

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

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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"). 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 February 18, 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 of Matthew Park and Jung Yeon Choi ("Licensees"), held on behalf of St. John's Liquors, Inc., t/a St. John's Liquors, located at 9150 Baltimore National Pike, Suite 7, Ellicott City, Maryland 21042. The Petitioners were represented by David Moore, Senior Assistant County Solicitor. The Licensees were represented by attorney Preston A. Pairo, III.

All the documents on file for St. John's Liquors and Triangle Liquors were incorporated in the record by reference. These include the following: a letter dated January 15, 2014, to the Licensees from the Liquor Board Administrator enclosing a copy of the Petition to Fine, Suspend, or Revoke the alcoholic beverage license for St. John's Liquors, Inc. and notifying them of the hearing date of February 18, 2014; and an email dated January 30, 2014, from the Alcoholic Beverage Inspector stating that the property had been posted.

The attorney for the Licensees stated that his clients agreed to the following stipulations:

## STIPULATIONS

1. On or before May 1, 2013, the Licensees applied for and received a Class A-1 Beer, Wine, and Liquor 7-day off-sale license for St. John's Liquors, Inc., t/a St. John's Liquors, 9150 Baltimore National Pike, Suite 7, Ellicott City, Maryland 21042. St. John's Liquors is located in Howard County and is subject to the jurisdiction of the Board of License Commissioners for Howard County.
2. At all times relevant to these proceedings, the Licensees were responsible for the operation of St. John's Liquors, and responsible for ensuring compliance with all local and State laws concerning the distribution, sale and transfer of alcoholic beverages to members of the public.
3. On November 6, 2013, at 5:10 P.M., a 19 year old male cadet was sent into St. John's Liquors to purchase alcoholic beverages. He bought a six (6) pack of Bud Light beer bottles from the cashier, Seung Chul Yang. Mr. Yang conducted the transaction without checking the cadet's driver's license, which would have shown that he was 19 years old.
4. On November 13, 2013, Detective Baxter called Matthew Park, a licensee for St. John's Liquors, to inform him of the November 6, 2013 incident. Detective Baxter observed that Mr. Park's telephone number had a 303 area code, which is in Colorado. During their phone conversation, Detective Baxter inquired as to where Mr. Park currently resides. Mr. Park responded that he resides at 16063 East Geddes Drive, Aurora, Colorado 80016. Mr. Park indicated that he has lived at this address for approximately three months.
5. Subsequent to the telephone conversation with Mr. Park, Detective Baxter contacted the Liquor Board Administrator to confirm the address on file for Mr. Park. The Liquor Board Administrator confirmed that there was not record of an address change for Mr. Park in the file for St. John's Liquors.
6. The Licensees have committed the following violations:
  1. Liquor Board Rule 2.03 – Updating Application
  2. Liquor Board Rule 4.04 – Compliance with Laws and Regulations

3. Liquor Board Rule 5.01 – Sales to Minors and Annotated Code of Maryland, Article 2B, Sec. 12-108 – Sales to Underage Persons
4. Liquor Board Rule 5.07 – Acts Contrary to Law

#### **SUMMARY OF TESTIMONY**

Matthew Park, Licensee for St. John's Liquors, Inc., was sworn and gave his address as 17897 East Pinewood Drive, Aurora, Colorado 80016.<sup>1</sup> He testified that he is an attorney licensed to practice in Colorado<sup>2</sup> and has previously operated law offices in Maryland, California, and South Korea. Mr. Park testified that he began his residence in Maryland in 2003 and that he is still maintaining his legal residence in Maryland as he files his income tax as a Maryland resident. Mr. Park stated that he maintains his domicile at the house of his cousin, Young Kim, though he never lived there and did not remember the address. Mr. Park stated that he was “really confused” about whether he had to notify the Board every time he temporarily moved his residence. The address for Mr. Park that is on file with the Board is 8079 High Castle Road, Ellicott City, Maryland 21043. This is not Ms. Kim’s residence and it appears that Mr. Park’s association with the High Castle address ended in 2012 when the property was apparently transferred to Regions Bank according to records of the Maryland State Department of Assessments and Taxation.<sup>3</sup>

Mr. Park testified stated that he moved to Colorado to work with a surgeon for medical reasons. Mr. Park testified that he had intended on going through a surgical procedure, but changed his mind when he realized he would have to stay in Colorado to recover for over a year. He said that he had been intending on returning to Howard County in a few months. Mr. Park stated that he is involved in a start-up company incorporated in Colorado and so had business reasons for staying in Colorado. Mr. Park stated that his TAM certification had expired and that he had not had time to get re-certified.

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<sup>1</sup> Later in the hearing Mr. Park gave his address as 17898 East Pinewood Drive. Board staff was unable to locate either 17897 or 17898 East Pinewood, but did find a reference to Mr. Park’s association with 19452 East Pinewood Drive in Aurora, Colorado, which is the address Mr. Park provided on the 2014 renewal application (dated March 28, 2014) for St. John’s Liquors; however, these discrepancies are not at issue in this matter.

