

Capital Reporting Company

In the Matter of: Cafe Japone Limited Partnership t/a Cafe Japone 10-31-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
: :
Cafe Japone Limited Partnership :
t/a Cafe Japone :
2032 P Street, NW : Show Cause
Retailer CR : Hearing
License No. 10581 : (Status)
ANC 2B :
Case No. 12-AUD-00007 :
Failed to File Quarterly :
Statements :
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October 31, 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
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT

LOUISE PHILLIPS, OAG

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

2 9:31 a.m.

3 CHAIRPERSON MILLER: Happy Halloween. I'd
4 like to welcome you to the regularly scheduled meeting
5 of the District of Columbia Alcoholic Beverage Control
6 Board. Today is October 31, 2012. My name is Ruthanne
7 Miller. I'm the chairperson. Joining me today to my
8 far right is Mr. Donald Brooks. To my immediate right
9 is Mr. Nick Alberti. To my immediate left is Mr. Mike
10 Silverstein.

11 The Board has four members in attendance for
12 the conduct of business today, with three constituting
13 a quorum. Copies of today's hearing calendar and
14 agenda are available at the receptionist's desk.
15 Please be aware that these proceedings are being
16 recorded by a court reporter. Accordingly, we must ask
17 you to refrain from any disruptive noises or actions in
18 the hearing room.

19 If you have any electronic devices, pagers,
20 cell phones or such, please make certain that they're
21 turned off to avoid any interruption of the
22 proceedings. Please be sure to sign in at the paper

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1 that's on the table in the front. This is to ensure
2 the correct spelling of your name for the record.

3 The Open Meetings Act requires that the
4 public hearing on each case be open to the public. The
5 Board may, consistent with Section 405(b) of the Open
6 Meetings Act, enter a closed meeting during or after
7 the public hearing on a case to consult with an
8 attorney, to obtain legal advice, discuss settlement
9 agreements or deliberate upon a decision in an
10 adjudication proceeding.

11 We'll now proceed to our first case on the
12 morning calendar, which is Case No. 12-AUD-00007, Cafe
13 Japone, 2032 P Street, N.W., License No. 10581, in ANC
14 2B. Would the parties introduce themselves for the
15 record, please?

16 MS. PHILLIPS: Louise Phillips, assistant
17 attorney general for the District of Columbia. Good
18 morning.

19 MR. MPRAS: Good morning. Emanuel Mpras for
20 Cafe Japone.

21 MR. AKIHO: Kenji Akiho.

22 CHAIRPERSON MILLER: Okay. And you are a

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1 partner or owner or --

2 MR. AKIHO: I'm owner.

3 CHAIRPERSON MILLER: Owner? Okay. And it's

4 -- this is a status hearing for show cause. I need to

5 ask you if you received notice of this hearing. Yes?

6 Okay. Could you speak up a little bit so that the court

7 reporter catches that?

8 MR. AKIHO: Yes.

9 CHAIRPERSON MILLER: So yes? And did you

10 read it?

11 MR. AKIHO: Yes.

12 CHAIRPERSON MILLER: And did you understand

13 it?

14 MR. AKIHO: Yes.

15 CHAIRPERSON MILLER: And do you waive the

16 Board's reading the notice into the record?

17 MR. AKIHO: Yes.

18 CHAIRPERSON MILLER: Okay. Good. Ms.

19 Phillips, do we have any preliminary matters in this

20 case?

21 MS. PHILLIPS: We do, Madam Chair. The

22 parties have agreed upon an offer in compromise, which

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1 we would like to present to the Board. It consists of
2 a fine of \$4000 to be paid in 90 days, I believe. And
3 the other contingency is that the quarterly statement
4 in question be filed. It's my understanding that it -
5 it's not only filed in the past. It's now filed today.

6 CHAIRPERSON MILLER: Okay. Could -- I just
7 want clarification. Mr. Mpras, does that mean the
8 quarterly statement in question has been filed today?

9 MR. MPRAS: It was re-filed today.

10 CHAIRPERSON MILLER: Re-filed today?

11 MR. MPRAS: The contention was that it hadn't
12 been filed but the -- ABRA did not receive notice of
13 it. And we're not able to verify that it was filed. So
14 we re-filed it per our agreement with the government.

15 CHAIRPERSON MILLER: Okay. And are there any
16 other outstanding quarterly statements that haven't
17 been filed?

18 MR. MPRAS: To our knowledge, no.

19 CHAIRPERSON MILLER: Okay. I'm going to
20 repeat the offer in compromise. And the Licensee can
21 let me know if that is what you are agreeable to.
22 That's a fine of \$4000 to be paid in 90 days and the

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1 quarterly statement has already been re-filed?

2 MR. MPRAS: Yes, ma'am.

3 CHAIRPERSON MILLER: Okay. Do Board members
4 have any questions? Okay. Then at this point, I would
5 move that we accept this offer in compromise of a fine
6 of \$4000 to be paid within 90 days.

7 Do I have a second?

8 MR. BROOKS: Second.

9 CHAIRPERSON MILLER: Any further comments or
10 questions?

11 (No audible response.)

12 CHAIRPERSON MILLER: Okay. There's a motion
13 that's been seconded then. All those in favor, say
14 aye?

15 (Chorus of ayes.)

