

IN THE MATTER OF THE \* BEFORE THE ALCOHOLIC  
APPLICATION OF PHUONG ANH \*  
HUYNH AND MAN MINH LE \* BEVERAGE HEARING BOARD  
ON BEHALF OF VIET PEARL, LLC, t/a \*  
VIET PEARL VIETNAMESE BISTRO \* FOR  
& BAR, FOR A CLASS B BEER, WINE, \*  
AND LIQUOR 7-DAY ON-SALE \* HOWARD COUNTY, MARYLAND  
LICENSE \*  
\* Case No. 15-14

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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 April 14, 2015, the Hearing Board heard the application of Phuong Anh Huynh and Man Minh Le (“Applicants”), on behalf of Viet Pearl, LLC, t/a Viet Pearl Vietnamese Bistro & Bar (“Viet Pearl, LLC”), for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 6,000 square foot restaurant located at 8801 Baltimore National Pike, Ellicott City, Maryland 21043. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were 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 January 14, 2015, from the Applicants’ attorney enclosing the application; a copy of the floor plan; a copy of the Articles of Organization of Viet Pearl, LLC; a copy of the Corporate Charter Approval Sheet dated December 4, 2014, for Viet Pearl, LLC; a copy of the background investigation questionnaires for the Applicants; criminal history record checks for the Applicants from Maryland's Department of Public Safety and Correctional Services; copies of Certificates of Naturalization for the Applicants; a memorandum dated March 18, 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; the background investigation of the

Applicants by the Alcoholic Beverage Inspector dated April 1, 2015; an email dated April 7, 2015, from the Office of the Fire Marshall; an email dated March 20, 2015, from the Department of Inspections, Licenses and Permits; an email dated March 18, 2015 from the Department of Planning and Zoning; a memorandum dated April 7, 2015, from the Bureau of Environmental Health; a letter dated March 13, 2015, from the Office of the Fire Marshal; a letter dated March 18, 2015, to the Department of Finance; an email dated April 2, 2015, from the Department of Finance; a letter dated March 18, 2015, to the Comptroller of Maryland; a fax transmission to the Applicants' attorney enclosing a letter dated March 18, 2015, with notification of the hearing date and the necessity to advertise; the certification of advertisement from the Howard County Times and the Baltimore Sun; and an email dated March 25, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted.

#### **SUMMARY OF TESTIMONY**

Quynhmhu Vo, was sworn in as the interpreter.

Phuong Anh Huynh, 50% shareholder of Viet Pearl, LLC, t/a Viet Pearl Vietnamese Bistro & Bar, was sworn and testified that she has been a resident of Howard County for 11 years, has been a United States citizen since 2008, and is a registered voter. Ms. Huynh testified that she was working as a nail technician, and decided to get into the restaurant business. Ms. Huynh testified that she has never held a liquor license, but plans to learn from her manager. Ms. Huynh testified that the customers in the restaurant have been asking for alcoholic beverages.

Ms. Huynh testified that she will be at the restaurant three to four days per week, seven hours per day. Ms. Huynh testified that her manager will be responsible for the service and the control of alcoholic beverages. She stated that two employees and the manager are alcohol certified and that she is certified. Ms. Huynh testified that they have written policies that will be given to all employees, who will be required to sign them. Ms. Huynh testified that if anyone violates the policies, they will be terminated. Ms. Huynh testified that they will have monthly meetings to discuss their policies. Ms. Huynh testified that she has read the Board's Rules and Regulations, and that she understands them. She stated that she did not believe the restaurant would disturb the peace and safety of the community.

Man Minh Le, 50% shareholder of Viet Pearl, LLC, was sworn and testified that he has been a citizen of the United States since 2001. Mr. Le testified that he owned a nail salon for

19 years, and decided that he wanted to go into the restaurant business. He stated that his friend and brother own restaurants and he is learning from them. Mr. Le testified that he will be in the restaurant three to four days per week for four to five hours per day.

Mr. Le testified that the restaurant has been in operation for four to five months, and their customers have been requesting alcoholic beverages. Mr. Le testified that their concept is to bring Vietnamese food to Americans. Mr. Le testified that the manager will be responsible for the purchasing and sale of alcoholic beverages, and the hiring and firing of employees. Mr. Le testified that they have twelve employees, and that they will be alcohol awareness certified. Mr. Le testified that he does not believe that the granting of this liquor license would disturb the peace and safety of the citizens in the area.

Mr. Duc Tran, manager for Viet Pearl, LLC, was sworn and testified that he has been in the restaurant business for four years. Mr. Tran testified that he is at the restaurant approximately 60 to 70 hours per week. The hours of operation are Sunday through Thursday, 11:00 A.M. to 10:00 P.M., and Friday and Saturday, 11:00 A.M. to 11:00 P.M.. Mr. Tran testified that the alcoholic beverages will be stored behind the bar in coolers, and that only employees have access to that area. Mr. Tran testified that all employees will be alcohol certified, and that they will have a policy in place that they will all be required to sign. Mr. Tran testified that if any employees violate the policies, they will be terminated.

The following Exhibits were entered into the record:

Exhibit #1 – policies and procedures for Viet Pearl Vietnamese Bistro & Bar  
Exhibit #2 – menu for Viet Pearl Vietnamese Bistro & Bar

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

#### **FINDINGS OF FACT**

1. The Hearing Board finds that Phuong Anh Huynh and Man Minh Le, on behalf of Viet Pearl, LLC, t/a Viet Pearl Vietnamese Bistro & Bar, have applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 6,000 square foot restaurant located at 8801 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 Phuong Anh Huynh has been a Howard County resident for more than two years, is a registered voter, and a 50% shareholder of Viet Pearl, LLC, t/a Viet Pearl Vietnamese Bistro & Bar.

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 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 Phuong Anh Huynh and Man Minh Le, on behalf of Viet Pearl, LLC, t/a Viet Pearl Vietnamese Bistro & Bar, have applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 6,000 square foot restaurant located at 8801 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 Phuong Anh Huynh 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.

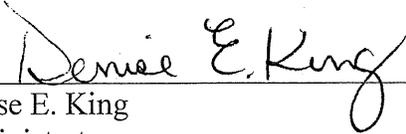
**ORDER**

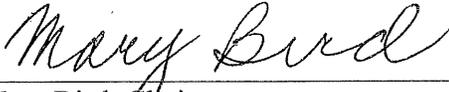
For the foregoing reasons, it is this 9<sup>th</sup> day of June, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Phuong Anh Huynh and Man Minh Le, on behalf of Viet Pearl, LLC, t/a Viet Pearl Vietnamese Bistro & Bar, for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 6,000 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:

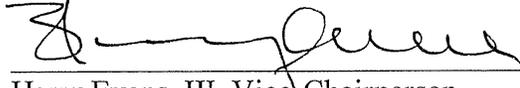
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicants obtain the license and comply with the following conditions:
  - (a) The Applicants comply with all State and County rules and regulations; and
  - (b) Failure to comply with these conditions and obtain the license by July 31, 2015, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND

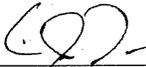
  
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Denise E. King  
Administrator

  
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Mary Bird, Chairperson

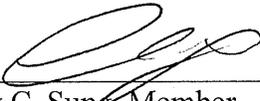
  
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Harry Evans, III, Vice-Chairperson

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

\_\_\_\_\_  
Charles C. Feaga, Member

  
\_\_\_\_\_  
Lewis Taylor, Esquire  
Assistant County Solicitor

\_\_\_\_\_  
ABSENT  
Heather Gaetano, Member

  
\_\_\_\_\_  
Charley C. Sung, Member