

IN THE MATTER OF THE * BEFORE THE ALCOHOLIC
 APPLICATION OF JATIN N. VYAS ON *
 BEHALF OF OAKLAND MILLS WINE * BEVERAGE HEARING BOARD
 AND SPIRITS, INC., t/a KO KO'S MINI *
 MARKET, FOR A TRANSFER OF THE * FOR
 CLASS A-1 BEER, WINE, AND LIQUOR *
 7-DAY OFF-SALE LICENSE * HOWARD COUNTY, MARYLAND
 *
 * Case No.: 16-48
 *

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 October 25, 2016, the Hearing Board heard the application of Jatin N. Vyas (the “Applicant”), on behalf of Oakland Mills Wine & Spirits, Inc., t/a Ko Ko’s Mini Market (“Oakland Mills Wine & Spirits, Inc.”), for a transfer of the Class A-1 Beer, Wine, and Liquor 7-day off-sale license from Sook Ye Kim and Don Hak Kim on behalf of Gui-Bu, Inc., t/a Ko Ko’s Mini Market, for a 1,800 square foot package goods store located at 7660 Oakland Mills Road, #G, Columbia, Maryland 21046. The hearing was properly advertised pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicant was represented by Robert J. Kim, 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 July 28, 2016, from the attorney for the Applicant enclosing a copy

of the Alcoholic Beverage Management Agreement, by Dong Hak Kim and Sook Ye Kim on behalf of Gui Bu, Inc. t/a Ko Ko's Mini Market ("Company"), and Oakland Mills Wine and Spirits, Inc. ("Manager"), dated July 27, 2016; a letter dated June 17, 2016, from the attorney for the Applicant enclosing the application; a copy of the background investigation questionnaire for the Applicant; a copy of the United States Passport for Jatin Narhariprasad Vyas; a copy of the Maryland driver's license for Jatin Narhariprasad Vyas; a copy of the floor plan; a copy of the Articles of Incorporation of Oakland Mills Wine and Spirits, Inc.; a copy of a letter from the State of Maryland Department of Assessments and Taxation dated June 14, 2016, confirming acceptance of Oakland Mills Wine and Spirits, Inc.; a memorandum dated September 19, 2016, from the Liquor Board Administrator 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 the Applicant by the Alcohol Beverage Inspector, dated October 11, 2016; a letter dated September 30, 2016, from the Office of the Fire Marshal; an letter from the Department of Planning and Zoning dated September 30, 2016; a letter dated September 19, 2016, to the Department of Finance; a letter from the Department of Finance; a letter dated September 19, 2016, to the Comptroller of the Treasury; a letter dated October 4, 2016, from the Comptroller of the Treasury; a fax transmission dated September 19, 2016, from the Liquor Board Administrator to the attorney for the Applicant, advising notification of the hearing date, and enclosing the required advertisement; an email dated October 21, 2016, from the attorney for the Applicant enclosing the certification of advertisements from the Howard County Times and the Baltimore Sun; and an e-mail dated October 9, 2016, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF TESTIMONY

Jatin N. Vyas, Member and 100% shareholder of Oakland Mills Wine and Spirits, Inc., was sworn and testified that he has lived in Howard County for 38 years, that he is a registered voter, and that he is alcohol awareness certified. Mr. Vyas testified that he has never held a liquor license, but has worked under a management agreement in the store for three months. Mr. Vyas testified that he has been learning from the two experienced employees who have been working there for years. Mr. Vyas, testified that he will eventually terminate his full-time employment to work at Ko Ko's Mini Market full-time.

Mr. Vyas testified that he has been spending approximately 40 hours per week in the store, and that he is familiar with the rules and regulations governing the sale of alcoholic beverages.

Mr. Vyas testified that there are two employees, other than him, and one has six years of experience, and the other has three years of experience in the alcoholic beverage business. Mr. Vyas testified that both employees are alcohol awareness certified.

The following Exhibit was entered into the record:

Exhibit #1 – 3 alcohol awareness certificates

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicant waived his right to request the Liquor Board to hear the case.

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 Jatin N. Vyas on behalf of Oakland Mills Wine & Spirits, Inc., t/a Ko Ko's Mini Market, has applied for a transfer of the Class A-1 Beer, Wine,

and Liquor 7-day off-sale license held by Sook Ye Kim and Don Hak Kim on behalf of Gui-Bu, Inc., t/a Ko Ko's Mini Market, for a 1,800 square foot package goods store located at 7660 Oakland Mills Road, #G, Columbia, Maryland 21046.

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 Jatin N. Vyas has been a Howard County resident for more than two years, is a registered voter, and a 100% shareholder of Oakland Mills Wine & Spirits, Inc., t/a Ko Ko's Mini Market.

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 of the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Jatin N. Vyas on behalf of Oakland Mills Wine & Spirits, Inc., t/a Ko Ko's Mini Market, has applied for a transfer of the Class A-1 Beer, Wine, and Liquor 7-day off-sale license held by Sook Ye Kim and Don Hak Kim on behalf of Gui-Bu, Inc., t/a Ko Ko's Mini Market, for a 1,800 square foot package goods store located at 7660 Oakland Mills Road, #G, Columbia, Maryland 21046.

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 Jatin N. Vyas 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 would not unduly disturb the peace and safety of the neighborhood.

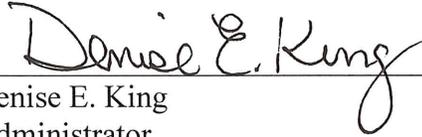
ORDER

For the foregoing reasons, it is this 8th day of November, 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Jatin N. Vyas on behalf of Oakland Mills Wine & Spirits, Inc., t/a Ko Ko's Mini Market, for a transfer of the Class A-1 Beer, Wine, and Liquor 7-day off-sale license from Sook Ye Kim and Don Hak Kim on behalf of Gui-Bu, Inc., t/a Ko Ko's Mini Market, for a 1,800 square foot package goods store located at 7660 Oakland Mills Road, #G, Columbia, Maryland 21046, be and the same is hereby **GRANTED**, subject to 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 December 31, 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



Heather Gaetano, Vice-Chairperson

REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR

Harry Evans, III, Member



Charles C. Feaga, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Charley C. Sung, Member