

PETITION TO FINE, SUSPEND, OR * BEFORE THE ALCOHOLIC
 REVOKE THE ALCOHOLIC *
 BEVERAGE LICENSE OF MI WON LEE * BEVERAGE HEARING BOARD
 ON BEHALF OF HANYU, INC., t/a *
 A MUSE * FOR
 *
 * HOWARD COUNTY, MARYLAND
 *
 * Case No.: 16-49-V

DECISION AND ORDER

The Board of License Commissioners for Howard County, Maryland (the “Liquor Board”), pursuant to Rule 1.02(A) of the Liquor Board Rules and Regulations, has delegated the authority to hear and decide cases to the Alcoholic Beverage Hearing Board for Howard County, Maryland (the “Hearing Board”). This Proposed Decision and Order shall take effect immediately in accord with Rule 7.05(C), and shall become Final, as provided in Rule 6.13.

On September 13, 2016, and continued on November 8, 2016, the Hearing Board heard the Petition of Howard County, Maryland and Detective Mark Baxter, Alcoholic Beverage Inspector (collectively “Petitioners”), to Fine, Suspend, or Revoke the Class B Beer, Wine, and Liquor 7-day on-sale license of Mi Won Lee (“Licensee”), held on behalf of Hanyu, Inc., t/a A Muse, located at 8801 Baltimore National Pike, Suite 17, Ellicott City, Maryland 21043. The Petitioners were represented by David Moore, Senior Assistant County Solicitor. The Licensee was represented by Thomas M. Meachum, Esquire.

The following documents were presented to the Hearing Board and entered into the record: the Petition; a letter dated October 25, 2016, from the Liquor Board Administrator to the attorney for the Licensee, advising of the continuation date of November 8, 2016; a letter dated June 29, 2016, from the Liquor Board Administrator, to the attorney for the Licensee,

rescheduling the hearing date to September 13, 2016; a letter dated June 28, 2016 from the Liquor Board Administrator, to the attorney for the Licensee, approving the postponement request of the Licensee; a letter dated June 9, 2016, from the Liquor Board Administrator to the Licensee, scheduling the hearing for June 28, 2016, and enclosing the Petition to Fine, Suspend or Revoke the alcoholic beverage license of Mi Won Lee held on behalf of Hanyu, Inc., t/a A Muse; a letter dated June 27, 2016, from the attorney for the Licensee to the Liquor Board notifying the Board of his representation, and requesting a postponement; and an email dated August 30, 2016, from the Alcoholic Beverage Inspector stating that the property had been posted.

STIPULATIONS

The Licensee agreed to stipulate to the allegations of the Petition, except paragraph eight, section six, which was struck by consent. The allegations of the Petition include the following:

1. On or before May 1, 2015, the Respondent applied for and received a Class B Beer, Wine, and Liquor 7-day on-sale license for Hanyu, Inc., t/a A Muse (“A Muse”), located at 8801 Baltimore National Pike, Suite 17, Ellicott City, Maryland 21043. A Muse is located in Howard County, and is subject to the jurisdiction of the Board of License Commissioners for Howard County.
2. At all times relevant to these proceedings, the Licensee was responsible for the operation of A Muse, and responsible for ensuring compliance with all local and State laws concerning the distribution, sale, and transfer of alcoholic beverages to members of the public.

3. On January 20, 2016, Detective Mark Baxter was advised by the Liquor Board Administrator, Denise King, that the Health Department notified her that a licensed establishment, A Muse, had changed ownership, and changed its name to “K Pocha”.
4. On March 2, 2016, Detective Baxter drove by the location and observed a new sign on the façade displaying “K Pocha”, and observed the establishment was open for business.
5. Detective Baxter contacted Denise King to determine whether she had received a transfer application, management agreement, or notification of trade name change from either A Muse or K Pocha. Ms. King indicated that she had not.
6. The Respondent committed the following violations:
 1. Liquor Board Rule 2.03 – Updated Application;
 2. Liquor Board Rule 4.04 – Compliance with Laws and Regulations;
 3. Liquor Board Rule 4.07 – Trade Name;
 4. Liquor Board Rule 4.08 – Licensee’s Responsibility; and
 5. Liquor Board Rule 5.07 – Acts Contrary to Law

SUMMARY OF TESTIMONY

Hey Park, was sworn in as a Korean interpreter.

Mi Won Lee, Licensee for Hanyu, Inc., t/a A Muse, was sworn and testified that she was the sole licensee for three years, and never had any violations. Ms. Lee testified that she sold the business in November 2015. Ms. Lee testified that she did not file a management agreement with the buyer, because she thought they were taking care of it.

Ms. Lee testified that she received the notice of the petition in June, and that she did not know that the buyer had changed the sign. She contacted the buyer, and they told her they

would take care of everything. Ms. Lee testified that she relied on them to take care of the problem.

