

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 :
-----x

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

Capital Reporting Company

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

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<p>1 PROCEEDINGS 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</p>	<p>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</p>
3	5
<p>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</p>	<p>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</p>

Capital Reporting Company

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

<p style="text-align: right;">6</p> <p>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?</p>	<p style="text-align: right;">8</p> <p>1 CERTIFICATE OF NOTARY PUBLIC 2 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. 15 16 17 18 RICK SANBORN 19 Notary Public in and for the 20 District of Columbia 21 22</p>
<p style="text-align: right;">7</p> <p>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.)</p>	<p style="text-align: right;">9</p> <p>1 CERTIFICATE OF TRANSCRIPTION 2 3 I, MIRANDA PENNACHI, hereby certify that I am not 4 the Court Reporter who reported the proceeding and that 5 I have typed the transcript of the proceeding using the 6 Court Reporter's notes and recordings. The 7 foregoing/attached transcript is a true, correct and 8 complete transcription of the proceedings. 9 10 11 12 13 14 Date MIRANDA PENNACHI 15 Transcriptionist 16 17 18 19 20 21 22</p>

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

Page 1		
<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>
		<p>clarification 5:7</p> <p>closed 3:6</p> <p>Columbia 1:1 2:5 3:17 8:20</p> <p>comments 6:9</p> <p>complete 9:8</p> <p>compromise 4:22 5:20 6:5,21</p> <p>concluded 7:22</p> <p>conduct 2:12</p> <p>consistent 3:5</p> <p>consists 5:1</p> <p>constituting 2:12</p> <p>consult 3:7</p> <p>contention 5:11</p> <p>contingency 5:3</p> <p>Control 1:2,12,13 2:5</p> <p>Copies 2:13</p> <p>cornerstones 7:5</p> <p>correct 3:2 9:7</p> <p>counsel 8:9,12</p> <p>court 2:16 4:6 9:4,6</p> <p>CR 1:7</p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;">D</p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p>D.C 1:14</p> <p>Date 9:14</p> <p>days 5:2,22 6:6</p> <p>decision 3:9</p> <p>deliberate 3:9</p> <p>desk 2:14</p> <p>devices 2:19</p>

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

Page 2			
<p>direction 8:7</p> <p>discuss 3:8</p> <p>disruptive 2:17</p> <p>District 1:1 2:5 3:17 8:20</p> <p>Donald 1:17 2:8</p> <p>during 3:6</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">E</p> <hr style="width: 50%; margin: 10px auto;"/> <p>electronic 2:19</p> <p>Emanuel 3:19</p> <p>employed 8:9,12</p> <p>employee 8:11</p> <p>ensure 3:1</p> <p>enter 3:6</p> <p>establishment 7:4</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">F</p> <hr style="width: 50%; margin: 10px auto;"/> <p>Failed 1:9</p> <p>favor 6:13</p> <p>feel 7:6,11</p> <p>File 1:9</p> <p>filed 5:4,5,8,12,13,17</p> <p>financially 8:13</p> <p>fine 5:2,22 6:5 7:7</p> <p>first 3:11</p> <p>foregoing 8:4,5</p> <p>foregoing/ attached 9:7</p> <p>front 3:1</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">G</p> <hr style="width: 50%; margin: 10px auto;"/> <p>general 3:17</p>	<p>given 8:8</p> <p>government 5:14</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">H</p> <hr style="width: 50%; margin: 10px auto;"/> <p>Halloween 2:3</p> <p>Happy 2:3</p> <p>haven't 5:16</p> <p>hearing 1:7,13 2:13,18 3:4,7 4:4,5 7:21 8:4,10</p> <p>hereby 8:4 9:3</p> <p>hereto 8:12</p> <p>HERMAN 1:18</p> <p>hope 7:8,9</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">I</p> <hr style="width: 50%; margin: 10px auto;"/> <p>I'd 2:3</p> <p>I'm 2:7 4:2 5:19</p> <p>immediate 2:8,9</p> <p>interested 8:13</p> <p>interruption 2:21</p> <p>introduce 3:14</p> <p>it's 4:3 5:4,5 7:10</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">J</p> <hr style="width: 50%; margin: 10px auto;"/> <p>Japone 1:5,6 3:13,20</p> <p>Joining 2:7</p> <p>JONES 1:18</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">K</p> <hr style="width: 50%; margin: 10px auto;"/> <p>Kenji 3:21</p> <p>knowledge 5:18</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">L</p> <hr style="width: 50%; margin: 10px auto;"/>	<p>law 7:12</p> <p>legal 3:8</p> <p>let's 7:14</p> <p>License 1:7 3:13</p> <p>Licensee 5:20</p> <p>Limited 1:5</p> <p>little 4:6</p> <p>Louise 1:20 3:16</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">M</p> <hr style="width: 50%; margin: 10px auto;"/> <p>ma'am 6:2</p> <p>Madam 4:21 6:22</p> <p>MATTER 1:4</p> <p>matters 4:19</p> <p>may 3:5</p> <p>mean 5:7</p> <p>meeting 1:3 2:4 3:6</p> <p>Meetings 3:3,6</p> <p>Member 1:17,18,19</p> <p>members 2:11 6:3</p> <p>met 1:13</p> <p>Mike 1:19 2:9</p> <p>Miller 1:14,16 2:3,7 3:22 4:3,9,12,15,18 5:6,10,15,19 6:3,9,12,16,18,20 7:1,16,19</p> <p>mine 7:4</p> <p>MIRANDA 9:3,14</p> <p>morning 3:12,18,19</p> <p>motion 6:12,20</p>	<p>move 6:5</p> <p>Mpras 3:19 5:7,9,11,18 6:2</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">N</p> <hr style="width: 50%; margin: 10px auto;"/> <p>N.W 1:13 3:13</p> <p>nature 7:7</p> <p>necessary 7:11</p> <p>neighbor 7:4</p> <p>neighborhood 7:5</p> <p>neither 8:8</p> <p>Nick 1:17 2:9</p> <p>noises 2:17</p> <p>NOPHLIN 1:18</p> <p>nor 8:9,13</p> <p>Notary 8:1,19</p> <p>notes 9:6</p> <p>notice 4:5,16 5:12</p> <p>NW 1:6</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">O</p> <hr style="width: 50%; margin: 10px auto;"/> <p>OAG 1:20</p> <p>obtain 3:8</p> <p>October 1:11 2:6</p> <p>offer 4:22 5:20 6:5,21</p> <p>officer 8:3</p> <p>oh 7:1</p> <p>Okay 3:22 4:3,6,18 5:6,15,19 6:3,4,12,21 7:16</p> <p>open 3:3,4,5</p> <p>opposed 6:16</p>

