

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
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Vap H Street, LLC :
t/a Vapiano : Show Cause
623 H Street, NW : Hearing
Retailer CR - ANC-2C : (Status)
License No. 76727 :
Case #13-CC-00027 :
 :
(Failed to Post License :
in a Conspicuous Place) :
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September 18, 2013

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
NICK ALBERTI, Member
DONALD BROOKS, Member

MIKE SILVERSTEIN, Member

ALSO PRESENT:

CHRISSY GEPHARDT, ESQ, OAG

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

(10:21 a.m.)

CHAIRPERSON MILLER: The next case on our calendar is Case No. 13-CC-00027, Vapiano located at 623 H Street, N.W., License No. 76727 in ANC-2C.

MS. GEPHARDT: Chrissy Gephardt on behalf of the Office of the Attorney General.

MR. UPTON: Benjamin Upton on behalf of Vapiano.

CHAIRPERSON MILLER: Okay. I'm sorry, sir, what's your name again?

MR. UPTON: Benjamin Upton, U-P-T-O-N.

CHAIRPERSON MILLER: Upton?

MR. UPTON: Yes.

CHAIRPERSON MILLER: And what's your relation to the establishment?

MR. UPTON: I am standing in for the attorney for the establishment.

CHAIRPERSON MILLER: You're an attorney?

1 MR. UPTON: I'm his assistant.

2 CHAIRPERSON MILLER: You're the
3 assistant. Okay. Do we have anything in the
4 record authorizing you all to represent the
5 establishment?

6 MR. UPTON: There was a praecipe
7 filed.

8 CHAIRPERSON MILLER: A praecipe
9 filed, okay. Good. All right. Let me ask
10 you if your client received notice of this
11 hearing?

12 MR. UPTON: Yes, ma'am.

13 CHAIRPERSON MILLER: And did your
14 client read it and understand it?

15 MR. UPTON: Yes, ma'am.

16 CHAIRPERSON MILLER: All right.
17 Then that notice will be part of the record,
18 unless you have an objection of some sort?

19 MR. UPTON: No.

20 CHAIRPERSON MILLER: Okay.

21 (Whereupon, the document was
22 marked as Exhibit 1 for

1 identification.)

2 CHAIRPERSON MILLER: Are there any
3 preliminary matters?

4 MS. GEPHARDT: It is my
5 understanding, Madam Chair, that a Consent
6 Motion was filed in this case for the Board's
7 consideration to move the Show Cause Hearing
8 date to December 10th, I believe.

9 MR. UPTON: I believe it's the
10 11th.

11 MS. GEPHARDT: Oh, excuse me,
12 December 11, 2013.

13 MR. UPTON: That's correct. This
14 was consented to by Maureen Zaniel, the
15 Attorney General who decided this case.

16 CHAIRPERSON MILLER: To December
17 11, 2013?

18 MR. UPTON: That's correct. The
19 attorney, Michael Strong, will be unavailable
20 on October 30th due to a trial.

21 CHAIRPERSON MILLER: Oh, okay,
22 that was the reason? Okay. Okay. Okay.

1 Apparently, it was on our agenda for next
2 week, so we hadn't read the Consent Motion
3 yet, though we are aware that a Consent Motion
4 was filed. So I was checking to see whether
5 December 11th date had been worked out.

6 And we really can't answer you on
7 that. It's not really -- we are really not
8 sure at all that that date would be available.
9 But what we are going to do is consider your--
10 certainly the Consent Motion for the reason
11 that you just gave and the reason must be
12 articulated, the same reason, in the Consent
13 Motion about the attorney being unavailable to
14 proceed on that date.

15 So by next week, we will have
16 looked at it and come up with a response for
17 you with respect to moving it.

18 MR. UPTON: Thank you.

19 CHAIRPERSON MILLER: Okay. All
20 right. As of now, I'm going to leave the date
21 on for October 30, 2013 at 2:30 p.m. However,
22 we will be ruling on that motion next week.

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MR. UPTON: Thank you.

CHAIRPERSON MILLER: Okay. Thank
you very much.

(Whereupon, the Show Cause
(Status) Hearing in the above-entitled matter
was concluded at 10:25 a.m.)

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