

Capital Reporting Company
In the Matter of: Vap H Street, LLC t/a Vapiano 09-12-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Vap H Street, LLC :
t/a Vapiano :
623 H Street, NW :
Retailer CR : Show Cause
License No. 76727 : Hearing
ANC 2C : (Status)
Case No. 12-CMP-00110 :
No ABC Manager on Duty; Failed :
To Obtain Importation Permit; :
Failed to Maintain Books and :
Records :
----- :

September 12, 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
MAUREEN ZANIEL, OAG

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

2 10:26 a.m.

3 CHAIRPERSON MILLER: Now, moving on to Case
4 No. 12-CMP-00110, Vapiano, located at 623 H Street,
5 N.W., License No. 76727, in ANC 2C.

6 Would the parties in that case please come
7 forward?

8 MR. STERN: Yes. Michael Stern representing
9 the District of Columbia.

10 MR. STRONG: And Michael Strong representing
11 VAP H Street, trading as Vapiano. I'm here as counsel
12 of record for the Respondent. We filed a notice of
13 appearance yesterday --

14 CHAIRPERSON MILLER: Okay.

15 MR. STRONG: -- in the matter. And
16 unfortunately, I do not have a company management
17 representative with me today because the person
18 assigned to handle the matter resigned on Friday and
19 the other two senior managers are in New York City on
20 an ABC application hearing that was scheduled. As a
21 conflict, they could not appear today. However, we
22 wanted to let you know we tried our best to get someone

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1 here.

2 CHAIRPERSON MILLER: Okay. And -- but are
3 you - - you're authorized to proceed on their behalf?

4 MR. STRONG: That is correct.

5 CHAIRPERSON MILLER: Okay. This is a show
6 cause status hearing. Are there any -- did you -- can
7 you tell me, did they get notice of this hearing?

8 MR. STRONG: Yes. Notice has been received
9 and we waive the reading of the charges into the
10 record.

11 CHAIRPERSON MILLER: And it was understood,
12 the notice?

13 MR. STRONG: Yes.

14 CHAIRPERSON MILLER: Okay. Are there
15 preliminary matters in this case?

16 MR. STERN: Actually by coincidence, Ms.
17 Zaniel, who's assigned concerning this is here. She
18 informed me there is no (inaudible).

19 MS. ZANIEL: Good morning. Maureen Zaniel on
20 behalf of --

21 CHAIRPERSON MILLER: Good morning.

22 MS. ZANIEL: -- the District. Yes, Mr.

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1 Strong and I have met and discussed the case. And we
2 talked about a potential compromise. He was unable to
3 get the assent or dissent of his client because of
4 their being out of town. So I believe the matter can
5 ultimately be settled and we should continue it.

6 CHAIRPERSON MILLER: Okay.

7 MR. STRONG: I agree with that. I also
8 wanted to note for the Board that we filed a motion to
9 continue the hearing date that has been set on the
10 merits of this matter for October 24th. The reason I'm
11 asking for a continuance, simply I'm going to be out of
12 the country on that date. And I have travel plans I
13 cannot alter at this late date unfortunately. However,
14 I agree with Ms. Zaniel that, in fact, I fully expect
15 we'll be able to provide notice to the Board shortly of
16 the agreed settlement disposition of this matter.

17 And perhaps, if we could continue the matter
18 to the first available Wednesday after the 24th, we
19 might be able to by that time have all matters resolved
20 and notify you accordingly.

21 CHAIRPERSON MILLER: Okay. What we have to
22 do is consult our calendars before we could set another

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1 date. So is there any opposition to the motion for
2 continuance?

3 MS. ZANIEL: No, I have no objection to
4 continuing it for the reasons represented.

5 CHAIRPERSON MILLER: Okay. So the Board will
6 take that under advisement and get back to the parties
7 on that or our legal staff will on that motion if this
8 isn't settled, you know, before then. So as of now,
9 I'm going to set the case still for show cause hearing
10 on October 24th, 2012 at 2:30. But we will be
11 considering the motion for continuing.

12 MS. ZANIEL: Okay, thank you.

13 CHAIRPERSON MILLER: Thank you.

14 MR. STRONG: Thank you very much.

15 CHAIRPERSON MILLER: Okay. Thank you.

16 (WHEREUPON, at 10:30 a.m., the hearing was
17 concluded.)

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1 CERTIFICATE OF NOTARY PUBLIC

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3 I, ERICK McNAIR, the officer before whom the
4 foregoing hearing was taken, do hereby certify that the
5 testimony appearing in the foregoing transcript was
6 recorded by me and thereafter reduced to typewriting
7 under my direction; that said transcription is a true
8 record of the testimony given by said parties; that I
9 am neither counsel for, related to, nor employed by any
10 of the parties to the action in which this 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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ERICK McNAIR

20

Notary Public in and for the

21

District of Columbia

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My Commission Expires: July 14, 2016

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1 CERTIFICATE OF TRANSCRIPTION

2

3 I, MIRANDA PENNACHI, hereby certify that I am not
4 the Court Reporter who reported the following
5 proceeding and that I have typed the transcript of this
6 proceeding using the Court Reporter's notes and
7 recordings. The foregoing/attached transcript is a
8 true, correct and complete transcription of said
9 proceeding.

10

11

12

13 _____
Date

14

MIRANDA PENNACHI
Transcriptionist

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