

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

1

DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

----- :  
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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| <p style="text-align: right;">2</p> <p>1           P R O C E E D I N G S</p> <p>2                                   10:26 a.m.</p> <p>3           CHAIRPERSON MILLER: Now, moving on to Case</p> <p>4 No. 12-CMP-00110, Vapiano, located at 623 H Street,</p> <p>5 N.W., License No. 76727, in ANC 2C.</p> <p>6           Would the parties in that case please come</p> <p>7 forward?</p> <p>8           MR. STERN: Yes. Michael Stern representing</p> <p>9 the District of Columbia.</p> <p>10          MR. STRONG: And Michael Strong representing</p> <p>11 VAP H Street, trading as Vapiano. I'm here as counsel</p> <p>12 of record for the Respondent. We filed a notice of</p> <p>13 appearance yesterday --</p> <p>14          CHAIRPERSON MILLER: Okay.</p> <p>15          MR. STRONG: -- in the matter. And</p> <p>16 unfortunately, I do not have a company management</p> <p>17 representative with me today because the person</p> <p>18 assigned to handle the matter resigned on Friday and</p> <p>19 the other two senior managers are in New York City on</p> <p>20 an ABC application hearing that was scheduled. As a</p> <p>21 conflict, they could not appear today. However, we</p> <p>22 wanted to let you know we tried our best to get someone</p> | <p style="text-align: right;">4</p> <p>1 Strong and I have met and discussed the case. And we</p> <p>2 talked about a potential compromise. He was unable to</p> <p>3 get the assent or dissent of his client because of</p> <p>4 their being out of town. So I believe the matter can</p> <p>5 ultimately be settled and we should continue it.</p> <p>6          CHAIRPERSON MILLER: Okay.</p> <p>7          MR. STRONG: I agree with that. I also</p> <p>8 wanted to note for the Board that we filed a motion to</p> <p>9 continue the hearing date that has been set on the</p> <p>10 merits of this matter for October 24th. The reason I'm</p> <p>11 asking for a continuance, simply I'm going to be out of</p> <p>12 the country on that date. And I have travel plans I</p> <p>13 cannot alter at this late date unfortunately. However,</p> <p>14 I agree with Ms. Zaniel that, in fact, I fully expect</p> <p>15 we'll be able to provide notice to the Board shortly of</p> <p>16 the agreed settlement disposition of this matter.</p> <p>17          And perhaps, if we could continue the matter</p> <p>18 to the first available Wednesday after the 24th, we</p> <p>19 might be able to by that time have all matters resolved</p> <p>20 and notify you accordingly.</p> <p>21          CHAIRPERSON MILLER: Okay. What we have to</p> <p>22 do is consult our calendars before we could set another</p> |
| <p style="text-align: right;">3</p> <p>1 here.</p> <p>2          CHAIRPERSON MILLER: Okay. And -- but are</p> <p>3 you - - you're authorized to proceed on their behalf?</p> <p>4          MR. STRONG: That is correct.</p> <p>5          CHAIRPERSON MILLER: Okay. This is a show</p> <p>6 cause status hearing. Are there any -- did you -- can</p> <p>7 you tell me, did they get notice of this hearing?</p> <p>8          MR. STRONG: Yes. Notice has been received</p> <p>9 and we waive the reading of the charges into the</p> <p>10 record.</p> <p>11          CHAIRPERSON MILLER: And it was understood,</p> <p>12 the notice?</p> <p>13          MR. STRONG: Yes.</p> <p>14          CHAIRPERSON MILLER: Okay. Are there</p> <p>15 preliminary matters in this case?</p> <p>16          MR. STERN: Actually by coincidence, Ms.</p> <p>17 Zaniel, who's assigned concerning this is here. She</p> <p>18 informed me there is no (inaudible).</p> <p>19          MS. ZANIEL: Good morning. Maureen Zaniel on</p> <p>20 behalf of --</p> <p>21          CHAIRPERSON MILLER: Good morning.</p> <p>22          MS. ZANIEL: -- the District. Yes, Mr.</p>   | <p style="text-align: right;">5</p> <p>1 date. So is there any opposition to the motion for</p> <p>2 continuance?</p> <p>3          MS. ZANIEL: No, I have no objection to</p> <p>4 continuing it for the reasons represented.