

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF XUE LI CHEN ON	*	
BEHALF OF YAMA ASIAN BISTRO,	*	BEVERAGE HEARING BOARD
LLC, t/a YAMA ASIAN FUSION, FOR A	*	
NEW CLASS B BEER, WINE, AND	*	FOR
LIQUOR 7-DAY ON-SALE LICENSE	*	
	*	HOWARD COUNTY, MARYLAND
	*	Case No. 15-1

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 January 13 and January 27, 2015, the Hearing Board heard the application of Xue Li Chen¹ (“Applicant”), on behalf of Yama Asian Bistro, LLC, t/a Yama Asian Fusion, (“Yama Asian Bistro, LLC”), for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 3,057 square foot restaurant, with a 672 square foot outdoor patio located at 10039-A Baltimore National Pike, Ellicott City, Maryland 21042. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicant was 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: an email dated January 9, 2015, from the Applicant's attorney requesting Siu Ling Wong be removed from the application; a letter dated September 24,

¹ Although the initial application included another applicant, that applicant was withdrawn prior to the hearing.

2014, from the Applicant's attorney enclosing the application; a copy of the Articles of Organization of Yama Asian Bistro, LLC; a copy of the corporate charter approval sheet for Yama Asian Bistro, LLC; a copy of a letter of confirmation accepting the filing of the Articles of Organization of Yama Asian Bistro, LLC; a copy of the floor plan; a copy of the background investigation questionnaire for the Applicant; a copy of the Motor Vehicle Administration driving record for the Applicant; a copy of an email dated October 10, 2014, from the Applicant's attorney to the Alcoholic Beverage Inspector addressing questions; a copy of an email dated October 10, 2014, from the Applicant's attorney to the Hearing Board's administrator noting Xue Li Chen is the Managing Member and only authorized person for Yama Asian Bistro, LLC; a copy of an email dated December 8, 2014, from the Applicant's attorney to the Alcoholic Beverage Hearing Board enclosing the naturalization certification for the Applicant; a memorandum dated December 8, 2014, 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 Applicant by the Alcoholic Beverage Inspector dated January 9, 2015; an email dated December 9, 2014, to the Department of Planning and Zoning; an email dated December 9, 2014, from the Office of the Fire Marshall; an email dated December 11, 2014, from the Department of Inspections, Licenses and Permits; a memorandum dated July 8, 2014, from the Bureau of Environmental Health; a letter dated December 8, 2014, to the Department of Finance; a letter dated December 12, 2014, from the Department of Finance; a letter dated December 8, 2014, to the Comptroller of Maryland; a letter dated December 15, 2014, from the Comptroller of the Treasury; an email to the Applicant's attorney enclosing a letter dated December 9, 2014, with notification of the hearing date and the necessity to

advertise; a letter dated January 8, 2015, from the Applicant's attorney enclosing the certification of advertisement from the Howard County Times and the Baltimore Sun; and an email dated January 8, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF TESTIMONY – JANUARY 13, 2015

An interpreter, Xiao Zhang, was sworn in to assist in translating for Xue Li Chen.

Xue Li Chen, managing member and 61% shareholder of Yama Asian Bistro, LLC, was sworn and testified that he has lived in Howard County for over two years, that he is alcohol awareness certified, and that he is a registered voter. Mr. Chen testified that the restaurant has been open since August, and that his customers have been requesting alcoholic beverages to accompany their meals.

Mr. Chen testified that he has prior experience working at Yama Sushi in Dorsey Hall, and that during that time, they have not had any violations.

Mr. Chen testified that his current duties include supervising the dining area. Mr. Chen testified that he is at the restaurant approximately 50 to 60 hours per week. The hours of operation are Monday through Thursday, 11:00 A.M. to 10:00 P.M., Friday and Saturday, 11:00 A.M. to 10:30 P.M., and Sunday, 11:30 A.M. to 10:00 P.M.

Mr. Chen testified that his staff is experienced in serving alcoholic beverages, and that they are alcohol awareness certified. Mr. Chen testified that if approved, he will have his staff sign a the written policy for the proper serving of alcoholic beverages.

Mr. Chen testified that he will have two full time employees, and two part time employees. Mr. Chen testified that if they have an increase in their customers, they will increase their servers.

Mr. Chen testified that they have a 672 square foot outdoor patio that is only accessible through the interior of the restaurant. Mr. Chen testified that they have approximately 20 seats on the patio. Mr. Chen testified that he will have a server responsible for the alcohol served on the patio.

The following Exhibit was entered into the record:

Exhibit #1 – menu

In order to ensure compliance with statutory notice requirements concerning the posting of the premises, the hearing was continued until January 27, 2015. On January 27, 2015, the Alcoholic Beverage Hearing Board continued the hearing for Yama Asian Bistro, LLC. No additional testimony was offered.

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicant's attorney did not waive the right to request the Liquor Board to hear the case.

FINDINGS OF FACT

1. The Hearing Board finds that Xue Li Chen, on behalf of Yama Asian Bistro, LLC, t/a Yama Asian Fusion, has applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 3,057 square foot restaurant with a 672 square foot outdoor patio located at 10039 Baltimore National Pike, #A, Ellicott City, Maryland 21042.
2. The Hearing Board finds that the Applicant is a fit and proper person to hold an alcoholic beverage license.
3. The Hearing Board finds that Xue Li Chen has been a Howard County resident for more than two years, is a registered voter, and a 61% shareholder of Yama Asian Bistro, LLC, t/a Yama Asian Fusion.

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 the application will not unduly disturb the peace and safety of the residents in the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Xue Li Chen, on behalf of Yama Asian Bistro, LLC, t/a Yama Asian Fusion, has applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 3,057 square foot restaurant with a 672 square foot outdoor patio located at 10039 Baltimore National Pike, #A, Ellicott City, Maryland 21042.

2. The Hearing Board concludes that the Applicant is a fit and proper person to hold an alcoholic beverage license.

3. The Hearing Board concludes that Xue Li Chen 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

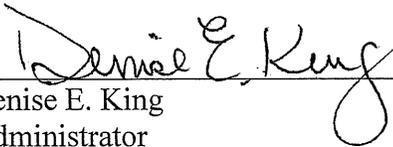
For the foregoing reasons, it is this 24th day of February, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Xue Li Chen on behalf Yama Asian Bistro, LLC, t/a Yama Asian Fusion, for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 3,057 square foot restaurant

with a 672 square foot outdoor patio located at 10039 Baltimore National Pike, #A, 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 Applicant obtains the license and complies with the following conditions:
 - (a) That the Applicant complies with all State and County rules and regulations; and
 - (b) Failure to comply with these conditions and obtain the license by April 30, 2015, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



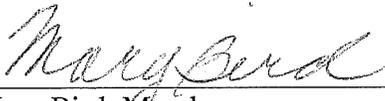
Denise E. King
Administrator

ABSENT
Harry Evans, III, Chairperson



Charles C. Feaga, Vice-Chairperson

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



Mary Bird, Member



Heather Gaetano, Member



Lewis Taylor
Assistant County Solicitor



Charley C. Sung, Member