

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF DONG S. KIM,	*	
IN JA LEE, AND SANG WOO LEE	*	BEVERAGE HEARING BOARD
ON BEHALF OF WIBS, LLC,	*	
T/A SHIN CHON GARDEN,	*	FOR HOWARD COUNTY, MARYLAND
FOR A TRANSFER OF A CLASS B	*	
BEER, WINE, AND LIQUOR 7-DAY	*	Case No. 17-46
ON-SALE LICENSE	*	

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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 October 24, 2017, the Hearing Board heard the application of Dong S. Kim, In Ja Lee, and Sang Woo Lee (the “Applicants”), on behalf of WIBS, LLC, t/a Shin Chon Garden (“Shin Chon Garden”), for a transfer of a Class B, Beer, Wine, and Liquor, 7-day on-sale license held by Jum Khyung Suh, on behalf of SUH4F, Inc., t/a Shin Chon Restaurant, for a 3,000-square foot restaurant located at 8801 Baltimore National Pike, #27, Ellicott City, MD 21043.

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 Thomas G. 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.

### **SUMMARY OF TESTIMONY**

Dong S. Kim, proposed resident agent, was sworn and testified that he has lived in Howard County for 20 years, is a 10% owner of the restaurant and a registered voter. Mr. Kim testified that he has read and understands the rules and regulations governing the sale of alcoholic beverages and will abide by them. He also testified that he is alcohol awareness certified. Mr. Kim testified that he has had experience in the restaurant business and keeping related detailed records, however, has not had prior experience with a liquor license. Mr. Kim indicated that the menu will substantially remain the same as it is currently. He expects to visit the restaurant once a week to assist in managing and to ensure there is full compliance with the liquor laws.

In Ja Lee, 40% owner, was sworn and testified that she will be the principal operator of the restaurant and will be working on the premises every day. Ms. Lee testified that this restaurant will have 20 employees and that many employees will be alcohol awareness certified. Ms. Lee testified that she is alcohol awareness certified and has reviewed the rules and regulations governing the sale of alcoholic beverages in detail and will ensure that all laws are complied with. Ms. Lee previously owned a convenience store and has prior experience operating a restaurant in Korea. Ms. Lee testified that she had some traffic violations 5-7 years ago, however, forgot to disclose them in the application, but stated that she is a safe driver.

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 Dong S. Kim, In Ja Lee and Sang Woo Lee, on behalf of WIBS, LLC, t/a Shin Chon Garden, have applied for a transfer of a Class B, Beer, Wine, and Liquor, 7-day on-sale license held by Jum Khyung Suh, on behalf of SUH4F, Inc., t/a Shin Chon Restaurant, for a 3,000-square foot restaurant located at 8801 Baltimore National Pike, #27, Ellicott City, MD 21043.

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 Dong S. Kim has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of WIBS, LLC, t/a Shin Chon Garden.

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 Dong S. Kim, In Ja Lee and Sang Woo Lee, on behalf of WIBS, LLC, t/a Shin Chon Garden, have applied for a transfer of a Class B, Beer, Wine, and Liquor, 7-day on-sale license held by Jum Khyung Suh, on behalf of SUH4F, Inc., t/a Shin Chon Restaurant, for a 3,000-square foot restaurant located at 8801 Baltimore National Pike, #27, Ellicott City, MD 21043.

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 Dong S. Kim meets the requirements of Rules 1.10(S), 1.10(T), and 2.06 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 neighborhood.

### **ORDER**

1. For the foregoing reasons, it is this 28<sup>th</sup> day of November, 2017, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Dong S. Kim, In Ja Lee, and Sang Woo Lee, on behalf of WIBS, LLC, t/a Shin Chon Garden, for a transfer of a Class B, Beer, Wine, and Liquor, 7-day on-sale license held by Jum Khyung Suh, on behalf of SUH4F, Inc., t/a Shin Chon Restaurant, for a 3,000-square foot restaurant located at 8801 Baltimore National Pike, #27, Ellicott City, MD 21043, be and the same is hereby **GRANTED**, subject to the following conditions:

- (a) That the Applicants comply with all State and County laws; and
- (b) That the Applicants satisfy any requirements necessary to obtain the license by February 28, 2018, unless that deadline is extended by the Board upon good cause shown; and
- (c) 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


ABSENT

Heather Gaetano, Chairperson



Mary Bird, Vice-Chairperson

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



Charles C. Feaga, Member



Gene Ryan, Member



Lewis Taylor, Esquire  
Senior Assistant County Solicitor



Charley C. Sung, Member