

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF YVONNE MARIE	*	
RAWLEIGH AND MI YOUNG KIM ON	*	BEVERAGE HEARING BOARD
BEHALF OF HMY, LLC, t/a ONE SHOT	*	
LIQUORS, FOR A NEW CLASS A-1	*	FOR
BEER, WINE, AND LIQUOR 7-DAY	*	
OFF-SALE LICENSE	*	HOWARD COUNTY, MARYLAND
	*	
	*	Case No. 15-43
	*	

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 September 1, 2015, the Hearing Board heard the application of Yvonne Marie Rawleigh and Mi Young Kim ("Applicants"), on behalf of HMY, LLC, t/a One Shot Liquors ("HMY, LLC"), for a new Class A-1 Beer, Wine, and Liquor 7-day off-sale license for a 2,797 square foot package goods store located at 8801 U.S. Route 40, Ellicott City, Maryland 21043. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Thomas M. Meachum, Esquire. There were three Protestants who appeared in opposition to the application" Mr. Frick, Ms. Bansal, and Mr. Boarman.

All the documents on file were incorporated into the record by reference. These include the following: a cover sheet from Martin Johnson, enclosing the application; a copy of the floor plan; a copy of a confirmation letter for HMY, LLC, dated April 23, 2015, from the State Department of Assessment and Taxation stating that HMY, LLC is registered; a copy of the Articles of Organization of HMY, LLC; a copy of the trade name application for HMY, LLC; a list of Members, capital, and percentages for HMY, LLC; a copy of the background investigation questionnaire for the Applicants; a copy of criminal record checks from the Criminal Justice Information Systems Central Repository for the Applicants; a copy of the

Maryland Certificate of Live Birth for Yvonne Marie Thompson, a copy of the Maryland driver's license for Yvonne Marie Rawleigh, and a copy of the Maryland driver's record for Yvonne Marie Rawleigh; a copy of a receipt of application dated April 29, 2015, from the Department of Public Safety and Correctional Services, for fingerprinting of Yvonne Marie Rawleigh; a copy of the voter registration record for Yvonne Marie Rawleigh; a copy of the Maryland driver's license for Mi Young Kim, the Maryland driver's record for Mi Young Kim, the Permanent Resident Card for Mi Young Kim; a memorandum dated July 31, 2015, from the Liquor Board to the Alcoholic Beverage Inspector, the Department of Inspections, Licenses, and Permits, the Bureau of Environmental Health, and the Department of Planning and Zoning, and the Office of the Fire Marshal; the background investigation of the Applicants by the Alcoholic Beverage Inspector dated August 27, 2015; an email dated August 18, 2015, from the Office of the Fire Marshal; a memorandum dated August 11, 2015, from the Department of Planning and Zoning; a letter dated July 31, 2015, to the Department of Finance; a letter dated August 4, 2015, from the Department of Finance; a letter dated July 31, 2015, to the Comptroller of Maryland; a letter dated August 6, 2015, from the Comptroller of Maryland; an fax transmission to the attorney for the Applicants enclosing a letter dated July 31, 2015, with notification of the hearing date and the necessity to advertise; certification of advertisement from the Howard County Times and the Baltimore Sun; and an email dated August 14, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF APPLICANTS' TESTIMONY

Katherine Taylor, Applicants' attorney, stated that the proposed location for One Shot Liquors was formally Triangle Liquors, but that the current license Applicantss have no relation to the former owners of Triangle Liquors. Ms. Taylor stated that Yvonne Rawleigh has previous experience in the alcoholic beverage industry and works as an alcohol awareness trainer. Ms. Taylor proffered that Mi Young Kim has approximately 12 years of experience as a waitress at Shin Chon Restaurant.

Yvonne Rawleigh, Member and 10% shareholder for HMY, LLC, t/a One Shot Liquors, was sworn and testified that she has been a resident of Howard County for 17 years, and that she has worked in the hospitality service industry for 14 years. Ms. Rawleigh testified that she owns her own hospitality consulting business and is an alcohol awareness trainer for TIPS, and

that she is a food safety trainer for hospitals and schools in Maryland, Virginia, Delaware, North Carolina, and Washington, D.C.

Ms. Rawleigh testified that she met Mi Young Kim through Martin Johnson. Ms. Rawleigh testified that she met extensively with Martin Johnson and Mi Young Kim to become familiar with the store policies regarding alcohol sales, which were prepared by Mr. Johnson.