<sup>2</sup> According to the records of the Colorado Supreme Court, Mr. Park is currently prohibited from practicing law in Colorado. <http://www.coloradosupremecourt.us/Search/Attdet.asp?Reg=31715> (last viewed 4/18/14).

<sup>3</sup> Although not the subject of the current Petition, it appears that Mr. Park made a material false statement on the 2013 renewal application for St. John’s Liquors (dated March 22, 2013), when he listed his address as 8079 High Castle Road, Ellicott City, Maryland 21043.

Mr. Park testified that the Aurora, Colorado address he gave Det. Baxter, 16063 East Geddes Drive, was his sister's residence and he only stayed there for a few months before moving to his current address. Mr. Park testified that he did not supply the Board with his Colorado address because it was temporary. Mr. Park stated that he has a Colorado driver's license. He stated that he was required to do this within 30 days of his arrival in Colorado, whether or not he was a resident of that State. This is not, however, an accurate statement of Colorado State law.<sup>4</sup>

Mr. Park testified that on the day of the incident, "Charlie" (Seung Chul Yang), an employee who had worked in the store since it opened, sold beer to a cadet without asking for identification. He stated that Charlie had extensive experience in the business, and was the main manager at the store. Mr. Park testified that when the incident occurred, Charlie was engaged in a conversation with a sales representative, and was distracted. Mr. Park stated that after Charlie sold the beer to the cadet, he realized that he had not asked for his identification and chased after the cadet but he was gone.<sup>5</sup>

Mr. Park testified that Charlie was not involved in the store's prior violation, and that the employee who was responsible for that violation was terminated immediately. Mr. Park testified that Charlie was one of his best employees and that they did not terminate him immediately. Mr. Park testified that he ultimately terminated Charlie to show the Board that the business understands the seriousness of the violation. When asked who was managing the store now, Mr. Park stated "Honestly, no one is in charge right now, it is in disarray." When asked whether the manager position had been advertised, Mr. Park stated that it had not.

Mr. Park testified that they had a buyer for the store but, because of the pending violation, the buyer backed out. Mr. Park testified that they have another prospective buyer.

Mr. Park testified that after the March 2010 sale to a minor violation, they implemented changes with the help of Martin Johnson. Cashiers are now required to put the customer's date of birth in the cash register before they can make the sale, and they have put more signs up indicating that they will not accept vertical identification cards. Mr. Park testified that two

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<sup>4</sup> See COLO. REV. STAT. § 42-2-102(c), which exempts *nonresidents* who have a valid driver's license from their home state from the Colorado license requirement.

<sup>5</sup> Charlie was not present at the hearing.

other underage sales attempts were made at the store in 2010 and 2012, and they refused service, although other violations occurred.

Mr. Park testified that while he was away, he had his cousin's wife, Young Kim, overseeing the liquor store for him and that she was the "primary person" who oversees the store. When asked whether the employees answered to Ms. Kim, Mr. Park stated "yes." When asked whether he had any documentation establishing her role in the Liquor Store, Mr. Park replied, "of course not." He explained that did not think written agreements between family members were necessary. When asked how he evaluated employees, Mr. Park stated "I rely heavily on my cousin."

When asked whether Ms. Kim was involved in other businesses, Mr. Parks stated, "you have to ask her." When asked whether she was involved in other liquor stores, he again stated, "ask her." Later in the hearing, when asked why he did not hire Ms. Kim as manager, Mr. Park stated that she had other businesses she needed to attend to. Mr. Park later testified that Ms. Kim was involved in a restaurant business in Howard County. When asked whether Ms. Kim was TAM (alcohol awareness) certified, Mr. Park replied "she's not actually selling anything at the store. She's simply overseeing the operations but not physically present selling anything." Mr. Park then clarified, "as far as I am concerned she is not TAM certified."

After being reminded that he was under oath, Mr. Park was again asked whether he had any knowledge of Ms. Kim's involvement in another liquor store, Mr. Park stated, "No, not now, not in the past." When asked whether it would surprise him to learn that Ms. Kim was involved in another liquor store, Mr. Park stated yes and "I do not believe she is entitled to own a liquor store in Howard County."<sup>6</sup>

The following Licensee Exhibit was entered into the record:

Exhibit #1 - TAM Certificates for employees of St. John's Liquors for Saejin Park, Jiuk Choi, Jung Y. Choi, Matthew Park, Eddie Ku Cho.

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

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<sup>6</sup> Although not relevant to the outcome of this proceeding, in a separate hearing on a Petition for Violation against Triangle Liquors, Ms. Young Kim (licensee and owner of Triangle Liquors) confirmed that she assisted in the management of St. John's Liquors and had check writing authority for St. John's Liquors' bank accounts.

