

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF LEO JOHN LEILICH	*	
AND ANAL SONI SUNKARA ON	*	BEVERAGE HEARING BOARD
BEHALF OF AMRUT SPIRITS, LLC,	*	
t/a ST. JOHN'S LIQUORS, FOR A	*	FOR
TRANSFER OF A CLASS A-1 BEER,	*	
WINE, AND LIQUOR 7-DAY OFF-SALE	*	HOWARD COUNTY, MARYLAND
LICENSE	*	
	*	Case No. 15-40
	*	

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**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").

On May 19, 2015, June 23, 2015 and July 14, 2015, the Hearing Board considered the application of Leo John Leilich and Anal Soni Sunkara ("Applicants"), on behalf of Amrut Spirits, LLC, t/a St. John's Liquors ("Amrut Spirits, LLC"), for a transfer of the Class A-1 Beer, Wine, and Liquor 7-day off-sale license, currently held by Jung Yeon Choi and Matthew S. Park on behalf of St. John's Liquors, Inc., t/a St. John's Liquors, for a 2,300 square foot package goods store located at 9150 Baltimore National Pike, Ellicott City, Maryland 21043. The application was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Thomas M. Meachum, Esquire. There were Protestants who appeared in opposition to the application.

All the documents on file were incorporated into the record by reference. These include the following: an email dated April 24, 2015, from the Applicants' attorney supplying information regarding one of the Applicants; a letter dated March 11, 2015, from the Applicants' attorney enclosing the application; a copy of the background investigation questionnaires from the applicants; a copy of the driving record for Anal Soni Sunkara from the Maryland Motor Vehicle Administration; a copy of the United States Permanent Resident card for Anal Soni Sunkara; a copy of the Articles of Organization of Amrut Spirits, LLC; a copy of a letter of acceptance of the Articles of Organization of Amrut Spirits, LLC dated December 29, 2014, from the State of Maryland Department of Assessments and Taxation; a copy of the floor plan; a copy of two alcohol awareness certificates for the Applicants; a memorandum dated April 22, 2015, from the Liquor Board to the Alcoholic Beverage Inspector, the Department of Inspections, Licenses, and Permits, the Bureau of Environmental Health, the Department of Planning and Zoning, and the Fire Marshal; the background investigations of the Applicants by the Alcoholic Beverage Inspector dated May 13, 2015; a memorandum dated May 12, 2015, from the Department of Planning and Zoning; a letter dated May 8, 2015, from the Office of the Fire Marshal; a letter dated April 22, 2015, to the Department of Finance; a letter dated April 27, 2015, from the Department of Finance; a letter dated April 15, 2015, to the Comptroller of Maryland; a letter dated May 14, 2015, from the Comptroller of Maryland; a fax transmission to the Applicants' attorney with a letter dated April 15, 2015, regarding notification of the hearing date and the necessity to advertise; an email dated May 5, 2015, from the Alcoholic Beverage Inspector stating the property had been posted; a letter dated May 1, 2015 from the attorney who represents Republic National Distributing Company, LLC, stating St. John's Liquors owes them money; a letter dated May 14, 2015, from the Applicants'

attorney enclosing certification of advertisement from the Baltimore Sun and the Howard County Times.

### **PROCEDURAL HISTORY**

At the close of the record on May 19, 2015, the Hearing Board engaged in deliberations that resulted in a vote of 2 to 2 in favor of granting the application. Because the absence of the fifth Hearing Board member resulted in a lack of the majority of the Board's authorized membership necessary to take action as required by MD CODE ANN., ART. 2B § 15-107.1(e)(2)(ii), Applicants requested that the Hearing Board continue the matter to a later time so that the fifth member could participate. The Hearing Board gave leave to Applicants to file a written request to that effect, which the Applicants did in a May 21, 2015 Motion to Reopen Work Session. Subsequently, on May 28, 2015, Mr. Frick, by his counsel Robert J. Kresslein, filed an Opposition to Applicant's Motion.

In a work session held at the public hearing on June 23, 2015, the Board relied on Rules 6.09(H) and 6.13(b) to request that Board member Charles Feaga, who was absent at the May 19, 2015 hearing, participate in deciding the application. Mr. Feaga consented to participate and the matter was set in for a work session at the public hearing on July 14, 2015. At that hearing, Mr. Feaga certified for the record that he had listened to the audio recording of the May 19, 2015 hearing. The full Board then renewed its deliberations on the application. No additional testimony was accepted at the June 23 or July 14 work sessions.

