

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF MIN KI KIM AND	*	
SANG W. KIM ON BEHALF OF	*	BEVERAGE HEARING BOARD
TOSOKCHON MD, INC., t/a	*	
TOSOKCHON, FOR A NEW CLASS B	*	FOR
BEER, WINE, AND LIQUOR 7-DAY	*	
ON-SALE LICENSE	*	HOWARD COUNTY, MARYLAND
	*	
	*	Case No. 16-38
	*	

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 13, 2016, the Hearing Board heard the application of Min Ki Kim and Sang W. Kim (the “Applicants”), on behalf of Tosokchon MD, Inc., t/a Tosokchon (“Tosokchon MD, Inc.”), for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 2,455 square foot restaurant located at 10035 Baltimore National Pike, Suite H, Ellicott City, Maryland 21042. The hearing was properly advertised pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicants were represented by Thomas Coale, 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 May 20, 2016, from the attorney for the Applicants, enclosing the application; a copy of the floor plan; the background investigation questionnaires for the

Applicants; copies of the criminal history record checks of the Applicants from the Maryland Criminal Justice Information System; a copies of the United States passports for the Applicants; a copy of the Social Security card of Min Ki Kim; a copy of the Maryland driver's license for Min Ki Kim; letters from the Korean-American Social Agency certifying that the Kyu Suk Kim and Min Ki Kim are alcohol awareness certified; a copy of the Articles of Incorporation for Tosokchon MD, Inc.; a certification dated June 12, 2016, from the Maryland Department of Assessment and Taxation, confirming acceptance of the filing of Tosokchon MD, Inc.; a copy of a memorandum dated July 20, 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 September 1, 2016; a memorandum dated September 9, 2016, from the Department of Planning and Zoning; an email dated July 27, 2016, from the Department of Inspections, Licenses, and Permits; an email dated August 16, 2016, from the Office of the Fire Marshal; an email dated September 9, 2016, from Environmental Health; a letter dated July 20, 2016, to the Department of Finance; a letter from the Department of Finance; a letter dated July 20, 2016, to the Comptroller of the Treasury; a letter dated July 26, 2016, from the Comptroller of the Treasury; a letter dated July 20, 2016, from the Liquor Board Administrator to the attorney for the Applicants, advising notification of the hearing date, and enclosing the required advertisement; an email dated August 26, 2016, from the Alcoholic Beverage Inspector stating the premises had been posted; and copies of the certificates of advertising from the Howard County Times and the Baltimore Sun.

SUMMARY OF TESTIMONY

Min Ki Kim, 10% shareholder of Tosokchon MD, Inc, t/a Tosokchon, was sworn and testified that he has lived in Howard County for 30 years, that he is a registered voter, and that he is alcohol awareness certified. Mr. Kim testified he will be at the restaurant once per week to observe the operation. Mr. Kim testified that he has reviewed and understands the Board's Rules and Regulations.

Min Ki Kim testified that he recognizes that he has had a number of traffic tickets, but that he has not had any criminal offenses for 17 years.

Sang W. Kim, 90% shareholder of Tosokchon MD, Inc., t/a Tosokchon, was sworn and testified he has ten years of experience in the restaurant business, and currently owns four restaurants in Virginia, New York, New Jersey, and Maryland. Mr. Kim testified that the restaurants in New York and Virginia both have a liquor licenses, and that they have never had a violation. Mr. Kim testified that he goes to the Virginia restaurant before noon, leaves around 2:00 P.M., and drives to the Maryland restaurant and remains there from 3:30 to 9:00 P.M. After that, Mr. Kim testified that he either goes back to the Virginia restaurant or goes home. Mr. Kim testified that he visits the restaurant in New Jersey and the restaurant in New York approximately one to two times per week.

Mr. Kim testified that he has been operating Tosokchon since May 2016, without a liquor license. Mr. Kim testified that Tosokchon is a Korean restaurant, and that they would like to be able to offer Korean beer and liquor to their customers. Mr. Kim testified that they have eight employees, and that all have been alcohol awareness certified. Mr. Kim testified that if the liquor license is approved, he will continue to train the employees.

Mr. Kim testified that he is the principal owner and operator of the restaurant. Mr. Kim testified that he monitors the operation of the restaurant, and that he understands the rules and regulations that govern alcoholic beverages. Mr. Kim testified that he feels that alcoholic beverages will complement the Korean food that is offered. Mr. Kim testified that having an alcoholic beverage license will not impact the neighborhood negatively. Mr. Kim testified that the restaurant has adequate parking.

Mr. Kim testified that he asked Min K. Kim to be the resident agent because they are friends, and that he lives in Howard County.

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicants waived their 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 Min Ki Kim and Sang W. Kim, on behalf of Tosokchon MD, Inc., t/a Tosokchon, have applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 2,455 square foot restaurant located at 10035 Baltimore National Pike, Suite H, 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 Min Ki Kim has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Tosokchon MD, Inc., t/a Tosokchon.

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 Min Ki Kim and Sang W. Kim, on behalf of Tosokchon MD, Inc., t/a Tosokchon, have applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 2,455 square foot restaurant located at 10035 Baltimore National Pike, Suite H, 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 Min Ki Kim 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

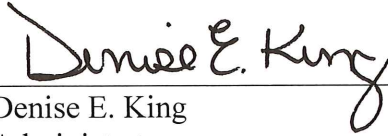
For the foregoing reasons, it is this 21st day of September, 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Min Ki Kim and Sang W. Kim, on behalf of Tosokchon MD, Inc., t/a Tosokchon, for a new Class B Beer, Wine,

and Liquor 7-day on-sale license for a 2,455 square foot restaurant located at 10035 Baltimore National Pike, Suite H, Ellicott City, Maryland 21042, be and the same is hereby **GRANTED**, subject to 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 December 31, 2016, shall render this Proposed Decision and Order null and void.

ATTEST:

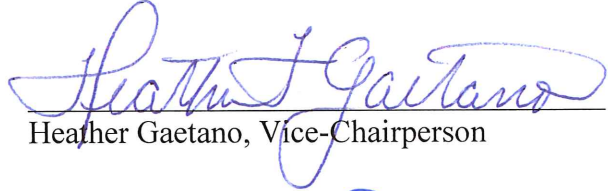
ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator

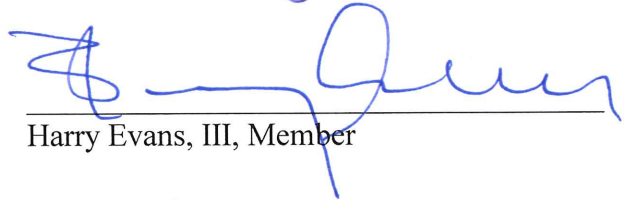


Mary Bird, Chairperson

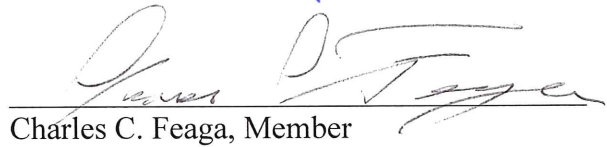


Heather Gaetano, Vice-Chairperson

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