</p> <p>5          CHAIRPERSON MILLER: Okay. So the Board will</p> <p>6 take that under advisement and get back to the parties</p> <p>7 on that or our legal staff will on that motion if this</p> <p>8 isn't settled, you know, before then. So as of now,</p> <p>9 I'm going to set the case still for show cause hearing</p> <p>10 on October 24th, 2012 at 2:30. But we will be</p> <p>11 considering the motion for continuing.</p> <p>12          MS. ZANIEL: Okay, thank you.</p> <p>13          CHAIRPERSON MILLER: Thank you.</p> <p>14          MR. STRONG: Thank you very much.</p> <p>15          CHAIRPERSON MILLER: Okay. Thank you.</p> <p>16 (WHEREUPON, at 10:30 a.m., the hearing was</p> <p>17 concluded.)</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>10:26</b> 2:2</p> <p><b>10:30</b> 5:16</p> <p><b>12</b> 1:12</p> <p><b>12-CMP-00110</b><br/>1:8 2:4</p> <p><b>14</b> 6:22</p> <p><b>14th</b> 1:14</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p><b>2:30</b> 5:10</p> <p><b>2000</b> 1:14</p> <p><b>2012</b> 1:12 5:10</p> <p><b>2016</b> 6:22</p> <p><b>24th</b> 4:10,18 5:10</p> <p><b>2C</b> 1:8 2:5</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p><b>623</b> 1:6 2:4</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p><b>76727</b> 1:7 2:5</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p><b>a.m</b> 2:2 5:16</p> <p><b>ABC</b> 1:9 2:20</p> <p><b>able</b> 4:15,19</p> <p><b>accordingly</b> 4:20</p> <p><b>action</b> 6:10,14</p> <p><b>Actually</b> 3:16</p> <p><b>advisement</b> 5:6</p> <p><b>agreed</b> 4:16</p> <p><b>ALBERTI</b> 1:18</p> <p><b>Alcoholic</b><br/>1:2,13,14</p> <p><b>alter</b> 4:13</p> | <p><b>am</b> 6:9,11 7:3</p> <p><b>ANC</b> 1:8 2:5</p> <p><b>appear</b> 2:21</p> <p><b>appearance</b> 2:13</p> <p><b>appearing</b> 6:5</p> <p><b>application</b> 2:20</p> <p><b>assent</b> 4:3</p> <p><b>assigned</b> 2:18 3:17</p> <p><b>attorney</b> 6:12</p> <p><b>authorized</b> 3:3</p> <p><b>available</b> 4:18</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p><b>behalf</b> 3:3,20</p> <p><b>believe</b> 4:4</p> <p><b>best</b> 2:22</p> <p><b>Beverage</b><br/>1:2,13,14</p> <p><b>Board</b> 1:2,14<br/>4:8,15 5:5</p> <p><b>Books</b> 1:10</p> <p><b>BROOKS</b> 1:18</p> <p><b>Building</b> 1:14</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p><b>calendars</b> 4:22</p> <p><b>CALVIN</b> 1:19</p> <p><b>case</b> 1:8 2:3,6 3:15<br/>4:1 5:9</p> <p><b>cause</b> 1:7 3:6 5:9</p> <p><b>CERTIFICATE</b><br/>6:1 7:1</p> <p><b>certify</b> 6:4 7:3</p> <p><b>Chairperson</b><br/>1:15,17 2:3,14<br/>3:2,5,11,14,21</p> | <p>4:6,21 5:5,13,15</p> <p><b>charges</b> 3:9</p> <p><b>City</b> 2:19</p> <p><b>client</b> 4:3</p> <p><b>coincidence</b> 3:16</p> <p><b>Columbia</b> 1:1 2:9<br/>6:21</p> <p><b>Commission</b> 6:22</p> <p><b>company</b> 2:16</p> <p><b>complete</b> 7:8</p> <p><b>compromise</b> 4:2</p> <p><b>concerning</b> 3:17</p> <p><b>concluded</b> 5:17</p> <p><b>conflict</b> 2:21</p> <p><b>considering</b> 5:11</p> <p><b>consult</b> 4:22</p> <p><b>continuance</b> 4:11<br/>5:2</p> <p><b>continue</b> 4:5,9,17</p> <p><b>continuing</b> 5:4,11</p> <p><b>Control</b> 1:2,13,14</p> <p><b>correct</b> 3:4 7:8</p> <p><b>counsel</b> 2:11<br/>6:9,12</p> <p><b>country</b> 4:12</p> <p><b>Court</b> 7:4,6</p> <p><b>CR</b> 1:7</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p><b>D.C</b> 1:15</p> <p><b>date</b> 4:9,12,13 5:1<br/>7:13</p> <p><b>direction</b> 6:7</p> <p><b>discussed</b> 4:1</p> | <p><b>disposition</b> 4:16</p> <p><b>dissent</b> 4:3</p> <p><b>District</b> 1:1 2:9<br/>3:22 6:21</p> <p><b>DONALD</b> 1:18</p> <p><b>Duty</b> 1:9</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p><b>employed</b> 6:9,12</p> <p><b>employee</b> 6:11</p> <p><b>ERICK</b> 6:3,19</p> <p><b>expect</b> 4:14</p> <p><b>Expires</b> 6:22</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p><b>fact</b> 4:14</p> <p><b>Failed</b> 1:9,10</p> <p><b>filed</b> 2:12 4:8</p> <p><b>financially</b> 6:13</p> <p><b>first</b> 4:18</p> <p><b>foregoing</b> 6:4,5</p> <p><b>foregoing/<br/>attached</b> 7:7</p> <p><b>forward</b> 2:7</p> <p><b>Friday</b> 2:18</p> <p><b>fully</b> 4:14</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p><b>given</b> 6:8</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p><b>handle</b> 2:18</p> <p><b>hearing</b> 1:7,14<br/>2:20 3:6,7 4:9<br/>5:9,16 6:4</p> <p><b>hereby</b> 6:4 7:3</p> |
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