

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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JH & YJ, Inc, :
t/a Fairfax Liquor :
3851 Pennsylvania Ave., S.E. : Protest
Retailer A - ANC 7B : Hearing
License No. 78013 :
Case #21-PRO-00082 :
 :
(Application for a License :
Renewal) :
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Wednesday
January 12, 2022

The Alcoholic Beverage Control Board
met via Videoconference, Chairperson Donovan W.
Anderson presiding.

PRESENT:
DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member

ALSO PRESENT:

SARAH FASHBAUGH, DC ABRA Staff
TIFFANY BROWN
KYUNGHWAN LEE, Licensee

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

2 CHAIRPERSON ANDERSON: The next case
3 on our calendar is Case Number 21-PRO-00082,
4 Fairfax Liquor, License Number 78013.

5 Now, Ms. Fashbaugh, could you please
6 elevate the rights of the parties in this case,
7 please.

8 MS. FASHBAUGH: One moment. Kyunghwan
9 Lee, your rights have been elevated. And Tiffany
10 Brown, I'm unable to elevate you, but I'm
11 unmuting you.

12 MS. BROWN: Okay.

13 MS. FASHBAUGH: That is all, Mr.
14 Chair.

15 CHAIRPERSON ANDERSON: Thank you. All
16 right. I just -- I just wanted to -- is Ms.
17 Brown -- Ms. Brown, are you -- could the parties
18 please identify themselves on the record. Let's
19 start with the licensee.

20 Mr. Lee, you're on mute. I cannot
21 hear you, sir.

22 (Pause.)

23 CHAIRPERSON ANDERSON: I still cannot
24 hear you. Mr. -- no, I cannot hear you, Mr. Lee.
25 Say something, Mr. Lee.

1 (Pause.)

2 CHAIRPERSON ANDERSON: I still cannot
3 hear you.

4 Ms. Fashbaugh, did you unmute him, or
5 is it that he's having technical issues?

6 MS. FASHBAUGH: He's unmuted.

7 CHAIRPERSON ANDERSON: Okay. No, Mr.
8 Lee. Why don't you sign off, Mr. Lee, and come
9 back on, please.

10 Ms. Brown, I believe you can -- can
11 you put your microphone on mute, please.

12

13 (Pause.)

14 MS. FASHBAUGH: Kyunghwan Lee, I
15 elevated your rights, and Tiffany Brown, I'm
16 unmuting you.

17 MR. LEE: Hello?

18 CHAIRPERSON ANDERSON: Yes, Mr. Lee?

19 MR. LEE: You can hear me now?

20 CHAIRPERSON ANDERSON: Yes, sir.

21 MR. LEE: Awesome.

22 CHAIRPERSON ANDERSON: I can hear you.
23 Can you please spell and state your name for the
24 record, please.

25 MR. LEE: Yes. My name is Kyunghwan

1 Lee, K-Y-U-N-G-H-W-A-N, last name, L-E-E. I
2 represent for Fairfax Liquors.

3 CHAIRPERSON ANDERSON: Good morning,
4 Mr. Lee. Is your client going to be online
5 today?

6 MR. LEE: No, he's not here. He had
7 a surgery. Yeah.

8 CHAIRPERSON ANDERSON: All right.
9 Thank you.

10 Ms. Brown, can you please spell and
11 state your name for the record, please.

12 MS. BROWN: Sure. Tiffany L. Brown.
13 T-I-F-F-A-N-Y, middle initial L, last name,
14 Brown, B-R-O-W-N.

15 CHAIRPERSON ANDERSON: Thank you, Ms.
16 Brown. I -- all right. I just want to state for
17 the record that this is -- this matter has been
18 protested by ANC7B.

19 Prior to joining the Board, or soon
20 after the joining the Board, I was an ANC
21 representative, and I actually represented
22 ANC7B06, where Fairfax Liquor is a licensed
23 establishment in the ANC that I represented.

24 But however -- and I -- Ms. Brown is
25 the chair of the ANC, and I know Ms. Brown.

1 However, although this establishment was in the
2 single-member district that I represented and
3 that over four years ago, I do not believe I did
4 not have -- as the ANC representative, I did not
5 file a protest.

