

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF KEVIN ZHANG	*	
AND JI CHEN ON BEHALF OF	*	BEVERAGE HEARING BOARD
TAN YEE, INC., t/a ASIAN COURT,	*	
FOR A NEW CLASS B BEER, WINE,	*	FOR
AND LIQUOR 7-DAY ON SALE	*	
LICENSE	*	HOWARD COUNTY, MARYLAND
	*	
	*	Case No. 17-39

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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 September 19, 2017, the Hearing Board heard the application of Kevin Zhang and Ji Chen (the “Applicants”) on behalf of Tan Yee, Inc, t/a Asian Court for a new Class B Beer, Wine, and Liquor 7-Day on sale License for a 3,820 square foot restaurant and 1,300 square foot patio located at 11105 Resort Road, Suite 100, Ellicott City, MD 21042.

The hearing was properly advertised and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicants were represented by Christopher Bonvillain, Esq. There were no protestants who appeared in opposition to the application.

All the documents on file were incorporated into the record by reference.

### SUMMARY OF TESTIMONY

Kevin B. Zhang, resident agent, was sworn and testified that he is a 10% shareholder of Tan Yee, Inc., a resident of Howard County, a registered voter, and will be taking the alcohol awareness course in the near future. Mr. Zhang testified that this is a sit-down restaurant with 166 seats – 23 tables inside, 8 stools along the bar, 10 seats in the sushi bar area and 13 tables on the outside patio. He indicated that customers will go through a screening process at the front of the restaurant and will be seated outside by inside staff. The patio will be monitored by a manager and service staff will make sure that alcohol is not removed from the licensed premise. He stated that the cuisine includes Vietnamese, Chinese, and Thai food and that 18 employees work at this restaurant with 7 employees being servers. Mr. Zhang stated that he lives 5 minutes from the restaurant, plans to visit the restaurant weekly and will make periodic random visits to make sure alcohol laws are being enforced.

Mr. Zhang testified that this restaurant has been operating since mid-January and customers have been requesting that alcohol be served with their meals. He anticipates that alcohol sales will be about 10% of the revenue. He stated that the hours of operation will be 10:30 a.m. to 10:00 p.m., seven days a week.

Mr. Zhang testified he has studied and is familiar with the Rules and Regulations of the Liquor Board and understands that he is a responsible party. He stated that the restaurant will have an alcohol service policy and he will make sure staff is trained and alcohol awareness certified. He indicated that alcohol will be stored behind the bar area in a closet as well as in an office. Mr. Zhang stated that if this license is granted, there will be no negative effects on other businesses in the area.

The following Exhibits were entered into the record.

1. Photographs (6) - aerial view, inside and outside photos of the restaurant
2. Menu of Asian Court

Nina Lai, certified interpreter, was sworn and assisted Ji Juan Chen, owner of Asian Court, with her testimony. Ms. Chen was sworn and testified that she is alcohol awareness certified and held a license for a different Asian Court restaurant, located at 9180 Baltimore National Pike, for 5 years with no violations. She also worked at two other restaurants that served alcohol with no violations. Ms. Chen testified that she plans to be on site 7 days a week during the hours when the restaurant is operating. Ms. Chen indicated that she entered into a management agreement with the intention to purchase the business

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

The Alcoholic Beverage Hearing Board makes the following Findings of Fact and Conclusions of Law:

#### **FINDINGS OF FACT**

1. The Hearing Board finds that Kevin B. Zhang and Ji J. Chen on behalf of Tan Yee, Inc., t/a Asian Court, have applied for a new Class B Beer, Wine, and Liquor 7-Day on sale License for a 3,820 square foot restaurant and 1,300 square foot patio located at 11105 Resort Road, Suite 100, Ellicott City, MD 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 Kevin B. Zhang has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Tan Yee, Inc.

4. The Hearing Board finds that the granting of the application for a new Class B Beer, Wine, and Liquor 7-Day on Sale License 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 Kevin B. Zhang and Ji J. Chen on behalf of Tan Yee, Inc. t/a Asian Court, have applied for a new Class B Beer, Wine, and Liquor 7-Day on sale License for a 3,820 square foot restaurant and 1,300 square foot patio located at 11105 Resort Road, Suite 100, Ellicott City, MD 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 Kevin B. Zhang meets the requirements of Rules 1.09(S), 1.09(T) and 2.10 of the Rules and Regulations of the Liquor Board concerning resident agent qualifications.

4. The Hearing Board concludes that the granting of the application for a new Class B Beer, Wine, and Liquor 7-Day on Sale License 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 16<sup>th</sup> day of October, 2017, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Kevin B. Zhang and Ji J. Chen on behalf of Tan Yee, Inc. t/a Asian Court, for a new Class B Beer, Wine, and Liquor 7-Day on sale License for a 3,820 square foot restaurant and 1,300 square foot patio located at 11105 Resort Road, Suite 100, Ellicott City, MD 21042, be and the same is hereby **GRANTED** subject to the following conditions:

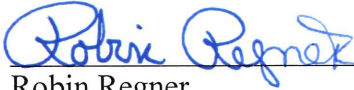
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicants obtain the license and comply with the following conditions:

- (a) That the Applicants comply with all State and County laws and regulations;  
and
- (b) That Kevin Zhang provide certification that he has completed an alcohol awareness training course; and
- (c) That the Applicants satisfy any requirements necessary to obtain the license by December 19, 2017, unless that deadline is extended by the Board upon good cause shown; and
- (d) Failure to comply with these conditions shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING

BOARD OF HOWARD COUNTY,  
MARYLAND



Robin Regner  
Acting Administrator



Heather Gaetano, Chairperson

ABSENT AT TIME OF SIGNING  
Mary Bird, Vice-Chairperson

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

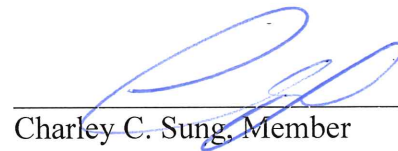


Charles C. Feaga, Member

ABSENT AT TIME OF SIGNING  
Gene Ryan, Member



Lewis Taylor, Esquire  
Assistant County Solicitor



Charley C. Sung, Member