### **SUMMARY OF TESTIMONY**

Anal Sunkara, Managing Member and 90% shareholder of Amrut Spirits, LLC, t/a St. John's Liquors, was sworn and testified that he and his wife were interested in moving to Howard County, so he looked for a package goods store in the area. Mr. Sunkara testified that

he was also looking for a store that was anchored by a grocery store, and was located in an area with other successful businesses. Mr. Sunkara testified that they also looked at locations in Anne Arundel County and Prince George's County, but that safety was another factor that was important to him. Mr. Sunkara testified that a commercial broker informed him about St. John's Liquors in June 2014, and he began negotiations, and signed a contract in November 2014.

Mr. Sunkara testified that he is a 50% owner of a package goods store in Washington, D.C., and that if the Hearing Board determines it is a problem, he will divest his interest in the business. He stated that he has experience operating that liquor store, including making purchases. He stated that he thought his proposed business would be successful because the shopping center was thriving and the other tenants, including a restaurant, bank, and pharmacy, would help drive traffic to his store.

Mr. Sunkara testified that he will initially be at the store daily, and that when he is able to hire a good manager, he will reduce his hours. Mr. Sunkara testified that he will not be an absentee owner. Mr. Sunkara testified that he is alcohol awareness certified, and is familiar with the Board's Rules and Regulations governing the sale of alcoholic beverages. Mr. Sunkara testified that he will have two full-time employees, and one part-time employee, and that they will be required to be alcohol awareness certified. Mr. Sunkara testified that he has written policies for the store. Mr. Sunkara testified that their hours of operation will be 10:00 A.M. to 10:00 P.M. every day.

With regards to outstanding State taxes by the existing licensee, Mr. Sunkara testified that he understands that all taxes and debts to distributors must be paid before the transfer can take place.

Leo Leilich, member and 10% shareholder of Amrut Spirits, LLC, t/a St. John's Liquors, was sworn and testified that he has been a resident of Howard County for 34 years, is a registered voter, and is alcohol awareness certified. Mr. Leilich testified that he has prior experience in the alcoholic beverage business, as he worked at a package goods store as an assistant manager and cashier for seven years. In addition, he testified that he worked for Bacardi Imports for ten years. Mr. Leilich testified that he will work at the store as a compliance officer to ensure that the operation is being run properly. Mr. Leilich testified that he plans to be at the store approximately three hours per week. Mr. Leilich testified that they plan to bring in a bookkeeper who is good with tax problems. Mr. Leilich testified that it would be a convenience to have a liquor store in the same shopping center as the grocery store.

#### **PROTESTANTS TESTIMONY**

Frank Frick, owner of Village Green Spirit Shop, was sworn and testified in opposition to the application. Mr. Frick testified that he has 41 years of experience in the alcoholic beverage industry. Mr. Frick testified that he opposes the application because he believes there is no need for the store. Mr. Frick testified that the store has been closed since February, and it has not rendered a hardship for customers. Mr. Frick testified that there are six package goods stores within 3.6 miles. Mr. Frick testified that an over-abundance of stores leads to problems. Mr. Frick testified that the amount of business that he has received since the previous store closed has not changed. Mr. Frick testified that all of the licensees on the Rt. 40 corridor spend approximately 70 to 90 hours per week in their stores, and are there seven days per week. Mr. Frick testified that there is no need for this store. He stated that when 9150 Baltimore National Pike was first licensed, it drove another liquor store out of business.

Franc Miller was sworn and testified that he is opposing the application because there is no need for another package goods store. Mr. Miller testified that the previous (existing) license should have been revoked, not suspended.

The following Protestant's Exhibit was entered into the record:

Exhibit #1 – Mr. Miller's testimony and a hand-drawn map of liquor stores on Route 40.

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicants waived their right to request the Liquor Board to hear the case.

### **FINDINGS OF FACT**

In making the following Findings of Fact, the Board considered all the elements required by MD CODE ANN., ART. 2B § 10-202: public need, the number and location of existing licenses and the potential effect on those licensees of the license applied for, the potential uniqueness of the services offered by the proposed licensee, the impact of the proposed license on the public health and safety, and other factors determined pertinent by the Board, such as the effect of competition on consumer choice.

