

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF SUNG JIN KIM,	*	
AND AARON IDTINGS FUNK ON	*	BEVERAGE HEARING BOARD
BEHALF OF HARPER'S SPIRITS, LLC,	*	
t/a HARPER'S CHOICE LIQUORS FOR	*	FOR
A TRANSFER OF A CLASS A-1	*	
BEER, WINE, AND LIQUOR 7-DAY OFF-	*	HOWARD COUNTY
SALE LICENSE	*	
	*	Case No. 15-21
	*	

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 May 12, 2015, the Hearing Board heard the application of Sung Jin Kim and Aaron Iddings Funk ("Applicants"), on behalf of Harper's Spirits, LLC, t/a Harper's Choice Liquors ("Harper's Spirits, LLC"), for a transfer of the Class A-1 Beer, Wine, and Liquor 7-day off-sale license, currently held by Ho Seok Lee on behalf of Harper's Choice Spirit Shop, Inc., t/a Harper's Choice Liquors for a 2,851 square foot package goods store located at 5485 Harper's Farm Road, Columbia, Maryland 21044. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were 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: a letter dated January 16, 2015, from the Applicants' attorney enclosing the

application; a copy of the floor plan; a copy of the background investigation questionnaires from the applicants; a copy of the driving record for Sung Jin Kim from the Maryland Motor Vehicle Administration; a copy of the driving record for Aaron Iddings Funk from the Virginia Department of Motor Vehicles; a copy of the Certificate of Naturalization for Sung Jin Kim; a copy of the criminal history record information request from Fairfax County Police Department for Aaron Iddings Funk; a memorandum dated April 24, 2015, from the Comptroller of Maryland enclosing the Bulk Transfer Permit for Harper's Choice; an email dated May 12, 2015, from the Applicants' attorney making changes to the application; a memorandum dated April 15, 2015, 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 investigations of the Applicants by the Alcoholic Beverage Inspector dated May 7, 2015; a memorandum dated May 6, 2015, from the Department of Planning and Zoning; a letter dated May 8, 2015, from the Office of the Fire Marshal; a letter dated March 18, 2015, to the Department of Finance; a letter dated April 17, 2015, from the Department of Finance; a letter dated April 15, 2015, to the Comptroller of Maryland; a fax transmission regarding notification of the hearing date and the necessity to advertise; and an email dated April 26, 2015, from the Alcoholic Beverage Inspector stating the property had been posted.

SUMMARY OF TESTIMONY

Thomas Meachum, attorney for the applicants, advised that the omission of the DUI in 2002, for Sung Jin Kim, was not deliberate. Mr. Meachum stated that he and Mr. Kim had spoken about the charge, and because the charge was not listed on his driving record, they did not feel it was necessary to put it on the questionnaire.

Sung Jin Kim, 10% shareholder for Harper's Spirits, LLC, t/a Harper's Choice Liquors, was sworn and testified that he has lived in Howard County for eight years, and is a registered voter. Mr. Kim testified that he has been an employee at the store for 12 years, and that he began stocking shelves, and has since taken over as a supervisor. Mr. Kim testified that he spends 50 to 60 hours per week in the store.

Mr. Kim testified that their policy is that no one under the age of 21 is allowed in the store. Mr. Kim testified that if the customer does not have their identification card, they are asked to leave.

Mr. Kim testified that his date of birth is May 21, 1973, not May 24, 1973. Mr. Kim testified that it was a typographical error.

Mr. Kim testified that when he received his DUI charge in 2002, he was a student in Prince George's County, and was using a student VISA. Mr. Kim testified that he was having a hard time financially, and could not decide if he was going to stay in the United States or go back to Korea.

Mr. Kim testified that on the date of the incident, he had been drinking alcohol and he had an argument with his girlfriend. He asked her to stop the car, to allow him to get out. He walked to his car, got in, and drove away. As a result, he was stopped by a police officer, and charged with DUI. Mr. Kim testified that it was a horrible experience that he has learned from.

Aaron Funk, 90% shareholder of Harper's Spirits, LLC, t/a Harper's Choice Liquors, was sworn and testified that although he does not have any experience in the alcoholic beverage business, he has been working at the store for the past six months, and is trying to educate himself regarding the operation. Mr. Funk testified that he plans to take an alcohol awareness course, and that he will require all employees to become alcohol certified. Mr. Funk

testified that he plans to continue working in the store a couple of days per week. Mr. Funk testified that he has read the rules and regulations governing the sale of alcoholic beverages, and that he will abide by them. Mr. Funk testified that he understands the responsibility of being a licensee.

The following Exhibits were entered into the record:

Exhibit #1 – voter registration record for Sung Jin Kim

Exhibit#2 – a congratulation letter from the Howard County Department of Police for declining the sale to an underage person

Exhibit #3 – TAM certification card for Sung J. Kim

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.

FINDINGS OF FACT

1. The Hearing Board finds that Sung Jin Kim and Aaron Iddings Funk on behalf of Harper's Spirits, LLC, t/a Harper's Choice Liquors have applied for a transfer of the Class A-1 Beer, Wine, and Liquor 7-day off-sale license, currently held by Ho Seok Lee on behalf of Harper's Choice Spirit Shop, Inc., t/a Harper's Choice Liquors, for a 2,851 square foot package goods store located at 5485 Harper's Farm Road, Columbia, Maryland 21044.

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 Sung Jin Kim has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Harper's Spirits, LLC, t/a Harper's Choice 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 in the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Sung Jin Kim and Aaron Iddings Funk on behalf of Harper's Spirits, LLC, t/a Harper's Choice Liquors, have applied for a transfer of the Class A-1 Beer, Wine, and Liquor 7-day off-sale license, currently held by Ho Seok Lee on behalf of Harper's Choice Spirit Shop, Inc., t/a Harper's Choice Liquors, for a 2,851 square foot package goods store located at 5485 Harper's Farm Road, Columbia, Maryland 21044.

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

ORDER

For the foregoing reasons, it is this 12th day of June, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Sung Jin Kim and Aaron Iddings Funk on behalf of Harper's Spirits, LLC, t/a Harper's Choice Liquors, for a transfer of the Class A-1 Beer, Wine, and Liquor 7-day off-sale license, currently held by Ho Seok Lee on behalf of Harper's Choice Spirit Shop, Inc., t/a Harper's Choice Liquors, for a 2,851 square foot package goods store located at 5485 Harper's Farm Road, Columbia, Maryland 21044, 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 July 31, 2015, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator

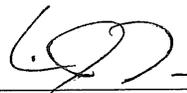
ABSENT
Mary Bird, Chairperson



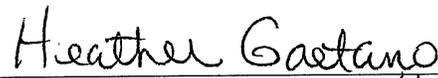
Harry Evans, III, Vice-Chairperson

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

ABSENT
Charles C. Feaga, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Heather Gaetano, Member dk



Charley C. Sung, Member