

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)
)
JH & YJ, Inc.)
t/a Fairfax Liquors)
)
Application for Renewal of a)
Retailer’s Class A License)
)
at premises)
3851 Pennsylvania Avenue, SE)
Washington, D.C. 20020)
)

Case No.: 21-PRO-00082
License No.: ABRA-078013
Order No.: 2022-030

JH & YJ, Inc., t/a Fairfax Liquors, Applicant

Tiffany L. Brown, Chairperson, Advisory Neighborhood Commission (ANC) 7B,
Protestant

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rafi Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

**ORDER ON SETTLEMENT AGREEMENT
AND WITHDRAWAL OF ANC 7B’S PROTEST**

The Application filed by JH & YJ, Inc., t/a Fairfax Liquors (Applicant), for Renewal of its Retailer’s Class A License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on November 15, 2021, and a Protest Status Hearing on January 12, 2022, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Alcoholic Beverage Control Board (Board) reflect that the Applicant and ANC 7B have entered into a Settlement Agreement (Agreement), dated January 18, 2022, that governs the operations of the Applicant’s establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Tiffany L. Brown, on behalf of ANC 7B, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 7B of this Application.

Accordingly, it is this 26th day of January 2022, **ORDERED** that:

1. The Application filed by JH & YJ, Inc., t/a Fairfax Liquors, for renewal of its Retailer's Class A License, located at 3851 Pennsylvania Avenue, SE, Washington, D.C., is **GRANTED**;
2. The Protest of ANC 7B in this matter is hereby **WITHDRAWN**;
3. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
4. This Settlement Agreement replace and supersede all previous Settlement Agreements between the Parties; and
5. Copies of this Order shall be sent to the Applicant and ANC 7B.

District of Columbia
Alcoholic Beverage Control Board

Assigned via BeamlessDoc.com
Donovan Anderson
Key: 3c42c66c5095f0e427306031acc38

Donovan Anderson, Chairperson

Assigned via BeamlessDoc.com
James Short
Key: 547c08756203c6c081633c0d2040e2

James Short, Member

Assigned via BeamlessDoc.com
Bobby Cato
Key: 255c0f6a1b6146c774b792097e1422c3

Bobby Cato, Member

Assigned via BeamlessDoc.com
Rafi Aliya Crockett, Member
Key: 420901640e1f900101250c12f912e

Rafi Crockett, Member

Assigned via BeamlessDoc.com
Jeni Hansen, Member
Key: 9272931722244740c5508c2a41857

Jeni Hansen, Member

Edward S. Grandis, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202-879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).



NAYLOR DUPONT
Advisory Neighborhood Commission 7B

SETTLEMENT AGREEMENT BY AND BETWEEN
ADVISORY NEIGHBORHOOD COMMISSION 7B

&

FAIRFAX LIQUORS

Pursuant to this Settlement Agreement, (“Agreement”), by and between ABRA-078013 Applicant: JH & YJ, Inc. Trade Name: Fairfax Liquors t/a (“Applicant”) and Advisory Neighborhood Commission 7B (“ANC7B”), effective as of the date of its adoption by ANC7B the parties hereby agree to be legally bound by the terms and conditions of this Agreement as it relates to its application for a Class “A” License (ABRA-078013) (“License”), now pending before the District of Columbia Alcoholic Beverage Regulatory Administration (“ABRA”), for conduct of business located at 3851 Pennsylvania Ave, S.E., Washington, DC 20020 (“Premises”).

WHEREAS, the premises is within the boundaries of the ANC7B, and,

WHEREAS Applicant and ANC7B wish to voluntarily and mutually memorialize the terms and conditions upon which ANC7B has agreed to support the Applicant's License, pursuant to the provisions of D.C. Code § 25-446, for the operation and maintenance of Applicant’s business in such a manner as to further promote the security, sanitation, peace, order and quiet of the neighborhood in a manner that ANC7B deems to be in the best interests of the neighborhood; and

WHEREAS ANC7B hereby supports the Applicant's License upon the agreement of Applicant to execute and abide by the terms and conditions hereof;

NOW, THEREFORE, the parties agree as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. **Nature of the Business.** The Applicant shall manage and operate at the address a place that is regularly used for the sale of alcohol. The applicant will operate a Retailer’s Class “A” license under the following provisions:

