

PETITION TO FINE, SUSPEND, OR * BEFORE THE ALCOHOLIC
 REVOKE THE ALCOHOLIC *
 BEVERAGE LICENSE HELD BY * BEVERAGE HEARING BOARD
 KWOK TO WONG ON BEHALF OF *
 TURF VALLEY ASIAN BISTRO, INC., * FOR
 t/a RED PARROT ASIAN BISTRO *
 LIQUORS * HOWARD COUNTY, MARYLAND

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 November 13, 2014, 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 held by Kwok To Wong ("Licensee"), on behalf of Turf Valley Asian Bistro, Inc., t/a Red Parrot Asian Bistro, located at 11105 Resort Road, Unit 101, Ellicott City, Maryland 21042. The Petitioners were represented by David Moore, Senior Assistant County Solicitor. The Licensee was represented by Thomas M. Meachum, Esquire.

All the documents on file were incorporated into the record by reference. These include the following: a letter dated October 10, 2014, to the Licensee's attorney, from the Liquor Board Administrator, advising him of the hearing date of November 13, 2014, a letter dated October 6, 2014, to the Alcoholic Beverage Hearing Board from the Licensee's attorney asking that the hearing be continued to another date; a letter dated September 16, 2014, from the Licensee's attorney asking for a postponement of the hearing scheduled for September 23, 2014; a letter dated September 17, 2014, from the Liquor Board Administrator to the Licensee's attorney advising him of the rescheduled hearing date of November 13, 2014, a letter dated April 30, 2014 to the Licensee, from the Liquor Board Administrator advising him of the hearing date of September 23, 2014, and enclosing the Petition to Fine, Suspend, or

Revoke the alcoholic beverage license for Turf Valley Asian Bistro, Inc., t/a Red Parrot Asian Bistro; and an email dated August 29, 2014, from the Alcoholic Beverage Inspector stating that the property had been posted.

STIPULATIONS

The Licensee stipulated to the allegations of the Petition:

1. On March 18, 2014, Detective Mark Baxter and Agent T. Breig from the Maryland State Comptroller's Field Enforcement Division, performed an inspection of the Red Parrot Asian Bistro, located at 11105 Resort Road, Ellicott City, Maryland 21042.
2. Detective Baxter was informed by the Liquor Board Administrator that the liquor license for the Red Parrot Asian Bistro was picked up on March 6, 2014.
3. The owner of the establishment, Yen Wan Cheng (aka Wendy Cheng), was notified of, and present for, the inspection conducted by Detective Baxter and Agent Breig.
4. During the course of the investigation, it was determined that the retail sales tax license was not on the premises, but rather was located at the owner's home.
5. During the course of the investigation, it was also discovered that the establishment had no Maryland trader's license.
6. Upon review of the invoices for alcoholic beverages on the premises, Detective Baxter concluded that the invoices were incomplete, and that the establishment had possession of alcoholic beverages purchased by another license other than the wholesaler.
7. Upon further inspection of the premises, Detective Baxter located several boxes of alcoholic beverages for which Ms. Cheng was unable to produce invoices. Detective Baxter seized the following from the premises:
 - Thirty-six (36) cans of various beers
 - Thirty-three (33) bottles of various liquors
 - Twenty-one (21) bottles of various wines
 - Ninety-three (93) bottles of various beers
 - One (1) box of sake
8. Detective Baxter seized a total of 184 units of alcoholic beverages which were submitted to the Howard County Police Department property room.

9. Following the inspection, Detective Baxter provided Ms. Cheng with a copy of the inspection paperwork and a seizure receipt for the seized alcoholic beverages. The licensee, Kwok To Wong, was notified of the inspection results as well.

SUMMARY OF TESTIMONY

Kwok To Wong, President and 100% shareholder for Turf Valley Asian Bistro, Inc., t/a Red Parrot Asian Bistro, was sworn and testified that when they were rushing and trying to open the restaurant, it was very chaotic, and that they did not have the retail sales tax license on the premises, but did have their CR number. Mr. Wong testified that he did not have all of his invoices in the restaurant, because he had some at home. Mr. Wong testified that they did overlook obtaining their Trader's License.

Mr. Wong testified that one of his employees purchased three bottles of wine from a neighboring liquor store. He stated that a customer came in and requested a particular wine, and because they did not have it, the employee purchased it from the retailer to please the customer. Mr. Wong testified that he now requires employees to sign a document stating they cannot purchase alcoholic beverages from a liquor store. Mr. Wong testified that he is at the restaurant approximately 20 hours per week. Mr. Wong testified that they have two Red Parrot restaurants and his wife operates them on a day to day basis.

Wendy Cheng, wife of Kwok To Wong, was sworn and testified that before they opened the restaurant, they worked to draft a HASP plan. Ms. Wong testified that she did not like the plan, and hired a professional to help. Ms. Wong testified that they paid a lot of money for the plan to be drafted, and that it was not that much different than the one originally submitted. Ms. Wong testified that they placed the plan in the restaurant.