Ms. Rawleigh testified that they will ask for identification from anyone appearing to be under the age of 40. Ms. Rawleigh testified that all employees will be alcohol awareness trained. Ms. Rawleigh testified that they will not sell singles, and they will not offer check cashing.

Ms. Rawleigh testified that during the first week of opening, and possibly the second, she will be in the store daily. After that, she testified that she would be in the store at least once per week, during busy times. Ms. Rawleigh testified that she is familiar with the rules and regulations governing the sale of alcoholic beverages, and that she understands her responsibility as a resident agent. Ms. Rawleigh stated that at times when she has been at the proposed location, people have tried the store thinking it might be open. She stated that she thought the store would do well because of its location and the neighboring grocery store and restaurants. She testified that she did not think the proposed store would have an unreasonable effect on nearby liquor stores because of its relatively isolated location at the Route 40 and Route 29 intersection. Ms. Rawleigh testified that she feels the store is necessary for the accommodation of the public, and that it will not disturb the peace and safety of the surrounding community.

Hea Park, a Court certified Korean interpreter, was sworn stated that she would be translating for Mi Young Kim.

Mi Young Kim, managing owner and 90% shareholder of HMY, LLC, t/a One Shot Liquors, was sworn and testified that she has reviewed the Board's Rules and Regulations, and that she is alcohol awareness certified. Ms. Kim testified that since 2006, she has been employed as a waitress at Shin Chon Restaurant, a Korean restaurant located at Lotte Plaza. Ms. Kim testified that she has checked identification and served alcoholic beverages to patrons at Shin Chon Restaurant.

Ms. Kim testified that she decided that she would like to own and operate a package goods store. Ms. Kim testified that she thought that Triangle Liquors was closed temporarily,

and that when she found out it was closed permanently, she decided it would be a good location for her business.

Ms. Kim testified that if approved, she will continue to work at Shin Chon Restaurant, and will be at the store part-time, Monday, Wednesday, and Saturday. Ms. Kim testified that her husband, who has experience in retail alcohol sales, will manage the store when she is not there. Ms. Kim testified that she will have five employees, two full-time, and three part-time. Ms. Kim testified that all of the employees will be alcohol awareness certified.

Ms. Kim testified that the hours of operation will be Monday through Thursday, 9:00 A.M. to 10:30 P.M., Friday and Saturday 9:00 A.M. to 11:00 P.M., and Sunday 9:00 A.M. to 9:00 P.M. Ms. Kim testified that she will offer unique products such as rice wine and other Korean wines for her customers. Ms. Kim testified that she expects her customers will be predominantly Korean. Ms. Kim testified that she will not sell singles, nor will she offer check cashing. Ms. Kim testified that their policy will be to card anyone who appears to be under the age of 40.

Ms. Kim testified that at times when they have in the proposed location, people have come to the door asking when they will be open. Ms. Kim testified that she feels the store is necessary for the accommodation of the public. She stated that the store will be helpful for Korean customers who are not fluent English speakers because she speaks Korean.

Ms. Kim testified that there was no particular reason that she did not put her husband's name on the application.

Nick Pirone, the managing/leasing agent for Lotte Plaza, was sworn and testified that he is in favor of the application. Mr. Pirone testified that there has been a liquor store in that shopping center for 45 years. Mr. Pirone testified that the customers at Lotte Market have been asking when they will get a liquor store back in the center.

Mr. Pirone testified that the prior owners of the liquor store mishandled their business, and defaulted on their lease. Mr. Pirone testified that when they began seeking a new tenant there were several prospects, and he chose Ms. Kim because she had the financial ability to enter into a five year lease agreement. Mr. Pirone testified that Ms. Kim had the financial strength and business sense needed to open the store. Mr. Pirone testified that the customers at Lotte Plaza are mostly Korean, and that he feels that the liquor store will accommodate the public. Mr. Pirone testified that he feels there is a need because he is at the shopping center

three to four times per week, and almost every time, he sees people try to enter the proposed location.

Theresa Jimenez, a prior sales representative for a liquor distributor for Triangle Liquors, was sworn and testified that she is a resident of Howard County, and that she feels there is a need for a liquor license at that location. Ms. Jimenez testified that she delivered cases of Saki, along with beer and wine to Triangle Liquors every Monday.