- a. The Applicant will comply with all laws and regulations governing the operations of the establishment;
 - b. The Applicant will not divide a manufacturer's package of more than one container of beer, malt liquor or ale to sell an individual container of the package if the capacity of the individual container is 70 ounces or less;
 - c. The Applicant will discourage the illegal public consumption of alcohol inside or around the immediate area and will participate in an ABC Board-approved course in alcoholic beverage sales management,
 - d. The Applicant will not sell or provide cups or single servings of ice; and,
 - e. The Applicant agrees to post this Settlement Agreement alongside the Applicant's ABC License.
3. **Hours of Operation and Sales.** The Applicant's hours of operation hours during which the sale of alcohol are permitted shall be as follows:
- Sunday through Saturday 7:00 am – 12:00 am
4. **Signage and Monitoring.** Applicant will strictly comply with D. C. Official Code and will use best efforts to prevent loitering, rowdiness, panhandling and criminal activity within the immediate area in front or on the side of the Establishment:
- a. Post a "No Loitering / Panhandling" sign on the outside of the establishment;
 - b. Posting a notice kept in good repair and visible from point of entry, a sign which states:
 - i. the minimum age requirement for purchase of alcohol;
 - ii. signage that requires children under 18 must be accompanied by a parent or adult; and,
 - iii. the obligation of the patron to produce a valid identification document in order to purchase alcohol;
 - c. Requesting loiterers to move on whenever they are observed outside of the establishment;
 - d. Calling MPD to report illegal activity within or immediately outside of the Premise;
 - e. Keeping a written record of dates and times when MPD is called for assistance. Applicant's log shall be provided to the Board upon request;
 - f.
5. **Trash Management and Maintenance.** Applicant will abide by the following conditions as it relates to trash management and maintain of the public space adjacent to the establishment:

- a. Applicant shall cooperate and permit inspection of the Premises, including but not limited to the trash storage area, as may be reasonable pursuant to District regulations or as may be reasonably requested by any authorized District of Columbia governmental entity.
 - b. Applicant will give landlord/management company prompt written notice of the necessity related to trash management and maintain of public space adjacent to the establishment.
6. ***Compliance with Agency Regulations.*** Applicant promises that is shall abide by ABRA, Department of Consumer and Regulatory Affairs (DCRA), DC Health and other applicable DC Agency regulations regarding (a) conduct of its business and (b) the ownership of the license and all other provisions applicable to liquor licenses.
7. ***Notice and Opportunity to Cure.*** In the event that any of the parties is in breach of their SA, it shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the SA. Unless the breach is of an emergency nature or is a repetition of a prior breach, reasonable notice and opportunity shall be provided for a cure within 10 calendar days of the date of such notice. If Applicant refuses or fails to commence the cure or diligently to pursue such cure within the 10-day period (or a breach which reasonably requires more than 10 days to cure), such refusal or failure shall constitute a cause for filing a complaint with the ABRA Board pursuant to D.C. Code § 25-447.
8. ***Cancellation of Previous Agreements.*** Except as otherwise explicitly provided herein, this Agreement shall have full force effect and shall constitute the agreement between the parties. This agreement may only be modified by written agreement of all the parties or their successors, or otherwise in accordance with law. This Agreement supersedes any and all previous Voluntary or Settlement Agreements with ANC7B.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

APPLICANT:

Name: Fairfax Liquor

E-mail: joungseo61@gmail.com

Joung-Hoon Seo, Owner

Signature:  Date: 1/15/22

ANC 7B:

Advisory Neighborhood Commission 7B

Washington, DC 20020

Email: 7B@anc.dc.gov

Tiffany L. Brown, Chairperson

Signature:  Date: 01-18-2022

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

JH & YJ, Inc.
t/a Fairfax Liquors

Application for Renewal of a
Retailer's Class A License

at premises
3851 Pennsylvania Avenue, S.E.
Washington, D.C. 20020

Case No. 12-PRO-00035
License No. ABRA-078013
Order No. 2012-370

JH & YJ, Inc., t/a Fairfax Liquors (Applicant)

Robert Jordan, Commissioner, on behalf of Advisory Neighborhood Commission (ANC)
7B

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

**ORDER ON VOLUNTARY AGREEMENT AND
WITHDRAWAL OF ANC 7B'S PROTEST**

The Application filed by JH & YJ, Inc., t/a Fairfax Liquors, for renewal of its Retailer's Class A License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on May 21, 2012 and a Protest Status Hearing on July 11, 2012, in accordance with D.C. Official Code § 25-601 (2001).