Ms. Wong testified that they were rushing to open because they were paying rent. Ms. Wong testified that they had hired and trained employees, and that they had customers asking for them to open. Ms. Wong testified that they opened, but were overwhelmed.

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

FINDINGS OF FACT

1. The Hearing Board finds that Kwok To Wong is the Licensee on behalf of Turf Valley Asian Bistro, Inc., t/a Red Parrot Asian Bistro, a Class B Beer, Wine, and Liquor 7-day on-sale license located at 11105 Resort Road, Unit 101, Ellicott City, Maryland 21042.

2. The Hearing Board finds that the Licensee has admitted to violating the following provisions of the Liquor Board Rules and Regulations:
 - a. Liquor Board Rule 4.01(A) – Records;
 - b. Liquor Board Rule 4.04 – Compliance with Laws and Regulations;
 - c. Liquor Board Rule 4.06 – Display of Licenses;
 - d. Liquor Board Rule 5.07- Acts Contrary to Law; and
 - e. Liquor Board Rule 5.10(A) – Relation with Wholesalers
3. The Hearing Board finds that the Licensee has violated the following provisions of the Liquor Board Rules and Regulations:
 - a. Liquor Board Rule 4.01(A) – Records;
 - b. Liquor Board Rule 4.04 – Compliance with Laws and Regulations;
 - c. Liquor Board Rule 4.06 – Display of Licenses;
 - d. Liquor Board Rule 5.07- Acts Contrary to Law; and
 - e. Liquor Board Rule 5.10(A) – Relation with Wholesalers
4. The Hearing Board finds that it is not necessary to revoke the liquor license, but because of the nature of the offenses, and in order to ensure compliance with the law and Rules and Regulations, and to promote the peace and safety of the community, it is necessary to impose a fine in the amount of Eight Hundred Fifty Dollars (\$850.00), 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 One Thousand One Hundred Ten Dollars (\$1,110.00).

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Kwok To Wong is the Licensee on behalf of Turf Valley Asian Bistro, Inc., t/a Red Parrot Asian Bistro, a Class B Beer, Wine, and Liquor 7-day on-sale license located at 11105 Resort Road, Unit 101, Ellicott City, Maryland 21042.
2. The Hearing Board concludes that the Licensee has violated the following provisions of the Liquor Board Rules and Regulations:
 - a. Liquor Board Rule 4.01(A) – Records;
 - b. Liquor Board Rule 4.04 – Compliance with Laws and Regulations;
 - c. Liquor Board Rule 4.06 – Display of Licenses;

- d. Liquor Board Rule 5.07- Acts Contrary to Law; and
 - e. Liquor Board Rule 5.10(A) – Relation with Wholesalers
3. The Hearing Board concludes that it is not necessary to revoke the liquor license, but because of the nature of the offenses, and in order to ensure compliance with the law and Rules and Regulations, and to promote the peace and safety of the community, it is necessary to impose a fine in the amount of Eight Hundred Fifty Dollars, (\$850.00), 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 One Thousand One Hundred Ten Dollars (\$1,110.00).

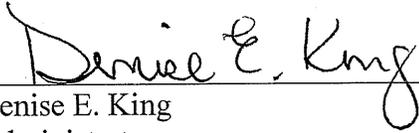
ORDER

For the foregoing reasons, and upon finding a violation of Rules 4.01(A); 4.04; 4.06; 5.07; and 5.10(A) of the Liquor Board's Rules and Regulations, it is this 24th day of March, 2015, by the Alcoholic Beverage Hearing Board for Howard County, Maryland, **ORDERED:**

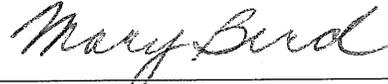
That a **FINE** in the amount of **Eight Hundred Fifty Dollars, (\$850.00)**, for violation of Rule 4.01(A); 4.04; 4.06; 5.07 and 5.10(A) of the Liquor Board's Rules and Regulations, and a **Fee of Two Hundred Sixty (\$260.00)**, for a total of **One Thousand One Hundred Ten Dollars (\$1,110.00)**, is **HEREBY IMPOSED** upon Kwok To Wong, Licensee on behalf of Turf Valley Asian Bistro, Inc., t/a Red Parrot Asian Bistro for a Class B Beer, Wine, and Liquor 7-day on-sale license located at 11105 Resort Road, Unit 101, Ellicott City, Maryland 21042, and **SHALL BE PAID NO LATER THAN April 30, 2015.**

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator

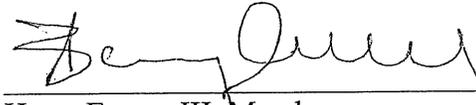


Mary Bird, Chairperson



Charles C. Feaga, Vice-Chairperson

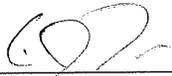
REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
MARGARET ANN NOLAN
COUNTY SOLICITOR



Harry Evans, III, Member



Heather Gaetano, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Charley C. Sung, 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.