

PETITION TO FINE, SUSPEND OR * BEFORE THE ALCOHOLIC
 REVOKE THE ALCOHOLIC *
 BEVERAGE LICENSE HELD BY * BEVERAGE HEARING BOARD
 MATTHEW S. PARK AND JUNG WEON *
 CHOI, ON BEHALF OF ST. JOHN'S * FOR
 LIQUORS, INC., t/a ST. JOHN'S *
 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 September 16, 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 A-1 Beer, Wine, and Liquor 7-day off-sale license held by Matthew S. Park and Jung Weon Choi (“Licensees”), on behalf of St. John's Liquors, Inc., t/a St. John's Liquors, located at 9150 Baltimore National Pike, Ellicott City, Maryland 21042. The Petitioners were represented by David Moore, Senior Assistant County Solicitor. The Licensees were represented by Matthew Venuti, Esquire.

All the documents on file for St. John’s Liquors and Triangle Liquors were incorporated into the record by reference. These include the following: a letter dated July 29, 2014, to the Licensees, from the Liquor Board Administrator, advising them of the hearing date and enclosing the Petition to Fine, Suspend, or Revoke the alcoholic beverage license for St. John's Liquors, Inc., t/a St. John's Liquors; and an email dated August 29, 2014, from the Alcoholic Beverage Inspector stating that the property had been posted.

Neither Matthew Park nor Jung Weon Choi appeared at the hearing.

David Moore, Petitioners’ attorney, stated that he had been informed by the Administrator that Matthew Park initially requested a postponement of the hearing because he

was ill and then sent a written request to the Board for a postponement because he was in the process of selling the liquor store and needed to get another attorney. Mr. Moore indicated that Petitioner's wished to proceed. Mr. Venuti reiterated the request for a postponement, saying that he had been hired at 11:00 A.M. that morning and that he could move forward, but would have more time to prepare if there was a postponement.

Addressing the question of whether to move forward, Lewis Taylor, attorney for the Hearing Board, advised that it was not required by the Rules for Matthew Park to be present at the hearing, but that Rule 2.06(B) of the Board's Rules and Regulations requires the Resident Agent, Jung Weon Choi, to personally attend the hearing. Mr. Taylor advised that because the Administrator duly notified the Licensees, including the Resident Agent, the Board could move forward without the Resident, although they also retained discretion to continue the hearing.

Mr. Venuti stated that he was not aware that the Resident Agent was required to attend the hearing and that he had not had contact with her.

At this time, Mr. Seung "Charlie" Yang, manager of St. John's liquors, was sworn to address questions from the Board about whether Ms. Choi was notified of the hearing. Mr. Yang stated that he knew Ms. Choi and that she had come by the store a couple of times. Mr. Yang said that on one occasion Ms. Choi came by the Store and discussed the violation with him.

The Hearing Board decided to move forward with the hearing.

Detective Mark Baxter, was sworn and testified that on April 15, 2014, he conducted a retail alcohol inspection at St. John's Liquors, where he discovered a case of Corona bottled beer on the floor, which had a delivery sticker displaying "Triangle Liquors." Detective Baxter testified that he checked the invoice which was provided by Seung Yang, the manager of St. John's Liquors. There was no listing for the Corona beer. Detective Baxter testified that Mr. Yang stated that it had been delivered in error. Detective Baxter stated that Mr. Yang had no explanation for how the case reached the sales floor.

Detective Baxter testified that he went to Triangle Liquors to locate the correct invoice. Detective Baxter testified that he spoke with Jun Chang, who provided him with the invoice.

Detective Baxter testified that St. John's Liquors has had three past violations which occurred in March 2010, December 2012, and November 2013. They had three administrative citations which occurred in December 2010, August 2011, and January 2014.

Seung Yang, manager for St. John's Liquors, was recalled and testified that he was in the store on April 15, 2014, when Detective Baxter conducted the inspection. Mr. Yang testified that Detective Baxter found one case of Corona with a sticker labeled "Triangle Liquors." Mr. Yang testified that he ordered 110 cases of Corona on November 19, 2013. Mr. Yang testified that after about a month, he found that one of the cases had broken bottles. Mr. Yang testified that when the driver of F.P. Winner came back, he notified him of the broken case, and the driver said he had one case of Corona on his truck, and brought it in for an exchange. Mr. Yang testified that the salesman placed the case of beer on the floor.

Mr. Yang testified that in the past, they have received invoices from other liquor stores. Mr. Yang testified that on one occasion, they received ten cases of Corona with Northridge Wine and Spirits stickers on them. Mr. Yang testified that he called F.P. Winner, and they told him to keep them because he had invoices to back it up.

