

Capital Reporting Company  
In the Matter of: HML Rose, Inc. t/a Lindy's Bon Appetit 10-24-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :  
 :  
HML Rose, Inc. :  
t/a Lindy's Bon Appetit :  
2040 I Street, NW : Show Cause  
Retailer CR : Hearing  
License No. 23533 : (Status)  
ANC 2A :  
Case No. 12-AUD-00028 :  
Failed to File Quarterly :  
Statements (4th Quarter 2011) :  
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October 24, 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

MICHAEL STERN, OAG

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<p style="text-align: right;">2</p> <p>1           P R O C E E D I N G S</p> <p>2                               9:57 a.m.</p> <p>3           CHAIRPERSON MILLER: The next case is Case</p> <p>4 No. 12-AUD-00028, Lindy's Bon Appetit, located at 2040</p> <p>5 I Street, N.W., License No. 23533, in ANC 2A. Okay.</p> <p>6           MR. STERN: Michael Stern representing the</p> <p>7 District of Columbia.</p> <p>8           CHAIRPERSON MILLER: It looks like no one's</p> <p>9 here right now on -- for the Licensee. So I think we</p> <p>10 won't -- we can pass on this and come back at the end.</p> <p>11           (WHEREUPON, at 9:58 a.m., the hearing went</p> <p>12 off record until 10:06 a.m.)</p> <p>13           CHAIRPERSON MILLER: Is anyone here from</p> <p>14 Lindy's Bon Appetit? All right. Then it's 10:07 and</p> <p>15 the hearing was called for 9:30. So Lindy's Bon</p> <p>16 Appetit, we'll just schedule that for a hearing January</p> <p>17 23rd, 2013 at 10:00 a.m.</p> <p>18           I think that concludes all our cases for this</p> <p>19 morning up until our -- we have an 11:00 hearing. Mr.</p> <p>20 Stern, you don't see any other case, do you?</p> <p>21           MR. STERN: Nope.</p> <p>22           CHAIRPERSON MILLER: All right then. We'll -</p>	<p style="text-align: right;">4</p> <p>1           C E R T I F I C A T E   O F   N O T A R Y   P U B L I C</p> <p>2</p> <p>3           I, LINDA METCALF, the officer before whom the</p> <p>4 foregoing hearing was taken, do hereby certify that the</p> <p>5 testimony appearing in the foregoing pages was recorded</p> <p>6 by me and thereafter reduced to typewriting under my</p> <p>7 direction; that said transcription is a true record of</p> <p>8 the testimony given by said parties; that I am neither</p> <p>9 counsel for, related to, nor employed by any of the</p> <p>10 parties to the action in which this hearing was taken;</p> <p>11 and, further, that I am not a relative or employee of</p> <p>12 any counsel or attorney employed by the parties hereto,</p> <p>13 nor financially or otherwise interested in the outcome</p> <p>14 of this action.</p> <p>15</p> <p>16</p> <p>17 _____</p> <p>18                               LINDA METCALF</p> <p>19                               Notary Public in and for the</p> <p>20                               District of Columbia</p> <p>21</p> <p>22</p>
<p style="text-align: right;">3</p> <p>1 - the Board will recess until 11:00 and come back for</p> <p>2 that -- the hearing on Love at that time. Thank you.</p> <p>3           (WHEREUPON, at 10:07 a.m., the hearing was</p> <p>4 concluded.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">5</p> <p>1           C E R T I F I C A T E   O F   T R A N S C R I P T I O N</p> <p>2</p> <p>3           I, MIRANDA PENNACHI, hereby certify that I am not</p> <p>4 the Court Reporter who reported the proceeding and that</p> <p>5 I have typed the transcript of the proceeding using the</p> <p>6 Court Reporter's notes and recordings. The</p> <p>7 foregoing/attached transcript is a true, correct and</p> <p>8 complete transcription of the proceedings.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13 _____</p> <p>14 Date                               MIRANDA PENNACHI</p> <p>15   Transcriptionist</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

