completed and
10 returned to the Board.

11 CHAIRPERSON MILLER: Okay. Sometimes
12 we go forward if there is an Offer in Compromise.
13 We consider it as long as that form is submitted
14 the same day.

15 MR. VU: Same date.

16 CHAIRPERSON MILLER: Yes. Is that how
17 you want to proceed?

18 MR. VU: I would.

19 MR. RIVERO: Yes.

20 CHAIRPERSON MILLER: Okay. Did you
21 get notice of this hearing?

22 MR. VU: Yes, I did.

1 CHAIRPERSON MILLER: And did you read
2 it and understand it?

3 MR. VU: I did.

4 CHAIRPERSON MILLER: Okay. Are there
5 -- is there a preliminary matter in this case?

6 MR. RIVERO: There is. The parties
7 want to present an Offer in Compromise to the
8 Board, at this time.

9 CHAIRPERSON MILLER: Okay.

10 MR. RIVERO: And the offer consists of
11 a \$4,000 fine, that's \$2,000 for Charge 1 and
12 \$2,000 for Charge 2. The fine will be payable in
13 30 days. If the fine is not paid within 30 days,
14 the license will be suspended until the payment
15 is made.

16 CHAIRPERSON MILLER: Okay. I'm going
17 to ask you if you agree to that Offer in
18 Compromise of a total of \$4,000 broken down
19 between the charges as \$1,000 for Charge 1 -- I
20 mean, \$2,000 for Charge 1 and \$2,000 for Charge
21 2.

22 MR. VU: Yes, ma'am.

1 CHAIRPERSON MILLER: And the \$4,000
2 has to be paid within 30 days. If not paid
3 within 30 days, then the license will be
4 suspended until paid.

5 MR. VU: Correct. Understood.

6 CHAIRPERSON MILLER: All right. And
7 you understand that you waive your right to a
8 hearing by entering into the Offer in Compromise?

9 MR. VU: Yes.

10 CHAIRPERSON MILLER: And your right to
11 appeal?

12 MR. VU: Yes.

13 CHAIRPERSON MILLER: Okay. Okay. Any
14 questions by Board Members? Then I'm going to
15 move that we approve this Offer in Compromise of
16 \$4,000 broken down as Charge 1 of \$2,000 and
17 Charge 2 of \$2,000 and that the payment of \$4,000
18 must be paid within 30 days. If not paid within
19 30 days, the license will be suspended until
20 paid. Do I have a second?

21 MEMBER SILVERSTEIN: Second.

22 CHAIRPERSON MILLER: Mr. Silverstein

1 seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? The motion
6 passes 5-0-0.

7 And I want to reiterate that this
8 approval is contingent upon the authorization
9 being submitted today.

10 MR. VU: Um-hum.

11 CHAIRPERSON MILLER: Okay?

12 MR. VU: Yes.

13 CHAIRPERSON MILLER: All right. In
14 writing. Thank you.

15 MR. VU: Thank you.

16 CHAIRPERSON MILLER: All right. Have
17 a good day.

18 MR. RIVERO: Thank you.

19 (Whereupon, the Show Cause (Status)
20 Hearing in the above-entitled matter was
21 concluded at 10:53 a.m.)
22

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