Mr. Yang testified that Detective Baxter told him that if the distributor makes a mistake, to document it.

Mr. Yang was asked who signs the paychecks for the store. Mr. Yang answered, "Ms. Park." Asked if he knew her first name, Mr. Yang said, "I'm not sure."

Mr. Yang testified that he worked at St. John's Liquors for two years. Mr. Yang testified that he was fired for two weeks, because of a previous violation, but the owner called him back to help out in the store until he could sell it. Mr. Yang testified that he does most of the ordering, and that he has keys to the store for opening and closing. Asked who signs the checks to pay for the orders, Mr. Yang testified "Mrs. Park – Park Hea Yun – I'm not good with Korean names." Mr. Yang testified that Mrs. Park leaves signed blank checks at the store. Mr. Yang stated that he is at the store six days per week, and that Eddie and Jay, who are both alcohol awareness certified, work on the seventh day.

Mr. Yang testified that he has not seen Mr. Park, the owner, for quite some time. Mr. Yang testified that Ms. Kim will go to the bank to make deposits, and will bring pay checks. Mr. Yang testified that because Mr. Park lives in Colorado, Ms. Kim sometimes oversees the operation of the business.

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 Matthew S. Park and Jung Weon Choi are Licensees on behalf of St. John's Liquors, Inc., t/a St. John's Liquors, a Class A-1 Beer, Wine and Liquor 7-day off-sale license located at 9150 Baltimore National Pike, Suite 7, Ellicott City, Maryland 21042.
2. The Hearing Board finds that Resident Agent Licensee was properly notified of the Petition for Violation Hearing and was not present at the Hearing.
3. The Hearing Board finds that the Licensees have violated the following provision of the Liquor Board Rules and Regulations:
 - a. Liquor Board Rule 4.01(A) – Records
4. The Hearing Board finds that Petitioners have not met their burden to show that the Licensees violated Liquor Board Rule 5.10(A).
5. The Hearing Board finds that it is not necessary to revoke the License, but because of the nature of this offense, 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 Two Hundred Dollars, (\$200.00), 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 Four Hundred Sixty Dollars (\$460.00).

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Matthew S. Park and Jung Weon Choi are Licensees on behalf of St. John's Liquors, Inc., t/a St. John's Liquors, a Class A-1 Beer, Wine, and Liquor 7-day off-sale license located at 9150 Baltimore National Pike, Suite 7, Ellicott City, Maryland 21042.
2. The Hearing Board concludes that the Licensees have violated the following provision of the Liquor Board Rules and Regulations:
 - a. Liquor Board Rule 4.01(A) – Records
3. The Hearing Board concludes that it is not necessary to revoke the liquor license, but because of the nature of this offense, 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 Two Hundred Dollars, (\$200.00), 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 Four Hundred Sixty Dollars (\$460.00).

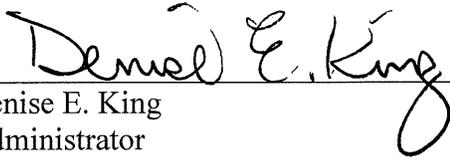
ORDER

For the foregoing reasons, and upon finding a violation of Rule 4.01(A) of the Liquor Board's Rules and Regulations, it is this 14th day of October, 2014, by the Alcoholic Beverage Hearing Board for Howard County, Maryland, **ORDERED:**

That a **FINE** in the amount of **Two Hundred Dollars, (\$200.00)**, for violation of Rule 4.01(A) of the Liquor Board's Rules and Regulations, and a **Fee of Two Hundred Sixty Dollars (\$260.00)**, for a total of **Four Hundred Sixty Dollars (\$460.00)**, is **HEREBY IMPOSED** upon Matthew S. Park and Jung Weon Choi, Licensees on behalf of St. John's Liquors, Inc., t/a St. John's Liquors for a Class A-1 Beer, Wine and Liquor 7-day off-sale license located at 9150 Baltimore National Pike, Suite 7, Ellicott City, Maryland, and **SHALL BE PAID NO LATER THAN NOVEMBER 30, 2014.**

ATTEST:

**ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND**



Denise E. King
Administrator



Harry Evans, III, Chairperson



Charles C. Feaga, Vice-Chairperson

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

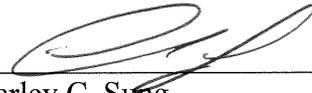


Mary Bird, Member

William Neault, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Charley C. Sung

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.