

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF SEUL HEE LEE ON	*	
BEHALF OF K POCHA, INC., t/a	*	BEVERAGE HEARING BOARD
K POCHA, FOR A TRANSFER OF A	*	
CLASS B BEER, WINE, AND LIQUOR	*	FOR
7-DAY ON-SALE LICENSE	*	
	*	HOWARD COUNTY, MARYLAND
	*	
	*	Case No. 16-56
	*	

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 November 8, 2016, the Hearing Board heard the application of Seul Hee Lee (the “Applicant”), on behalf of K Pocha, Inc., t/a K Pocha (“K Pocha, Inc.”), for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license held by Mi Won Lee on behalf of Hanyu, Inc., t/a A Muse, for a 2,000 square foot restaurant located at 8801 Baltimore National Pike, Ellicott City, Maryland 21043. The hearing was properly advertised pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicant was represented by Kelcie L. Longaker, Esquire. There were no protestants who appeared in opposition to the application.

All the documents on file were incorporated into the record by reference. These include the following: a letter dated September 29, 2016, from the attorney for the Applicant asking for a postponement of the October 18, 2016 hearing; a letter dated August 11, 2016, from the attorney

for the Applicant enclosing the management agreement dated July 31, 2016, between Hanyu, Inc. and K Pocha, Inc.; the application; a letter dated September 3, 2015, from the State Department of Assessment and Taxation confirming the acceptance of K Pocha, Inc.; a copy of the Articles of Incorporation for K Pocha, Inc.; the background investigation questionnaire for the Applicant; a copy of the Maryland driver's license for the Applicant; a copy of the driving record dated September 2, 2015, from the Maryland Motor Vehicle Administration for the Applicant; a copy of the Certificate of Naturalization for the Applicant; a copy of the Maryland Voter registration card for the Applicant; a copy of the criminal history record check of Maryland's Criminal Justice Information System dated October 27, 2015, for the Applicant; a copy of a memorandum dated October 7, 2016, from the Liquor Board to the Alcohol Beverage Inspector, the Department of Inspections, Licenses, and Permits, the Bureau of Environmental Health, the Department of Planning and Zoning, and the Office of the Fire Marshal; the background investigation of the Applicant by the Alcohol Beverage Inspector, dated June 1, 2016; a memorandum dated October 17, 2016, from the Department of Planning and Zoning; an email dated October 26, 2016, from the Office of the Fire Marshal; a memorandum dated September 16, 2016, from Environmental Health; a letter dated October 7, 2016, to the Department of Finance; a letter from the Department of Finance; a letter dated October 7, 2016, to the Comptroller of the Treasury; a letter dated October 31, 2016, from the Comptroller of the Treasury; an email dated October 7, 2016, from the Liquor Board Administrator to the attorney for the Applicant attaching a fax transmission and a letter dated October 7, 2016, from the Liquor Board Administrator to the attorney for the Applicant, advising notification of the hearing date, and enclosing the required advertisement; and an email dated October 21, 2016, from the Alcoholic Beverage Inspector

stating the premises had been posted.

SUMMARY OF TESTIMONY

Hea Park, a court certified Korean interpreter, was sworn as a translator for the Applicant.

Seul Hee Lee, President and 100% shareholder of K Pocha, Inc., t/a K Pocha, was sworn and testified that she has been a resident of Howard County since 2009, is a registered voter, and is alcohol awareness certified. Ms. Lee testified that she will be the sole owner and operator of the restaurant. Ms. Lee testified that she spends 45 to 50 hours, six days per week at the restaurant. Ms. Lee testified that they are closed on Tuesdays. Ms. Lee testified that she is familiar with the rules and regulations governing the sale of alcoholic beverages, and that she can read and understand English.

Ms. Lee testified that she has prior experience in the restaurant business, as her mother operated a restaurant in Korea, where she helped out. She stated that her mother is currently working as the chef at K Pocha. Ms. Lee testified that she has also looked online for training, and has spoken to experienced business owners to learn from them. Ms. Lee testified that she has taken classes at Montgomery County Community College, and that for the last six years, she has worked at a beauty supply store as a manager.