Martin Johnson was sworn and testified that he was hired by Ms. Kim as a consultant, and that he evaluated their application, and their viability. Mr. Johnson testified that he reviewed their corporate documents, gave them training, and discussed how to arrange their store. Mr. Johnson testified that he has met with Ms. Kim and Ms. Rawleigh since April. Mr. Johnson testified that he and Ms. Rawleigh will conduct surprise visits and inspections for the first couple of months. Mr. Johnson testified that he will be available to both Ms. Rawleigh and Ms. Kim 24 hours per day, seven days per week.

Mr. Johnson testified that he assisted Ms. Kim with her application, and that it was a family/business decision to not put Mr. Kim on the license.

Mr. Johnson testified that he was at the store's location at least ten times, and every time people came to the door and asked when they would be open. Mr. Johnson testified that he reviewed the surrounding area for growth, using information from the Howard County Department of Planning and Zoning, and personal visits to new developments. Mr. Johnson testified that he looked at growth in population and housing. Mr. Johnson testified that he determined that there has been and will be significant growth in the Ellicott City area.

Hu Kim, husband of Mi Young Kim, was sworn and testified he has 15 years of experience in the liquor store business. Mr. Kim testified that he worked in various stores in Baltimore. Mr. Kim testified that he is alcohol awareness certified, that he has never had an alcohol sales violation, and that he has never been convicted of a felony.

Mr. Kim testified that he and his wife decided together not to add him to the license. Mr. Kim testified that they felt it would reduce the risk to their family assets, with only one of them being the owner of the business.

Mr. Kim testified that he will be in the store seven days per week from opening until closing. Mr. Kim testified that they will have one full-time employee and two part-time employees. Mr. Kim testified that they will all be alcohol awareness certified. Mr. Kim

testified that their policy will be to card anyone who appears to be under the age of 45. Mr. Kim testified that he is familiar with the Board's Rules and Regulations, and that he met with Mr. Johnson to go over the store's policies.

Mr. Kim testified that his wife plans to ultimately cease her employment with Shin Chon Restaurant, and work at the store. Mr. Kim testified that he will help teach his wife how to operate the liquor store.

Sang Lee, an Executive Manager at with Lotte Markets in Maryland, was sworn and testified that he grew up in Ellicott City, and that four and a half years ago, he started working for Lotte Market. Mr. Lee testified that Ellicott City has the largest Korean population on the East coast and that many Korean-Americans come to shop at Lotte Plaza from other areas of the State. Mr. Lee testified that they moved to this area because of the excellent school system, and for the safety of the community. Mr. Lee testified that Lotte Plaza serves as a type of Korean community center and that the proposed liquor store would help serve the needs of the Korean community. Mr. Lee testified that spirits are an integral part of Korean cultural celebrations and it is difficult to get Korean spirits at other liquor stores.

Lawrence Chang, the President of the Korean Society of Maryland, was sworn and testified that he has lived in the Ellicott City area for approximately 15 years. Mr. Chang testified that there is a high concentration of Koreans in the Ellicott City area. Mr. Chang testified that the store would be a convenience to the community, as it would enable them to get a variety of Korean spirits and other alcoholic beverages. Mr. Chang testified that Korean holidays require specific spirits as a part of their culture.

Ms. Taylor noted that there were several individuals in the audience who came in support of the application but did not want to testify. Upon a request to stand if they had come in support of the application, more than two dozen individuals in the audience stood up.

The following Applicants' Exhibits were entered into the record:

- Exhibit #1 – alcohol awareness certification for Yvonne Rawleigh
- Exhibit #2 – alcohol awareness certification for Mi Young Kim and Hyo Man Kim
- Exhibit #3 – (7) photographs of the interior and exterior of One Shot Liquors
- Exhibit #4 – aerial map showing the location of One Shot Liquors

SUMMARY OF 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 been in the alcoholic beverage business for 37

years. Mr. Frick testified that originally he worked for a wholesaler in Maryland. Mr. Frick testified that there are seven stores within 3.9 miles of the proposed location.

Mr. Frick testified that Triangle Liquors was closed for 16 months, and that the existing stores have gone out of their way to accommodate the Korean community. Mr. Frick testified that they have increased their products, and that he has allotted 50 square feet of his store to carry Korean spirits. Mr. Frick testified that existing store owners have asked the distributors to educate them on the products, and that they have asked their Korean customers to write down everything that they would like, so that they could get the products in their stores. Mr. Frick stated that, although he does advertise, he does not advertise Korean products.

Mr. Frick observed that Ms. Rawleigh stated that she would not be in the store regularly. Mr. Frick testified that problems occur when the person in charge of compliance is out of the store. Mr. Frick testified that most of the store owners on Rt. 40 are in their stores 70 to 90 hours per week. Mr. Frick testified that he did not feel the applicants put together a good business plan.

