THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:		
Jin Woo Her t/a Fairmont Market		
Holder of a Retailer's Class B License	License No. Order No.	ABRA-077898 2012-159
at premises 2628 11th Street, N.W. Washington, D.C. 20001		

Jin Woo Her, t/a Fairmont Market (Licensee)

Juan Lopez, Chairperson, Advisory Neighborhood Commission (ANC) 1B

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

ORDER ON VOLUNTARY AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Jin Woo Her, t/a Fairmont Market (Licensee), and ANC 1B have entered into a Voluntary Agreement (Agreement), dated November 22, 2011, that governs the operation of the Licensee's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Juan Lopez, on behalf of ANC 1B, are signatories to the Agreement.

Accordingly, it is this 25th day of April, 2012, **ORDERED** that:

1. The above-referenced Voluntary Agreements submitted by the parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modifications:

   Section 1 (Hours) – The following language shall be removed: "Any change in operating hours will constitute a substantial change to this license."

   Section 3 (Loitering) – The following sentence shall be modified to read as follows: "This log will be made available to the Board upon request."

The parties have agreed to these modifications.

2. Copies of this Order shall be sent to the Licensee and ANC 1B.

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

Jeannette Mobley, Member

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

VOLUNTARY AGREEMENT
CONCERNING CHANGES TO LICENSE

Made the 22 day of November, 2011 by and between Fairmont Market at 2628 11th Street NW (hereinafter "Applicant"), and ANC 1B (hereinafter "Protestants").

WHEREAS. Applicant filed with the District of Columbia Alcoholic Beverage Control (ABC) Board (hereinafter" the Board") a request for the issuance of a Retailer's License Class B premises for 2628 11th Street NW; and,

WHEREAS, the parties subsequently have negotiated in an effort to address potential issues and/or concerns with regard to the issuance of the license based upon other applications in the area; and.

WHEREAS, the parties desire to enter into a voluntary agreement, pursuant to DC Official Code Section 25-446 (2001 ed.), commemorating their agreements;

NOW, THEREFORE, the parties agree as follows:

1. **Hours**: Applicant's hours of operation will be Sunday – Saturday, 8:30 am – 9:00 pm. Applicant agrees that the establishment will be shut down and completely vacated, except for routine maintenance and clean-up, by closing time each night. Applicant agrees that there will be no after-hours activities in the establishment. Any change in operating hours will constitute a substantial change to this license.
2. **Trash Removal/Rodents**: Applicant will strictly adhere to required and/or voluntary recycling of bottles and cans. Applicant will police the immediate environs of its premises daily and make its best efforts to keep said area clean of trash and debris. Applicant shall deposit trash and garbage only in rodent-proof dumpsters and shall see that dumpster covers fit properly and remain fully closed except for such times when trash and garbage is being added or removed. Applicant will make every reasonable effort to eliminate accessible food sources for rodents.
3. **Loitering**: Applicant shall actively seek to prevent person(s) from congregating in and around its immediate premises by: (a) posting clearly visible "No Loitering" signs (lettering no less than five (5) inches) on the interior and exterior of its premises and by asking loiterers to leave; (b) contacting the Metropolitan Police Department (MPD) when necessary to ask for support in dispersing loiterers and maintaining order. Applicant shall maintain a log of its calls to MPD with the date, time, and nature of the call. This log will be made available to Protestant upon request.
4. **Maintenance/Graffiti**: Applicant shall maintain the property in a reasonable condition that does not detract from the adjacent residential community. Applicant shall clean windows on a regular basis. Applicant shall, at its own expense, expeditiously remove or paint over graffiti on its immediate premises.

5. **Incorporation**: The terms of this Voluntary Agreement in its entirety shall become effective upon ratification of this agreement by the District of Columbia Alcoholic Beverage Control Board. The parties request that the text of this Agreement be incorporated in an order of the Board granting Applicant's request for issuance of its Retailer's license Class B.

Applicant acknowledges that failure to adhere to the restrictions recited in paragraphs 1 through 5, inclusive, above, will constitute grounds for the designated representative protestants, whose signatures are affixed hereunto, to petition the Board for issuance of an Order to Show Cause, pursuant to DC Official Code Section 25-447 (2001 ed.), to ascertain Applicant's compliance with the terms of this Agreement and/or if necessary to obtain compliance with these terms . Prior to so petitioning, however, the Designated representative protestants shall notify Applicant of any perceived violations and afford Applicant a minimum of fourteen (14) calendar days in which to address or rectify the perceived violation.

In further consideration of, and reliance upon the forgoing commitments by Protestants, the Applicant hereby request that its Application for Issuance of its Class B Retailer's License be issued.

In WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first above written.

PROTESTANTS,

THROUGH THEIR DESIGNATED REPRESENTATIVE PROTESTANTS:

By: _____
ANC 1B Chairman

APPLICANT

By: _____ (owner)