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

Page 3			
<p>otherwise 8:13</p> <p>outcome 8:13</p> <p>outstanding 5:16</p> <p>owner 4:1,2,3</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">P</p> <hr style="width: 50%; margin: 10px auto;"/> <p>paggers 2:19</p> <p>pages 8:5</p> <p>paid 5:2,22 6:6</p> <p>paper 2:22</p> <p>parties 3:14 4:22 8:8,10,12</p> <p>partner 4:1</p> <p>Partnership 1:5</p> <p>passes 6:21</p> <p>past 5:5</p> <p>pay 7:6</p> <p>PENNACHI 9:3,14</p> <p>per 5:14</p> <p>Phillips 1:20 3:16 4:19,21 7:18</p> <p>phones 2:20</p> <p>please 2:15,20,22 3:15 7:14</p> <p>point 6:4</p> <p>preliminary 4:19</p> <p>present 1:16,20 5:1</p> <p>presiding 1:14</p> <p>proceed 3:11</p> <p>proceeding 3:10 9:4,5</p> <p>proceedings</p>	<p>2:15,22 9:8</p> <p>public 3:4,7 8:1,19</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">Q</p> <hr style="width: 50%; margin: 10px auto;"/> <p>quarterly 1:9 5:3,8,16 6:1</p> <p>question 5:4,8</p> <p>questions 6:4,10</p> <p>quorum 2:13</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">R</p> <hr style="width: 50%; margin: 10px auto;"/> <p>reading 4:16</p> <p>receive 5:12</p> <p>received 4:5</p> <p>receptionist's 2:14</p> <p>record 3:2,15 4:16 8:7</p> <p>recorded 2:16 8:5</p> <p>recordings 9:6</p> <p>reduced 8:6</p> <p>Reeves 1:13</p> <p>re-filed 5:9,10,14 6:1</p> <p>refrain 2:17</p> <p>regularly 2:4</p> <p>related 8:9</p> <p>relative 8:11</p> <p>relatively 7:7</p> <p>repeat 5:20</p> <p>reported 9:4</p> <p>reporter 2:16 4:7 9:4</p> <p>Reporter's 9:6</p> <p>requires 3:3</p>	<p>response 6:11,17,19</p> <p>Retailer 1:7</p> <p>RICK 8:3,18</p> <p>room 1:13 2:18</p> <p>Ruthanne 1:14,16 2:6</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">S</p> <hr style="width: 50%; margin: 10px auto;"/> <p>sad 7:11</p> <p>SANBORN 8:3,18</p> <p>scheduled 2:4</p> <p>second 6:7,8</p> <p>seconded 6:13</p> <p>Section 3:5</p> <p>settlement 3:8</p> <p>sign 2:22</p> <p>Silverstein 1:19 2:10 6:22 7:2,3,14</p> <p>speak 4:6</p> <p>spelling 3:2</p> <p>statement 5:3,8 6:1</p> <p>statements 1:9 5:16</p> <p>status 1:7 4:4</p> <p>Street 1:6,13 3:13</p> <p>sure 2:22</p> <p>sushi 7:15</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">T</p> <hr style="width: 50%; margin: 10px auto;"/> <p>t/a 1:6</p> <p>table 3:1</p> <p>testimony 8:5,8</p>	<p>Thank 7:13,16,18,20</p> <p>that's 3:1 5:22 6:13 7:7,19</p> <p>themselves 3:14</p> <p>thereafter 8:6</p> <p>There's 6:12</p> <p>they're 2:20</p> <p>today 2:6,7,12 5:5,8,9,10</p> <p>today's 2:13</p> <p>transcript 9:5,7</p> <p>transcription 8:7 9:1,8</p> <p>Transcriptionist 9:15</p> <p>true 8:7 9:7</p> <p>turned 2:21</p> <p>typed 9:5</p> <p>typewriting 8:6</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">U</p> <hr style="width: 50%; margin: 10px auto;"/> <p>Uh-huh 7:17</p> <p>understand 4:12</p> <p>understanding 5:4</p> <p>unnecessary 7:6</p> <p>upon 3:9 4:22</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">V</p> <hr style="width: 50%; margin: 10px auto;"/> <p>verify 5:13</p> <hr style="width: 50%; margin: 10px auto;"/> <p style="text-align: center;">W</p> <hr style="width: 50%; margin: 10px auto;"/> <p>waive 4:15</p> <p>Washington 1:14</p> <p>welcome 2:4</p>

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

Page 4

We'll 3:11

we're 5:13

WHEREUPON

7:21

whom 8:3