

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF UN SIK YUN AND	*	
KEVIN JUNHYUNG JO ON BEHALF	*	BEVERAGE HEARING BOARD
OF 108 PLACE, INC., t/a 108 LIQUORS,	*	
FOR A RESIDENT AGENT CHANGE	*	FOR
ON A CLASS A-1 BEER, WINE, AND	*	
LIQUOR 7-DAY OFF- SALE LICENSE	*	HOWARD COUNTY, MARYLAND
	*	
	*	Case No.: 16-10

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 February 16, 2016, the Hearing Board heard the application of Un Sik Yun and Kevin Junhyung Jo (the "Applicants"), on behalf of 108 Place, Inc., t/a 108 Liquors ("108 Place, Inc."), for a resident agent change from Ok Yoon Park and Kevin Junhyung Jo to Un Sik Yun and Kevin Junhyung Jo on the Class A-1 Beer, Wine, and Liquor 7-day off-sale license for a 2,558 square foot package goods store located at 12447 Clarksville Pike, Clarksville, Maryland 21029. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were not represented by an attorney. 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: the application for a resident agent change; a letter dated July 30, 2015, from

Kevin Jo, to the Board of License Commissioners regarding the elimination of their deli, and a change of trade name; a copy of the Meeting Minutes of 108 Place, Inc., dated September 9, 2015; background investigation questionnaires for the Applicants; a copy of the receipt from the Department of Public Safety and Correctional Services Criminal Justice Information System – Central Repository; a copy of the criminal history record check of Maryland’s Criminal Justice Information System for Un Sik Yun; a copy of a receipt for a driving record for Un Sik Yun, from the Maryland Motor Vehicle Administration; a copy of the Maryland driving record for Un Sik Yun; a copy of the Maryland driver’s license for Un Sik Yun; a copy of a Certificate of Naturalization for Un Sik Yun; a copy of a memorandum dated January 5, 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 investigation of Un Sik Yun by the Alcohol Beverage Inspector, dated January 6, 2016; a letter dated January 6, 2016, from Cassel Oh, a Certified Alcohol Awareness Program Instructor for A.C.E. Program, advising that Un Sik Yun had completed an Alcohol Certification Program; an email dated February 10, 2016, from the Department of Planning and Zoning; a letter dated January 12, 2016, from the Office of the Fire Marshal; a memorandum dated January 11, 2016, from the Bureau of Environmental Health; a letter dated January 5, 2016, to the Department of Finance; a letter from the Department of Finance; a letter dated January 5, 2016, to the Comptroller of the Treasury; a letter dated January 21, 2016, from the Comptroller of the Treasury; an email dated January 14, 2016, to the Martin Johnson, a consultant for the Applicants, with notification of the hearing date; an email dated February 10, 2016, from the Alcoholic Beverage Inspector stating the premises had been posted,

and letter dated February 16, 2016, to the Liquor Board Administrator, from the attorney for the Applicants enclosing the certificates of advertising from the Howard County Times and the Baltimore Sun.

SUMMARY OF TESTIMONY

Hea Park, a Court certified Korean interpreter, was sworn and stated that she would be translating for Un Sik Yun.

Kevin Junhyung Jo, President and 90% shareholder for 108 Place, Inc., t/a 108 Liquors, was sworn and testified that Ok Yoon Park no longer wishes to be the resident agent for 108 Place, Inc. Mr. Jo testified that he will remain on the license, but is requesting a resident agent change. Mr. Jo testified that he will continue to be on premises full-time.

Mr. Jo testified that he has known Mr. Yun for eight years, and that he is confident that he will observe the Liquor Board's Rules and Regulations.

Un Sik Yun, Vice President, and 10% shareholder of 108 Place, Inc., t/a 108 Liquors, was sworn and testified that he has lived in Howard County for 30 years, is a registered voter, and is alcohol awareness certified. Mr. Yun testified that he is friends with Mr. Jo's father-in-law, and found out Mr. Jo needed a resident agent. Mr. Yun testified that he has not reviewed all of the Liquor Board's Rules and Regulations, but will do so with the assistance of Hea Park and Martin Johnson. Mr. Yun testified that he has worked at a deli/carry-out for a long time. Mr. Yun testified that he will get experience in the alcoholic beverage business by observing the operation of the store.

Mr. Jo testified that he takes full responsibility for a recent administrative violation for failure to have a certified person on premises. Mr. Jo testified that he had been working 7 days a

week, and normally has someone who is alcohol certified on premises. Mr. Jo testified that the evening it happened, he left the store at 8:30 P.M. for personal reasons, and there was not a certified person to close the store at 9:30 P.M. Mr. Jo apologized and said that he learned his lesson, and will make sure that even his part-time employees are alcohol awareness certified.

The record was held open until February 24, 2016, to ensure legal sufficiency of the posting of the property.

On February 24, 2016, the Alcoholic Beverage Hearing Board continued the hearing and deliberated. There were no protestants

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 Un Sik Yun and Kevin Junhyung Jo on behalf of 108 Place, Inc., t/a 108 Liquors, have applied for a resident agent change from Ok Yoon Park and Kevin Junhyung Jo to Un Sik Yun and Kevin Junhyung on the Class A-1 Beer, Wine, and Liquor 7-day off-sale license for a 2,558 square foot package goods store located at 12447 Clarksville Pike, Clarksville, Maryland 21029.

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 Un Sik Yun has been a Howard County resident for more than two years, is a registered voter, a Vice President, and a 10% shareholder of 108 Place, Inc., t/a 108 Liquors.

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 Un Sik Yun and Kevin Junhyung Jo on behalf of 108 Place, Inc., t/a 108 Liquors, have applied for a resident agent change from Ok Yoon Park and Kevin Junhyung Jo to Un Sik Yun and Kevin Junhyung Jo on the Class A-1 Beer, Wine, and Liquor 7-day off-sale license for a 2,558 square foot package goods store located at 12447 Clarksville Pike, Clarksville, Maryland 21029.

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 Un Sik Yun 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

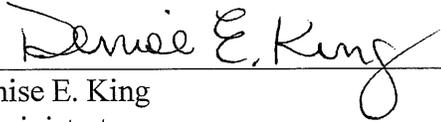
For the foregoing reasons, it is this 22nd day of March 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Un Sik Yun and Kevin Junhyung Jo, on behalf of 108 Place, Inc., t/a 108 Liquors, for a resident agent change from Ok Yoon Park and Kevin Junhyung Jo to Un Sik Yun and Kevin Junhyung Jo on the Class

A-1 Beer, Wine, and Liquor 7-day off-sale license for a 2,558 square foot package goods store located at 12447 Clarksville Pike, Clarksville, Maryland 21029, 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 Rules and Regulations; and
 - (b) Failure to comply with these conditions and obtain the license by April 30, 2016, 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

ABSENT

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