

**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.

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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 The Protest of ANC 7B in this matter is hereby **WITHDRAWN**;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.

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District of Columbia
Alcoholic Beverage Control Board



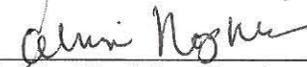
Ruthanne Miller, Chairperson



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

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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>Young-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