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<hr/> <p style="text-align: center;">1</p> <hr/> <p><b>10:00</b> 2:17</p> <p><b>10:06</b> 2:12</p> <p><b>10:07</b> 2:14 3:3</p> <p><b>11:00</b> 2:19 3:1</p> <p><b>12-AUD-00028</b> 1:8 2:4</p> <p><b>14th</b> 1:13</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p><b>2000</b> 1:13</p> <p><b>2011</b> 1:9</p> <p><b>2012</b> 1:11</p> <p><b>2013</b> 2:17</p> <p><b>2040</b> 1:6 2:4</p> <p><b>23533</b> 1:7 2:5</p> <p><b>23rd</b> 2:17</p> <p><b>24</b> 1:11</p> <p><b>2A</b> 1:8 2:5</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p><b>4th</b> 1:9</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p><b>9:30</b> 2:15</p> <p><b>9:57</b> 2:2</p> <p><b>9:58</b> 2:11</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p><b>a.m</b> 2:2,11,12,17 3:3</p> <p><b>action</b> 4:10,14</p> <p><b>ALBERTI</b> 1:17</p> <p><b>Alcoholic</b> 1:2,12,13</p> <p><b>am</b> 4:8,11 5:3</p>	<p><b>ANC</b> 1:8 2:5</p> <p><b>anyone</b> 2:13</p> <p><b>appearing</b> 4:5</p> <p><b>Appetit</b> 1:6 2:4,14,16</p> <p><b>attorney</b> 4:12</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p><b>Beverage</b> 1:2,12,13</p> <p><b>Board</b> 1:2,13 3:1</p> <p><b>Bon</b> 1:6 2:4,14,15</p> <p><b>BROOKS</b> 1:17</p> <p><b>Building</b> 1:13</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p><b>CALVIN</b> 1:18</p> <p><b>case</b> 1:8 2:3,20</p> <p><b>cases</b> 2:18</p> <p><b>Cause</b> 1:6</p> <p><b>CERTIFICATE</b> 4:1 5:1</p> <p><b>certify</b> 4:4 5:3</p> <p><b>Chairperson</b> 1:14,16 2:3,8,13,22</p> <p><b>Columbia</b> 1:1 2:7 4:20</p> <p><b>complete</b> 5:8</p> <p><b>concluded</b> 3:4</p> <p><b>concludes</b> 2:18</p> <p><b>Control</b> 1:2,12,13</p> <p><b>correct</b> 5:7</p> <p><b>counsel</b> 4:9,12</p> <p><b>Court</b> 5:4,6</p> <p><b>CR</b> 1:7</p>	<hr/> <p style="text-align: center;">D</p> <hr/> <p><b>D.C</b> 1:14</p> <p><b>Date</b> 5:14</p> <p><b>direction</b> 4:7</p> <p><b>District</b> 1:1 2:7 4:20</p> <p><b>DONALD</b> 1:17</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p><b>employed</b> 4:9,12</p> <p><b>employee</b> 4:11</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p><b>Failed</b> 1:9</p> <p><b>File</b> 1:9</p> <p><b>financially</b> 4:13</p> <p><b>foregoing</b> 4:4,5</p> <p><b>foregoing/ attached</b> 5:7</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p><b>given</b> 4:8</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p><b>hearing</b> 1:7,13 2:11,15,16,19 3:2,3 4:4,10</p> <p><b>hereby</b> 4:4 5:3</p> <p><b>hereto</b> 4:12</p> <p><b>HERMAN</b> 1:18</p> <p><b>HML</b> 1:5</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p><b>Inc</b> 1:5</p> <p><b>interested</b> 4:13</p> <p><b>it's</b> 2:14</p>	<hr/> <p style="text-align: center;">J</p> <hr/> <p><b>January</b> 2:16</p> <p><b>JONES</b> 1:18</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p><b>License</b> 1:7 2:5</p> <p><b>Licensee</b> 2:9</p> <p><b>LINDA</b> 4:3,18</p> <p><b>Lindy's</b> 1:6 2:4,14,15</p> <p><b>located</b> 2:4</p> <p><b>Love</b> 3:2</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p><b>MATTER</b> 1:4</p> <p><b>MEETING</b> 1:3</p> <p><b>Member</b> 1:17,18,19</p> <p><b>met</b> 1:13</p> <p><b>METCALF</b> 4:3,18</p> <p><b>Michael</b> 1:20 2:6</p> <p><b>MIKE</b> 1:19</p> <p><b>Miller</b> 1:14,16 2:3,8,13,22</p> <p><b>MIRANDA</b> 5:3,14</p> <p><b>morning</b> 2:19</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p><b>N.W</b> 1:13 2:5</p> <p><b>neither</b> 4:8</p> <p><b>NICK</b> 1:17</p> <p><b>Nope</b> 2:21</p> <p><b>NOPHLIN</b> 1:18</p> <p><b>nor</b> 4:9,13</p> <p><b>Notary</b> 4:1,19</p>
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<p><b>notes</b> 5:6  <b>NW</b> 1:6</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>OAG</b> 1:20  <b>October</b> 1:11  <b>officer</b> 4:3  <b>Okay</b> 2:5  <b>one's</b> 2:8  <b>otherwise</b> 4:13  <b>outcome</b> 4:13</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>pages</b> 4:5  <b>parties</b> 4:8,10,12  <b>pass</b> 2:10  <b>PENNACHI</b>      5:3,14  <b>PRESENT</b>      1:16,20  <b>presiding</b> 1:14  <b>proceeding</b> 5:4,5  <b>proceedings</b> 5:8  <b>Public</b> 4:1,19</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>Quarter</b> 1:9  <b>Quarterly</b> 1:9</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>recess</b> 3:1  <b>record</b> 2:12 4:7  <b>recorded</b> 4:5  <b>recordings</b> 5:6  <b>reduced</b> 4:6  <b>Reeves</b> 1:13</p>	<p><b>related</b> 4:9  <b>relative</b> 4:11  <b>reported</b> 5:4  <b>Reporter</b> 5:4  <b>Reporter's</b> 5:6  <b>representing</b> 2:6  <b>Retailer</b> 1:7  <b>Room</b> 1:13  <b>Rose</b> 1:5  <b>Ruthanne</b> 1:14,16</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>schedule</b> 2:16  <b>SILVERSTEIN</b>      1:19  <b>Statements</b> 1:9  <b>Status</b> 1:7  <b>Stern</b> 1:20      2:6,20,21  <b>Street</b> 1:6,13 2:5</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>t/a</b> 1:6  <b>testimony</b> 4:5,8  <b>Thank</b> 3:2  <b>thereafter</b> 4:6  <b>transcript</b> 5:5,7  <b>transcription</b> 4:7      5:1,8  <b>Transcriptionist</b>      5:15  <b>true</b> 4:7 5:7  <b>typed</b> 5:5  <b>typewriting</b> 4:6</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/>	<p><b>Washington</b> 1:14  <b>we'll</b> 2:16,22  <b>WHEREUPON</b>      2:11 3:3  <b>whom</b> 4:3</p>	
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