The Applicant and ANC 7B have entered into a Voluntary Agreement (Agreement), dated July 19, 2012, setting forth the terms and conditions that govern the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Commissioner Robert Jordan, on behalf of ANC 7B, are signatories to the Agreement.

JH & YJ, Inc.
t/a Fairfax Liquors
Case No. 12-PRO-00035
License No. ABRA-078013
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This Agreement constitutes a withdrawal of the Protest filed by ANC 7B of this Application.

Accordingly, it is this 28th day of September, 2012, **ORDERED** that:

1. The Application filed by JH & YJ, Inc., t/a Fairfax Liquors, for renewal of its Retailer's Class A License, located at 3851 Pennsylvania Avenue, S.E., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 7B in this matter is hereby **WITHDRAWN**;
3. The above-referenced Voluntary Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant and ANC 7B.

JH & YJ, Inc.
t/a Fairfax Liquors
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District of Columbia
Alcoholic Beverage Control Board



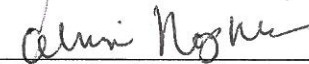
Ruthanne Miller, Chairperson



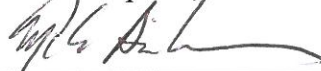
Nick Alberti, Member

Donald Brooks, Member

Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

Advisory Neighborhood Commission 7B

3851 Alabama Ave
Washington, DC 20020
Office: 202-584-3400
Fax: 202-584-3420
Email: anc7b@earthlink.net



VOLUNTARY AGREEMENT

Pursuant to the provisions of 23 D.C.M.R. §25-446, the parties hereto, JH & Y J, Inc. Trade Named Fairfax Liquors Inc. (the "Applicant") and Advisory Neighborhood Commission 7B, (the "ANC") enter into this Amended Voluntary Agreement this 19 day of July, 2012.

WITNESSETH

WHEREAS, Applicant's application for renewal of its Retailer's Class B License No. ABRA-078013 at its Safeway store located at 3851 Pennsylvania Ave SE, Washington, D.C. 20020 (the "Premises"), now pending before the District of Columbia Alcoholic Beverage Regulation Administration ("ABRA"); and,

WHEREAS, the Premises is within the boundaries of the ANC; and,

WHEREAS, the parties entered into a Voluntary Agreement dated May 16, 2002, and, desire to amend the Voluntary Agreement to govern certain understandings regarding the renewal of the Retailer's Class A License at the subject Premises;

NOW, THEREFORE, the parties agree as follows:

1. Applicant will take action reasonable and necessary to discourage loitering and panhandling

near the premises by:

A. Continue posting and maintaining "No Loitering" signs on the Premises. These signs will request customers not to contribute to panhandlers on the Premises.

B. Continue asking loiterers to "move on" whenever they are observed on the Premises; and,

C. Continue calling the Metropolitan Police Department (the "MPD") to enforce the "no loitering, policy on the Premises.

2. Applicant will continue to maintain human and/or electronic surveillance in its aisles in which beer and wine are displayed.

3. Applicant will continue not sell single containers of beer in any size.

4. The parties further agree that failure by the Applicant to adhere to the foregoing voluntary commitments would constitute grounds for the ANC 7B to petition the ABRA Board to issue a Notice to Show Cause Hearing as provided at 23 D.C.M.R. §25-447.

Advisory Neighborhood Commission 7B

3851 Alabama Ave
Washington, DC 20020
Office: 202-584-3400
Fax: 202-584-3420
Email: anc7b@earthlink.net



IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT: Fairfax Liquors	ADVISORY NEIGHBORHOOD COMMISSION 7B
Name: <u>Joung-hoon Seo</u>	Name: <u>Robert Jordan</u>
Signature: <u>[Handwritten Signature]</u>	Signature: <u>[Handwritten Signature]</u>
Date: <u>8-23-12</u>	Date: <u>08/23/2012</u>
Fairfax Liquors # ABRA-078013 (3851 Pennsylvania Ave SE.)	ADVISORY NEIGHBORHOOD COMMISSION 7B