

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF PHYLLIS MAY	*	
ALBERT, SIEW YIN LEE, AND BOON	*	BEVERAGE HEARING BOARD
WAI LEE ON BEHALF OF LEEHA	*	
ENTERPRISE, INC., t/a HUNAN LEGEND	*	FOR
FOR A RESIDENT AGENT/OFFICER	*	
CHANGE ON A CLASS B BEER, WINE,	*	HOWARD COUNTY, MARYLAND
AND LIQUOR 7-DAY ON-SALE	*	
LICENSE	*	Case No.: 16-20
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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 5, 2016, the Hearing Board heard the application of Phyllis May Albert, Siew Yin Lee, and Boon Wai Lee (the “Applicants”), on behalf of LeeHa Enterprise, Inc., t/a Hunan Legend (“LeeHa Enterprise, Inc.”), for a resident agent/officer change from Martin John Wong and Siew Yin Lee on the Class B Beer, Wine, and Liquor, 7-day on-sale license for a 3,299 square foot restaurant located at 4725 Dorsey Hall Drive, Ellicott City, Maryland 21042. 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 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 13, 2016, from the attorney for the Applicants attaching

the application for a resident agent/officer change; a copy of the Articles of Incorporation of LeeHa Enterprise, Inc.; a copy of the Charter Approval sheet for LeeHa Enterprise, Inc.; a copy of the floor plan; the background investigation questionnaires for the Applicants; a copy of the driving record for Siew Yin Lee and Boon Wai Lee, from the Maryland Motor Vehicle Administration; a memorandum dated February 24, 2016, from the Liquor Board to the Alcohol Beverage Inspector, the Department of Inspections, Licenses, and Permits, the Bureau of Environmental Health, the Department of Planning and Zoning, and the Office of the Fire Marshal; the background investigations of the Applicants by the Alcohol Beverage Inspector, dated February 3, 2016; an email dated March 18, 2016, from the Office of the Fire Marshal; a memorandum dated March 2, 2016, from the Department of Planning and Zoning; a memorandum dated March 4, 2016, from the Bureau of Environmental Health; a letter dated February 24, 2016, to the Department of Finance; a letter from the Department of Finance; a letter dated February 24, 2016, to the Comptroller of the Treasury; a letter dated March 4, 2016, from the Comptroller of the Treasury; an facsimile transmission dated February 24, 2016, from the Liquor Board Administrator to the attorney for the Applicants enclosing a letter dated February 24, 2016, with notification of the hearing date and the necessity to advertise; a letter dated February 24, 2016, from the attorney for the Applicants enclosing the certificates of advertising from the Howard County Times and the Baltimore Sun; and an e-mail dated March 22, 2016, from the Alcoholic Beverage Inspector stating the premises had been posted.

### **SUMMARY OF TESTIMONY**

Phyllis May Albert, Vice President and 10% shareholder of LeeHa Enterprise, Inc., was sworn and testified that she has lived in Howard County for more than 30 years, is a registered

voter, and is alcohol awareness certified. Ms. Albert testified that she is a licensee for Carrabba's, a Class BLX license, and was a licensee for Tiber River Tavern from 2002 through 2009. Ms. Albert testified that Tiber River Tavern was cited in 2004, for serving alcoholic beverages after hours.

Ms. Albert testified that she has met with the other licensees, and that she plans to make frequent visits to the restaurant to observe the operation. Ms. Albert testified that she has read the rules and regulations governing the sale of alcoholic beverages, and that she will abide by them.

Boon Wai Lee, President and 30% shareholder of LeeHa Enterprises, Inc., t/a Hunan Legend, was sworn and testified that he is the Chef at Hunan Legend, and that they have not had any violations for 26 years. Mr. Lee testified that he, the managers, and the servers are alcohol awareness certified.

Mr. Lee testified that he has read the rules and regulations governing the sale of alcoholic beverages, and that he will abide by them.

Based on the evidence presented at the hearing, the Alcoholic Beverage Hearing Board makes the following Findings of Fact and Conclusions of Law:

#### **FINDINGS OF FACT**

1. The Hearing Board finds that Phyllis May Albert, Siew Yin Lee, and Boon Wai Lee on behalf of LeeHa Enterprise, Inc., t/a Hunan Legend, have applied for a resident agent/officer change from Martin John Wong and Siew Yin Lee on the Class B Beer, Wine, and Liquor, 7-day on-sale license for a 3,299 square foot restaurant located at 4725 Dorsey Hall Drive, Ellicott City, Maryland 21042.

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 Phyllis May Albert has been a Howard County resident for more than two years, is a registered voter, a 10% shareholder, and Vice President of LeeHa Enterprise, Inc., t/a Hunan Legend.

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 of the neighborhood.

#### **CONCLUSIONS OF LAW**

1. The Hearing Board concludes that Phyllis May Albert, Siew Yin Lee, and Boon Wai Lee on behalf of LeeHa Enterprise, Inc., t/a Hunan Legend, have applied for a resident agent/officer change from Martin John Wong and Siew Yin Lee on the Class B Beer, Wine, and Liquor, 7-day on-sale license for a 3,299 square foot restaurant located at 4725 Dorsey Hall Drive, Ellicott City, Maryland 21042.

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 Phyllis May Albert 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 this application would not unduly disturb the peace and safety of the neighborhood.

**ORDER**

For the foregoing reasons, it is this 26<sup>th</sup> day of April, 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Phyllis May Albert, Siew Yin Lee, and Boon Wai Lee on behalf of LeeHa Enterprise, Inc., t/a Hunan Legend, for a resident agent/officer change from Martin John Wong and Siew Yin Lee on the Class B Beer, Wine, and Liquor, 7-day on-sale license for a 3,299 square foot restaurant located at 4725 Dorsey Hall Drive, Ellicott City, Maryland 21042, 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) That the Applicants comply with all State and County laws; and
  - (b) Failure to comply with these conditions and obtain the license by April 29, 2016, shall render this Proposed Decision and Order null and void.