6 And four years later, I do not believe
7 that because this establishment was in the ANC
8 that I represented -- the single-member district
9 that I represent, that this will in any way
10 influence my decision.

11 I believe that I'm able to make a
12 decision without any bias and being impartial to
13 the parties. I just want to place that on the
14 record. Thank you. I appreciate it.

15 MEMBER SHORT: Mr. Chair?

16 CHAIRPERSON ANDERSON: Yes, Mr. Short?

17 MEMBER SHORT: I'd also like to
18 acknowledge that I live in that ANC District 7B
19 and that it will have no bearing on my decision-
20 making involved in this case.

21 CHAIRPERSON ANDERSON: All right.

22 Thank you, Mr. Short, for that representation.

23 All right. Are there any preliminary
24 matters in this case?

25 MR. LEE: Yeah, I believe that we

1 almost are finalizing the -- finalized the status
2 of settlement agreement. So that's what I
3 believe, and we just talked yesterday, and I'll
4 just wait for finalize -- the settlement to be
5 signed.

6 CHAIRPERSON ANDERSON: Thank you.

7 MS. BROWN: Sir, that is correct.

8 That's correct.

9 CHAIRPERSON ANDERSON: All right.

10 Thank you, Ms. Brown. I don't -- based on the --
11 based on what I'm hearing from the parties, it's
12 not apparent that we're going to have the
13 hearing.

14 However, as I stated before with this
15 matter, if we go to a hearing, we'll have a
16 hearing on February 16, 2022. If either party
17 have any questions, please feel free to reach out
18 to Ms. Imani Moreland. Her phone number is 202-
19 442-6942.

20 And as I have stated previously, the
21 Board supports settlement agreement if the
22 parties are able to agree to a settlement
23 agreement because this is their -- this is the
24 neighborhood that the Applicant and the ANC
25 resides in. And so we would support that.

1 So if there are no other issues, I
2 look forward to seeing the settlement agreement
3 that the Board would review for consideration,
4 and good luck in your continued communication.
5 Any comments before I bring this to closure?