Ms. Lee testified that she entered into a management agreement with a representative of the previous owner at the time of the sale of the business, a Mr. Suh. Ms. Lee testified that she thought Mr. Suh was the owner. She stated that she thought the attorney had filed the management agreement with the Hearing Board, but found out later that they did not. Ms. Lee testified that she obtained another attorney who created a management agreement, and submitted it to the Hearing Board.

Ms. Lee testified that she has changed the menu from the previous owner. Ms. Lee testified that K Pocha is a Korean restaurant that specializes in unique chicken dishes and soups. Ms. Lee testified that they would like to offer Korean and American alcoholic beverages. Ms. Lee testified that they do not have a bar, and that their alcoholic beverages are refrigerated or stored in the back of the restaurant by the emergency exit.

Ms. Lee testified that she has five employees, three of whom serve alcoholic beverages, and are alcohol awareness certified. Ms. Lee testified that they need an alcoholic beverage license because her customers request alcoholic beverages to accompany their meals. Ms. Lee testified that the restaurant does not disturb the peace and safety of the residents in the area.

The following Exhibits were entered into the record:

- Exhibit #1 – Carry out menu
- Exhibit #2 - Full menu
- Exhibit #3 – Alcoholic beverage service policy

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

Based on the evidence presented at the hearing, the Alcoholic Beverage Hearing Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Hearing Board finds that Seul Hee Lee, on behalf of K Pocha, Inc., t/a K Pocha, has applied for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license held by Mi Won Lee on behalf of Hanyu, Inc., t/a A Muse, for a 2,000 square foot restaurant located at 8801 Baltimore National Pike, Ellicott City, Maryland 21043.
2. The Hearing Board finds that the Applicant is a fit and proper person to hold an

alcoholic beverage license.

3. The Hearing Board finds that Seul Hee Lee has been a Howard County resident for more than two years, is a registered voter, and a 100% shareholder of K Pocha, Inc., t/a K Pocha.

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

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

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Seul Hee Lee, on behalf of K Pocha, Inc., t/a K Pocha, has applied for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license held by Mi Won Lee on behalf of Hanyu, Inc., t/a A Muse, for a 2,000 square foot restaurant located at 8801 Baltimore National Pike, Ellicott City, Maryland 21043.

2. The Hearing Board concludes that the Applicant is a fit and proper person to hold an alcoholic beverage license.

3. The Hearing Board concludes that Seul Hee Lee 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 would not unduly disturb the peace and safety of the neighborhood.

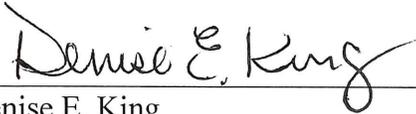
ORDER

For the foregoing reasons, it is this 23rd day of December 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Seul Hee Lee, on behalf of K Pocha, Inc., t/a K Pocha, for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license held by Mi Won Lee on behalf of Hanyu, Inc., t/a A Muse, for a 2,000 square foot restaurant located at 8801 Baltimore National Pike, Ellicott City, Maryland 21043, be and the same is hereby **GRANTED**, subject to the following conditions:

- (a) That the Applicant complies with all State and County Rules and Regulations; and
- (b) Failure to comply with these conditions and obtain the license by January 31, 2017, shall render this Decision and Order null and void.

ATTEST:

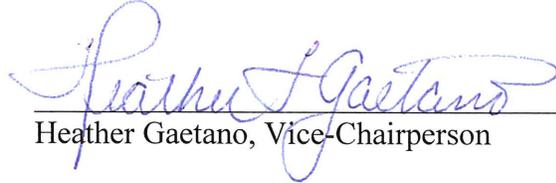
ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator



Mary Bird, Chairperson



Heather Gaetano, Vice-Chairperson

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



Charles C. Feaga, Member



Lewis Taylor, Esquire
Assistant County Solicitor

Charley C. Sung, Member