## FINDINGS OF FACT

1. The Hearing Board finds that Matthew Park and Jung Yeon 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 since opening in 2009, St. John's Liquors has been found liable for multiple violations of State and County law, including a sale to a minor in 2010 and purchases of alcoholic beverages from other than a wholesaler, which involved alcohol that St. John's licensees admitted was from Triangle Liquors.
3. The Hearing Board finds that the Licensees have admitted the violations alleged in the current Petition.
4. The Hearing Board finds that the Licensees have committed the violations alleged in the Petition:
  - a. Liquor Board Rule 2.03 – Updating Application
  - b. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
  - c. Liquor Board Rule 5.01 – Sales to Minors and Annotated Code of Maryland, Article 2B, Sec. 12-108 – Sales to Underage Persons
  - d. Liquor Board Rule 5.07 – Acts Contrary to Law
5. The Hearing Board finds that it is not yet necessary to revoke the liquor license, but because of the repeated and serious nature of these 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 Two Thousand Two Hundred Dollars, (\$2,200.00) for violation of Rules 2.03, 4.04, 5.01, and 5.07 of the Liquor Board's Rules and Regulations, and the Annotated Code of Maryland, Article 2B, Sec. 12-108, 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 Two Thousand Four Hundred Sixty Dollars (\$2,460.00), and it is further necessary to suspend the license for three consecutive weekends: May 9, 2014, at 6:00 A.M. through May 12, 2014, at 6:00 A.M,

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Additionally, a letter in the Liquor Board files dated January 19, 2010, from an alcohol awareness certified trainer, lists a Matthew Park as a person certified on behalf of Triangle Liquors.

May 16, 2014, at 6:00 A.M. through May 19, 2014, at 6:00 A.M., and May 23, 2014, at 6:00 A.M. through May 26, 2014, at 6:00 A.M.

**CONCLUSIONS OF LAW**

1. The Hearing Board concludes that Matthew Park and Jung Yeon 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 provisions of the Rules and Regulations of the Liquor Board:
  - a. Liquor Board Rule 2.03 – Updating Application
  - b. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
  - c. Liquor Board Rule 5.01 – Sales to Minors and Annotated Code of Maryland, Article 2B, Sec. 12-108 – Sales to Underage Persons
  - d. Liquor Board Rule 5.07 – Acts Contrary to Law
3. The Hearing Board concludes that it is not yet necessary to revoke the liquor license, but because of the repeated and serious nature of these 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 Two Thousand Two Hundred Dollars, (\$2,200.00), for violation of Rules 2.03, 4.04, 5.01, and 5.07 of the Liquor Board's Rules and Regulations, and the Annotated Code of Maryland, Article 2B, Sec. 12-108, 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 Two Thousand Four Hundred Sixty Dollars (\$2,460.00), and it is further necessary to suspend the license for three consecutive weekends: May 9, 2014, at 6:00 A.M. through May 12, 2014, at 6:00 A.M., May 16, 2014, at 6:00 A.M. through May 19, 2014, at 6:00 A.M., and May 23, 2014, at 6:00 A.M. through May 26, 2014, at 6:00 A.M..

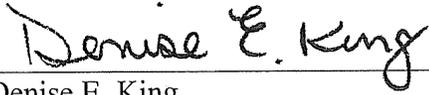
**ORDER**

For the foregoing reasons, and upon finding a violation of Rules 2.03, 4.04, 5.01, and 5.07 of the Liquor Board's Rules and Regulations, and the Annotated Code of Maryland, Article 2B, Sec. 12-108, it is this 23<sup>rd</sup> day of April, 2014, by the Alcoholic Beverage Hearing Board for Howard County, Maryland, **ORDERED:**

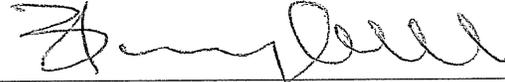
That a **FINE** in the amount of **Two Thousand Two Hundred Dollars, (\$2,200.00)**, for violation of Rule 2.03, Rule 4.04, Rule 5.01, and Rule 5.07 of the Liquor Board's Rules and Regulations of the Liquor Board, and the Annotated Code of Maryland, Article 2B, Sec. 12-108, and a **FEE** of **Two Hundred Sixty Dollars (\$260.00)**, for a total of **Two Thousand Four Hundred Sixty Dollars (\$2,460.00)**, and a **SUSPENSION** for **Three Consecutive Weekends: May 9, 2014, at 6:00 A.M. through May 12, 2014, at 6:00 A.M., May 16, 2014, at 6:00 A.M. through May 19, 2014, at 6:00 A.M., and May 23, 2014, at 6:00 A.M. through May 26, 2014, at 6:00 A.M.;** is **HEREBY IMPOSED** upon Matthew Park and Jung Yeon Choi, 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, and **THE FINE MUST BE PAID NO LATER THAN MAY 25, 2014.**

ATTEST:

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

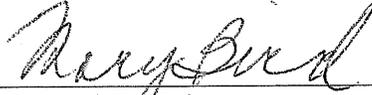


Denise E. King  
Administrator



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Harry Evans, III, Chairperson



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Mary Bird, Member

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



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Lisa Lopez Friedman, Member



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Charles C. Feaga, Member



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Lewis Taylor, Esquire  
Assistant County Solicitor



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William Neault, 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.