

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

2 (9:51 a.m.)

3 CHAIRPERSON MILLER: Okay. Good
4 morning, everyone. Sorry for the delay.
5 Welcome to the regularly scheduled meeting of
6 the District of Columbia Alcoholic Beverage
7 Control Board. Today is December 11, 2013.

8 My name is Ruthanne Miller. I'm
9 the Chairperson. Joining me today to my far
10 right is Mr. Donald Brooks. To my immediate
11 right is Mr. Nick Alberti. And to my
12 immediate left is Mr. Mike Silverstein.

13 The Board has four Members in
14 attendance for the conduct of business today
15 with three constituting a quorum.

16 Copies of today's hearing calendar
17 and agenda are available at the receptionist
18 desk. Please be aware that these proceedings
19 are being recorded by a court reporter.
20 Accordingly, we must ask you to refrain from
21 any disruptive noises or actions in the
22 hearing room.

1 If you have any electronic
2 devices, pagers, cell phones or such, please,
3 make certain they are turned off to avoid any
4 interruption of the proceeding.

5 When I call your case, please,
6 come forward and take a seat at the table.
7 You will note that there is a piece of paper
8 on each table for you to sign-in. This is to
9 ensure the correct spelling of your name for
10 the record.

11 The Open Meetings Act requires
12 that the public hearing on each case be open
13 to the public. The Board may, consistent with
14 Section 405(b) of the Open Meetings Act, enter
15 a closed meeting during or after the public
16 hearing on a case to consult with an attorney
17 to obtain legal advice, discuss settlement
18 agreements or deliberate upon a decision in an
19 adjudication proceeding.

20 Okay. That concludes my general
21 remarks. And we are going to turn now to the
22 morning calendar.

1 And we are going to go out of
2 order for the first case and call Case No. 13-
3 CC-00027, Vapiano located at 623 H Street,
4 N.W., License No. 76727, in ANC-2C.

5 This is a Show Cause (Status)
6 Hearing and after you sign-in, if you could
7 identify yourselves for the record?

8 MS. ZANIEL: Good morning, Maureen
9 Zaniel on behalf of the District of Columbia.

10 MS. STRONG: And Michael Strong
11 representing the license holder.

12 CHAIRPERSON MILLER: Okay.

13 MR. MOATS: Robert Moats
14 representing Vapiano.

15 CHAIRPERSON MILLER: And let me
16 just ask you, what's your position with
17 Vapiano?

18 MR. MOATS: I'm the Vice President
19 of U.S. operations.

20 CHAIRPERSON MILLER: Okay. And
21 Mr. Strong, may I ask, I want to ask if your
22 client received notice?

1 MS. STRONG: Yes, we did. And
2 also for the record, there should be a letter
3 on file from the designated corporate
4 representative of the license holder whose
5 name is William Bessette, who is the
6 responsible corporate officer for Vap H
7 Street, LLC., who authorized Mr. Moats to
8 appear today on behalf of the corporation.

9 CHAIRPERSON MILLER: Right. Okay.
10 That is reflected in our records. And I just
11 want to ask you also if your client understood
12 the notice?

13 MS. STRONG: Yes.

14 CHAIRPERSON MILLER: Okay.
15 Therefore, the notice is going to be part of
16 the record, unless there is any objection.

17 MS. STRONG: Thank you. No
18 objection.

19 (Whereupon, the document was
20 marked as Exhibit 1 for
21 identification.)

22 CHAIRPERSON MILLER: Okay. Are

1 there any preliminary matters then in this
2 case?

3 MS. ZANIEL: Yes. Members of the
4 Board, we have reached a compromise in this
5 matter that we would recommend for the Board's
6 approval. A fine of \$2,000 and it is to be
7 paid today and I understand that Mr. Moats has
8 the check with him.

9 CHAIRPERSON MILLER: Okay.

10 MR. MOATS: That's correct.

11 CHAIRPERSON MILLER: Okay. Okay.
12 So the respondent, you agree to that offer in
13 compromise?

14 MS. STRONG: Yes, ma'am.

15 CHAIRPERSON MILLER: Okay. Of
16 \$2,000 to be paid today?

17 MS. STRONG: That's correct.

18 CHAIRPERSON MILLER: And do you
19 understand that you waive your right to a
20 hearing by entering into an offer in
21 compromise?

22 MS. STRONG: We do.

1 CHAIRPERSON MILLER: Okay. All
2 right. Then if there are no questions by
3 Board Members, I would move that we approve
4 this offer in compromise of \$2,000 to be paid
5 today.

6 Do I have a second?

7 MEMBER BROOKS: Second.

8 CHAIRPERSON MILLER: Mr. Brooks
9 has seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes then by a vote of 4-0-0.

15 MS. STRONG: Thank you. Thank you
16 very much.

17 CHAIRPERSON MILLER: Okay. Thank
18 you.

19 MS. ZANIEL: Thank you.

20 CHAIRPERSON MILLER: All right.

21 (Whereupon, the Show Cause
22 (Status) Hearing in the above-entitled matter

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was concluded at 9:55 a.m.)