6 MR. LEE: We don't have any.

7 MS. BROWN: None.

8 CHAIRPERSON ANDERSON: All right. All
9 right. Thank you, Mr. Lee, and thank you, Ms.
10 Brown. Have a great day.

11 MS. BROWN: Thank you.

12 CHAIRPERSON ANDERSON: Thank you.

13 MR. LEE: Thank you very much. Bye.

14 (Whereupon, the above-entitled matter
15 went off the record.)
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<p style="text-align: center;">A</p> <p>able 5:11 6:22 above-entitled 7:14 ABRA 1:21 acknowledge 5:18 ago 5:3 agree 6:22 agreement 6:2,21,23 7:2 Alcoholic 1:2,13 ALIYA 1:18 ANC 1:7 4:20,23,25 5:4 5:7,18 6:24 ANC7B 4:18 ANC7B06 4:22 Anderson 1:14,17 2:2 2:15,23 3:2,7,18,20 3:22 4:3,8,15 5:16,21 6:6,9 7:8,12 apparent 6:12 Applicant 6:24 Application 1:9 appreciate 5:14 Ave 1:7 Awesome 3:21</p> <hr/> <p style="text-align: center;">B</p> <p>B-R-O-W-N 4:14 back 3:9 based 6:10,11 bearing 5:19 believe 3:10 5:3,6,11,25 6:3 Beverage 1:2,13 bias 5:12 Board 1:2,13 4:19,20 6:21 7:3 BOBBY 1:17 bring 7:5 Brown 1:22 2:10,12,17 2:17 3:10,15 4:10,12 4:12,14,16,24,25 6:7 6:10 7:7,10,11 Bye 7:13</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:3 case 1:8 2:2,3,6 5:20,24 CATO 1:17 chair 2:14 4:25 5:15 Chairperson 1:14,17 2:2,15,23 3:2,7,18,20 3:22 4:3,8,15 5:16,21 6:6,9 7:8,12 client 4:4 closure 7:5 COLUMBIA 1:1 come 3:8</p>	<p>comments 7:5 communication 7:4 consideration 7:3 continued 7:4 Control 1:2,13 correct 6:7,8 CROCKETT 1:18</p> <hr/> <p style="text-align: center;">D</p> <p>day 7:10 DC 1:21 decision 5:10,12 decision- 5:19 district 1:1 5:2,8,18 Donovan 1:14,17</p> <hr/> <p style="text-align: center;">E</p> <p>EDWARD 1:18 either 6:16 elevate 2:6,10 elevated 2:9 3:15 establishment 4:23 5:1 5:7</p> <hr/> <p style="text-align: center;">F</p> <p>Fairfax 1:6 2:4 4:2,22 Fashbaugh 1:21 2:5,8 2:13 3:4,6,14 February 6:16 feel 6:17 file 5:5 finalize 6:4 finalized 6:1 finalizing 6:1 forward 7:2 four 5:3,6 free 6:17</p> <hr/> <p style="text-align: center;">G</p> <p>GRANDIS 1:18</p> <hr/> <p style="text-align: center;">H</p> <p>HANSEN 1:19 hear 2:21,24,24 3:3,19 3:22 hearing 1:7 6:11,13,15 6:16 Hello 3:17</p> <hr/> <p style="text-align: center;">I</p> <p>identify 2:18 Imani 6:18 impartial 5:12 influence 5:10 initial 4:13 involved 5:20 issues 3:5 7:1</p>	<p style="text-align: center;">J</p> <p>JAMES 1:19 January 1:12 JENI 1:19 JH 1:6 joining 4:19,20 JR 1:17,19</p> <hr/> <p style="text-align: center;">K</p> <p>K-Y-U-N-G-H-W-A-N 4:1 Kyunghwan 1:23 2:8 3:14,25</p> <hr/> <p style="text-align: center;">L</p> <p>L 4:12,13 L-E-E 4:1 Lee 1:23 2:9,20,24,25 3:8,8,14,17,18,19,21 3:25 4:1,4,6 5:25 7:6 7:9,13 Let's 2:18 License 1:8,9 2:4 licensed 4:22 licensee 1:23 2:19 Liquor 1:6 2:4 4:22 Liquors 4:2 live 5:18 look 7:2 luck 7:4</p> <hr/> <p style="text-align: center;">M</p> <p>making 5:20 matter 1:5 4:17 6:15 7:14 matters 5:24 MEETING 1:3 Member 1:17,18,18,19 1:19 5:15,17 met 1:14 microphone 3:11 middle 4:13 moment 2:8 Moreland 6:18 morning 4:3 mute 2:20 3:11</p> <hr/> <p style="text-align: center;">N</p> <p>name 3:23,25 4:1,11,13 neighborhood 6:24 number 2:3,4 6:18</p> <hr/> <p style="text-align: center;">O</p> <p>online 4:4</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S</p>	<p>2:1 parties 2:6,17 5:13 6:11 6:22 party 6:16 Pause 2:22 3:1,13 Pennsylvania 1:7 phone 6:18 place 5:13 please 2:5,7,18 3:9,11 3:23,24 4:10,11 6:17 preliminary 5:23 PRESENT 1:16,20 presiding 1:14 previously 6:20 Prior 4:19 protest 1:7 5:5 protested 4:18 put 3:11</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 6:17</p> <hr/> <p style="text-align: center;">R</p> <p>RAFI 1:18 reach 6:17 record 2:18 3:24 4:11 4:17 5:14 7:15 Renewal 1:10 represent 4:2 5:9 representation 5:22 representative 4:21 5:4 represented 4:21,23 5:2,8 resides 6:25 Retailer 1:7 review 7:3 rights 2:6,9 3:15</p> <hr/> <p style="text-align: center;">S</p> <p>S 1:18 S.E 1:7 SARAH 1:21 seeing 7:2 settlement 6:2,4,21,22 7:2 Short 1:19 5:15,16,17 5:22 sign 3:8 signed 6:5 single-member 5:2,8 sir 2:21 3:20 6:7 soon 4:19 spell 3:23 4:10 Staff 1:21 start 2:19 state 3:23 4:11,16 stated 6:14,20 status 6:1</p>
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Fairfax Liquor

Before: DCABRA

Date: 01-12-22

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

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