1. The Hearing Board finds that Leo John Leilich and Anal Soni Sunkara on behalf of Amrut Spirits, LLC, t/a St. John's Liquors, have applied for a transfer of the Class A-1 Beer, Wine, and Liquor 7-day off-sale license, currently held by Jung Yeon Choi and Matthew S. Park on behalf of St. Johns Liquors, Inc., t/a St. John's Liquors, for a 2,300 square foot package goods store located at 9150 Baltimore National Pike, Ellicott City, Maryland 21043.

2. The Hearing Board finds that the Applicants are fit and proper persons to hold an alcoholic beverage license.

3. The Hearing Board finds that Leo John Leilich has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Amrut Spirits, LLC, t/a St. John's Liquors.

4. The Hearing Board finds that insufficient information was in the record to make any determination about the potential effect on other licenses of the license applied for, but notes that this is an application for a transfer of a license originally issued in 2009.

5. The Hearing Board finds that the granting of the application is necessary for the accommodation of the public.

6. Based on the utter lack of evidence to the contrary, and the fact that the application is for a transfer of an existing license, the Hearing Board finds that the granting of this application will not unduly disturb the peace and safety of the residents in the neighborhood.

#### **CONCLUSIONS OF LAW**

1. The Hearing Board concludes that Leo John Leilich and Anal Soni Sunkara on behalf of Amrut Spirits, LLC, t/a St. John's Liquors, have applied for a transfer of the Class A-1 Beer, Wine, and Liquor 7-day off-sale license, currently held by Jung Yeon Choi and Matthew S. Park on behalf of St. Johns Liquors, Inc., t/a St. John's Liquors, for a 2,300 square foot package goods store located at 9150 Baltimore National Pike, Ellicott City, Maryland 21043.

2. The Hearing Board concludes that the Applicants are fit and proper persons to hold an alcoholic beverage license.

3. The Hearing Board concludes that Leo John Leilich meets the requirements of Rules 1.09(T), 1.09(U), 2.06, and 2.10 of the Liquor Board Rules and Regulations concerning resident agent qualifications.

4. The Hearing Board concludes that the granting of the application is necessary for the accommodation of the public.

5. The Hearing Board concludes that the granting of the application will not unduly disturb the peace and safety of the residents in the neighborhood.

**ORDER**

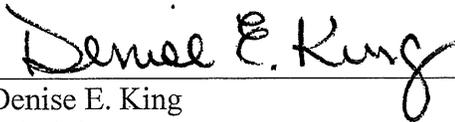
For the foregoing reasons, it is this 21<sup>ST</sup> day of August, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Leo John Leilich and Anal Soni Sunkara on behalf of Amrut Spirits, LLC, t/a St. John's Liquors, for a transfer of the Class A-1 Beer, Wine, and Liquor 7-day off-sale license, currently held by Jung Yeon Choi and Matthew S. Park on behalf of St. Johns Liquors, Inc., t/a St. John's Liquors, for a 2,300 square foot package goods store located at 9150 Baltimore National Pike, Ellicott City, Maryland 21043, be and the same is hereby **GRANTED** subject to the following conditions:

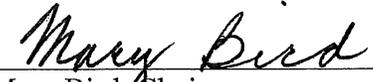
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicants obtain the license and comply with the following conditions:
  - (a) That the Applicants comply with all State and County rules and regulations; and
  - (b) That all State and local Personal Property taxes owed by the transferor be paid in accord with MD CODE ANN., ART. 2B § 10-503(o); and
  - (c) That Mr. Sunkara submit proof that he has divested his interest in any other establishment that sells alcohol; and

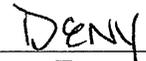
- (d) That the Applicants submit an affidavit of compliance with the Bulk Transfers Act; and
- (e) Failure to comply with these conditions and obtain the license by December 31, 2015, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND

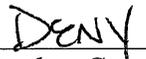
  
Denise E. King  
Administrator

  
Mary Bird, Chairperson

  
Harry Evans, III, Vice-Chairperson

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

  
Charles C. Feaga, Member

  
Heather Gaetano, Member

  
Lewis Taylor, Esquire  
Assistant County Solicitor

  
Charley C. Sung, Member