Mr. Frick testified that he feels that the current stores accommodate all communities, and that they do not need any more stores on the Rt. 40 corridor. He stated that because there are so many stores, most stores cannot take advantage of quantity discounts from wholesalers, and thus customers end up paying higher prices than they might if there were fewer stores. He also stated that there are not many quantity discounts on Korean products.

Mr. Frick testified that since Triangle Liquors has been closed, and St. John's Liquors has been suspended, his business has increased 2%. Mr. Frick stated that he acquired his liquor store in 2010 when approximately seven or eight other liquors stores were in existence in the vicinity.

Anita Bansal, owner of Absolutely Wine and Spirits, was sworn and testified that she does not feel there is a need for another store. Ms. Bansal testified that she has lived in Ellicott City for 10 years. Ms. Bansal testified that she owns a small store, and that she cannot compete with stores on the Rt. 40 corridor.

The following Protestants Exhibit was entered into the record:

Exhibit #1 – example of quantity discounts and their possible negative effect on consumers

FINDINGS OF FACT

1. The Hearing Board finds that Yvonne Marie Rawleigh and Mi Young Kim on behalf of HMY, LLC, t/a One Shot Liquors, have applied for a new Class A-1 Beer, Wine, and Liquor 7-day off-sale license for a 2,797 square foot package goods store located at 8801 U.S. Route 40, 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 Yvonne Marie Rawleigh has been a Howard County resident for more than two years, is a registered voter, and 10% owner of HMY, LLC, t/a One Shot Liquors.
4. The Hearing Board finds that a liquor store has previously operated at the proposed location for many years.
5. The Hearing Board finds that the Applicants intend to offer products and service that are not readily available at other Class A establishments.
6. The Hearing Board has considered the effect of granting this license application on other licensees and finds insufficient evidence in the record to make any substantive determination on this issue other than the general observation that increased competition has the speculative potential to negatively impact profits at other licensed establishments. Conversely, given that the proposed store may bring out of town customers to the area, and given that the proposed store will specialize in Korean spirits, one could speculate that nearby liquor stores could see an increase in sales to out of town customers seeking products not carried by the proposed store.
7. The Hearing Board finds that the granting of the application is necessary for the accommodation of the public.
8. 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 Yvonne Marie Rawleigh and Mi Young Kim on behalf of HMY, LLC, t/a One Shot Liquors, have applied for a new Class A-1 Beer, Wine, and Liquor 7-day off-sale license for a 2,797 square foot package goods store located at 8801 U.S. Route 40, 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 Yvonne Marie Rawleigh 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

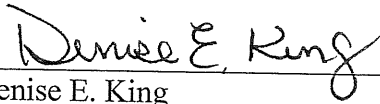
For the foregoing reasons, it is this 20th day of September, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Yvonne Marie Rawleigh and Mi Young Kim on behalf of HMY, LLC, t/a One Shot Liquors, for a new Class A-1 Beer, Wine, and Liquor 7-day off-sale license for a 2,797 square foot package goods store located at 8801 U.S. Route 40, 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:

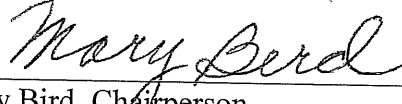
- (a) The Applicants comply with all State and County rules and regulations; and
- (b) Failure to comply with these conditions and obtain the license by November 30, 2015, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator

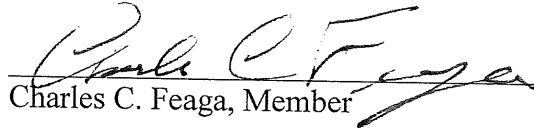


Mary Bird, Chairperson

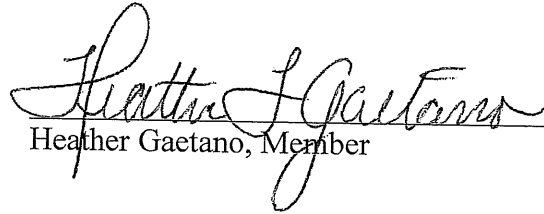


Harry Evans, III, Vice-Chairperson

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



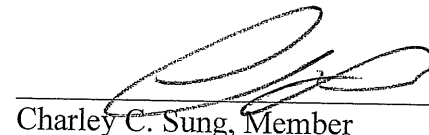
Charles C. Feaga, Member



Heather Gaetano, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Charley C. Sung, Member