A	cell 3:2 certain 3:3 Chairperson 1:15 1:19 2:3,9 4:12,15 4:20 5:9,14,22 6:9 6:11,15,18 7:1,8 7:12,17,20 check 6:8 client 4:22 5:11 closed 3:15 Columbia 1:1 2:6 4:9 come 3:6 compromise 6:4,13 6:21 7:4 concluded 8:1 concludes 3:20 conduct 2:14 consistent 3:13 conspicuous 1:10 constituting 2:15 consult 3:16 Control 1:2,13,14 2:7 Copies 2:16 corporate 5:3,6 corporation 5:8 correct 3:9 6:10,17 court 2:19 CR 1:8	B	behalf 4:9 5:8 Bessette 5:5 Beverage 1:2,13,14 2:6 Board 1:2,14 2:7 2:13 3:13 6:4 7:3 Board's 6:5 Brooks 1:20 2:10 7:7,8 Building 1:14 business 2:14	C	calendar 2:16 3:22 call 3:5 4:2 case 1:9 3:5,12,16 4:2,2 6:2 Cause 1:6 4:5 7:21 CC-00027 4:3	D	D.C 1:15 December 1:12 2:7 decision 3:18 delay 2:4 deliberate 3:18 designated 5:3 desk 2:18 devices 3:2 discuss 3:17 disruptive 2:21 District 1:1 2:6 4:9 document 5:19 Donald 1:20 2:10	E	electronic 3:1	F	ensure 3:9 enter 3:14 entering 6:20 Exhibit 5:20	G	Failed 1:10 far 2:9 favor 7:10 file 5:3 fine 6:6 first 4:2 forward 3:6 four 2:13	H	H 1:6,7 4:3 5:6 hearing 1:7,14 2:16 2:22 3:12,16 4:6 6:20 7:22 holder 4:11 5:4	I	identification 5:21 identify 4:7 immediate 2:10,12 interruption 3:4	J	Joining 2:9	K		L	left 2:12 legal 3:17 letter 5:2 license 1:8,10 4:4 4:11 5:4 LLC 1:6 5:7 located 4:3	M	ma'am 6:14 marked 5:20 matter 1:5 6:5 7:22 matters 6:1 Maureen 1:23 4:8 meeting 1:3 2:5 3:15 Meetings 3:11,14 Member 1:19,20,21 7:7 Members 2:13 6:3 7:3 met 1:14 Michael 4:10 Mike 1:21 2:12 Miller 1:15,19 2:3 2:8 4:12,15,20 5:9 5:14,22 6:9,11,15 6:18 7:1,8,12,17 7:20 Moats 4:13,13,18 5:7 6:7,10 morning 2:4 3:22 4:8 motion 7:9,13 move 7:3	N	N.W 1:15 4:4 name 2:8 3:9 5:5 Nick 1:19 2:11 noises 2:21 note 3:7 notice 4:22 5:12,15 NW 1:7	O	OAG 1:23 objection 5:16,18 obtain 3:17 offer 6:12,20 7:4 officer 5:6 Okay 2:3 3:20 4:12 4:20 5:9,14,22 6:9 6:11,11,15 7:1,17 open 3:11,12,14 operations 4:19 opposed 7:13	P	order 4:2	P-R-O-C-E-E-D-...	2:1 paggers 3:2 paid 6:7,16 7:4 paper 3:7 part 5:15 passes 7:14 phones 3:2 piece 3:7 Place 1:10 please 2:18 3:2,5 position 4:16 Post 1:10 preliminary 6:1 PRESENT 1:18,22 President 4:18 presiding 1:16 proceeding 3:4,19 proceedings 2:18 public 3:12,13,15	Q	questions 7:2 quorum 2:15	R	reached 6:4 received 4:22 receptionist 2:17 recommend 6:5 record 3:10 4:7 5:2 5:16 recorded 2:19 records 5:10 Reeves 1:14 reflected 5:10 refrain 2:20 regularly 2:5 remarks 3:21 reporter 2:19 representative 5:4 representing 4:11 4:14 requires 3:11 respondent 6:12
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responsible 5:6	V	76727 1:8 4:4	
Retailer 1:8	Vap 1:6 5:6	8	
right 2:10,11 5:9 6:19 7:2,20	Vapiano 1:6 4:3,14 4:17	9	
Robert 4:13	Vice 4:18		
room 1:14 2:22	vote 7:14		
Ruthanne 1:15,19 2:8	W		
S	waive 6:19		
scheduled 2:5	want 4:21 5:11		
seat 3:6	Washington 1:15		
second 7:6,7	Welcome 2:5		
seconded 7:9	William 5:5		
Section 3:14	X		
settlement 3:17	Y		
Show 1:6 4:5 7:21	Z		
sign-in 3:8 4:6	Zaniel 1:23 4:8,9 6:3 7:19		
Silverstein 1:21 2:12	0		
Sorry 2:4	1		
spelling 3:9	1 5:20		
Status 1:8 4:5 7:22	11 1:12 2:7		
Street 1:6,7,15 4:3 5:7	13 4:2		
Strong 4:10,10,21 5:1,13,17 6:14,17 6:22 7:15	13-CC-00027 1:9		
Suite 1:15	14th 1:14		
T	2		
t/a 1:6	2000 1:14		
table 3:6,8	20009 1:15		
take 3:6	2013 1:12 2:7		
p 1:4,11	3		
Thank 5:17 7:15,15 7:17,19	4		
three 2:15	4-0-0 7:14		
today 2:7,9,14 5:8 6:7,16 7:5	400S 1:15		
today's 2:16	405(b) 3:14		
turn 3:21	5		
turned 3:3	6		
U	623 1:7 4:3		
U.S 4:19	7		
understand 6:7,19			
understood 5:11			