Ms. Lee testified that she was previously the sole owner involved in the day to day operations of the restaurant, but that after the sale of the business, she no longer worked there. Ms. Lee testified that she stopped in once or twice a week. Ms. Lee testified that they had a verbal agreement, and that she was trying to help them.

Ms. Lee testified that the business sold in November, and she was paid part of the money then. Ms. Lee testified that she will get the rest of the money, in five years, based on a promissory note.

The Hearing Board held the record open until November 13, 2016, so that the Licensee could provide a copy of the Asset Purchase Agreement, and a copy of the Confessed Judgement Promissory Note, documents related to the sale of the business. The documents were provided prior to the November 13 hearing where no additional testimony or evidence was presented.

Based on the evidence presented, the Board of License Commissioners makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Hearing Board finds that Mi Won Lee is a Licensee on behalf of Hanyu, Inc., t/a A Muse, a Class B Beer, Wine, and Liquor 7-day on-sale license located at 8801 Baltimore National Pike, Suite 17, Ellicott City, Maryland 21043.
2. The Hearing Board finds that the Licensee allowed the trade name of the licensed establishment to be changed without notifying the Liquor Board.
3. The Hearing Board finds that the Licensee has violated the following provisions of the Rules and Regulations of the Liquor Board:

- a. Liquor Board Rule 2.03 – Updating Application
 - b. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
 - c. Liquor Board Rule 4.07 – Trade Name
 - d. Liquor Board Rule 4.08 – Licensee’s Responsibility; and
 - e. Liquor Board Rule 5.07 – Acts Contrary to Law
4. The Hearing Board finds that it is not necessary to revoke the liquor license, but in order to ensure compliance with the law and Rules and Regulations, it is necessary to impose a fine in the amount of One Hundred Dollars, (\$100.00), and a fee of Two Hundred Sixty Dollars (\$260.00), for the cost of the hearing as provided by Rule 7.05(B), for a total of Three Hundred Sixty Dollars (\$360.00).

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Mi Won Lee is a Licensee on behalf of Hanyu, Inc., t/a A Muse, a Class B Beer, Wine, and Liquor 7-day on-sale license located at 8801 Baltimore National Pike, Suite 17, Ellicott City, Maryland 21043.
2. The Hearing Board concludes that the Licensee has violated the following provisions of the Rules and Regulations of the Liquor Board:
 - a. Liquor Board Rule 2.03 – Updating Application
 - b. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
 - c. Liquor Board Rule 4.07 – Trade Name
 - d. Liquor Board Rule 4.08 – Licensee’s Responsibility; and
 - e. Liquor Board Rule 5.07 – Acts Contrary to Law
3. The Hearing Board concludes that it is not necessary to revoke the liquor license, but in order to ensure compliance with the law and Rules and Regulations, it is necessary to impose a fine in the amount of One Hundred Dollars, (\$100.00), and a fee of Two

Hundred Sixty Dollars (\$260.00), for the cost of the hearing as provided by Rule 7.05(B), for a total of Three Hundred Sixty Dollars (\$360.00).

ORDER

For the foregoing reasons, and upon finding a violation of Rules 2.03, 4.04, 4.07, 4.08, and 5.07 of the Liquor Board's Rules and Regulations, it is this 15th day of

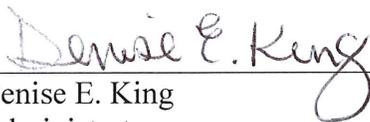
November, 2016, by the Alcoholic Beverage Hearing Board for Howard County,

Maryland, **ORDERED:**

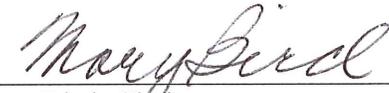
1. That a **FINE** in the amount of **One Hundred Dollars, (\$100.00)**, for violation of Rules 2.03, 4.04, 4.07, 4.08, and 5.07 of the Liquor Board's Rules and Regulations, and a **Fee of Two Hundred Sixty Dollars (\$260.00)**, for a total of **Three Hundred Sixty Dollars (\$360.00)**, is **HEREBY IMPOSED** upon Mi Won Lee, Licensee on behalf of Hanyu, Inc., t/a A Muse, a Class B Beer, Wine, and Liquor 7-day on-sale license located at 8801 Baltimore National Pike, Suite 17, Ellicott City, Maryland 21043, and **SHALL BE PAID NO LATER THAN DECEMBER 31, 2016.**

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator



Mary Bird, Chairperson

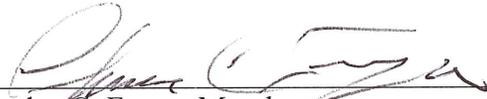
REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR

Heather Gaetano, Vice-Chairperson

RECUSED
Charley C. Sung, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Charles C. Feaga, Member

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER MAY APPEAL THE
DECISION TO THE LIQUOR BOARD WITHIN TEN DAYS OF THE DATE OF THE
DECISION, IN ACCORD WITH RULE 6.14 OF THE RULES AND REGULATIONS OF
THE LIQUOR BOARD.