16 CHAIRPERSON MILLER: All those opposed?

17 (No audible response.)

18 CHAIRPERSON MILLER: All those abstaining?

19 (No audible response.)

20 CHAIRPERSON MILLER: Then the motion to
21 approve the offer in compromise passes 4-0-0. Okay.

22 MR. SILVERSTEIN: Madam Chair?

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1 CHAIRPERSON MILLER: Yeah, oh, Mr.
2 Silverstein.

3 MR. SILVERSTEIN: Mr. Akiho, you're a
4 neighbor of mine and your establishment is one of the
5 cornerstones of our neighborhood. This is -- this is
6 so unnecessary. And I feel badly that you have to pay a
7 fine of this nature for something that's relatively
8 just bookkeeping. And I would hope that we don't -- we
9 don't see this again and we hope this is -- this is
10 taken care of because it's just not -- it's just not
11 necessary. And I feel very sad that, you know, that
12 you have to do this. But the law is the law.

13 MR. AKIHO: Thank you very much.

14 MR. SILVERSTEIN: Please, let's not see you
15 again other than over sushi.

16 CHAIRPERSON MILLER: Okay. Thank you very
17 much. Uh-huh.

18 MS. PHILLIPS: Thank you.

19 CHAIRPERSON MILLER: That's it for this case.

20 MR. AKIHO: Thank you.

21 (WHEREUPON, at 9:36 a.m., the hearing was
22 concluded.)

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1 CERTIFICATE OF NOTARY PUBLIC

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3 I, RICK SANBORN, the officer before whom the
4 foregoing hearing was taken, do hereby certify that the
5 testimony appearing in the foregoing pages was recorded
6 by me and thereafter reduced to typewriting under my
7 direction; that said transcription is a true record of
8 the testimony given by said parties; that I am neither
9 counsel for, related to, nor employed by any of the
10 parties to the action in which this hearing was taken;
11 and, further, that I am not a relative or employee of
12 any counsel or attorney employed by the parties hereto,
13 nor financially or otherwise interested in the outcome
14 of this action.

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18

RICK SANBORN

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Notary Public in and for the

20

District of Columbia

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CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the proceeding and that I have typed the transcript of the proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of the proceedings.

Date

MIRANDA PENNACHI

Transcriptionist

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| <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;">\$</p> <p>\$4000 5:2,22 6:6</p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;">1</p> <p>10581 1:7 3:13</p> <p>12-AUD-00007 1:8 3:12</p> <p>14th 1:13</p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;">2</p> <p>2000 1:13</p> <p>2012 1:11 2:6</p> <p>2032 1:6 3:13</p> <p>2B 1:8 3:14</p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;">3</p> <p>31 1:11 2:6</p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;">4</p> <p>4-0-0 6:21</p> <p>405(b) 3:5</p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;">9</p> <p>9:31 2:2</p> <p>9:36 7:21</p> <p>90 5:2,22 6:6</p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;">A</p> <p>a.m 2:2 7:21</p> <p>able 5:13</p> <p>ABRA 5:12</p> <p>abstaining 6:18</p> <p>accept 6:5</p> <p>Accordingly 2:16</p> <p>Act 3:3,6</p> <p>action 8:10,14</p> | <p>actions 2:17</p> <p>adjudication 3:10</p> <p>advice 3:8</p> <p>agenda 2:14</p> <p>agreeable 5:21</p> <p>agreed 4:22</p> <p>agreement 5:14</p> <p>agreements 3:9</p> <p>Akiho 3:21 4:2,8,11,14,17 7:3,13,20</p> <p>Alberti 1:17 2:9</p> <p>Alcoholic 1:2,12,13 2:5</p> <p>already 6:1</p> <p>am 8:8,11 9:3</p> <p>ANC 1:8 3:13</p> <p>appearing 8:5</p> <p>approve 6:21</p> <p>assistant 3:16</p> <p>attendance 2:11</p> <p>attorney 3:8,17 8:12</p> <p>audible 6:11,17,19</p> <p>available 2:14</p> <p>avoid 2:21</p> <p>aware 2:15</p> <p>aye 6:14</p> <p>eyes 6:15</p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;">B</p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p>badly 7:6</p> <p>believe 5:2</p> <p>Beverage</p> | <p>1:2,12,13 2:5</p> <p>bit 4:6</p> <p>Board 1:2,13 2:6,11 3:5 5:1 6:3</p> <p>Board's 4:16</p> <p>bookkeeping 7:8</p> <p>Brooks 1:17 2:8 6:8</p> <p>Building 1:13</p> <p>business 2:12</p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;">C</p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p>Cafe 1:5,6 3:12,20</p> <p>calendar 2:13 3:12</p> <p>CALVIN 1:18</p> <p>care 7:10</p> <p>case 1:8 3:4,7,11,12 4:20 7:19</p> <p>catches 4:7</p> <p>cause 1:6 4:4</p> <p>cell 2:20</p> <p>certain 2:20</p> <p>CERTIFICATE 8:1 9:1</p> <p>certify 8:4 9:3</p> <p>Chair 4:21 6:22</p> <p>chairperson 1:14,16 2:3,7 3:22 4:3,9,12,15,18 5:6,10,15,19 6:3,9,12,16,18,2 0 7:1,16,19</p> <p>Chorus 6:15</p> |
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