

PETITION TO FINE, SUSPEND, OR	*	BEFORE THE ALCOHOLIC
REVOKE THE ALCOHOLIC	*	
BEVERAGE LICENSE OF YVONNE	*	BEVERAGE HEARING BOARD
MARIE RAWLEIGH AND MI YOUNG	*	
KIM ON BEHALF OF HMY, LLC	*	FOR
T/A ONE SHOT LIQUORS	*	
	*	HOWARD COUNTY, MARYLAND
	*	
	*	Case No.:19-16-V

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 March 26, 2019, the Hearing Board heard the Petition of Howard County, Maryland and Detective Mark Baxter, the Alcoholic Beverage Inspector (collectively “Petitioners”), to Fine, Suspend, or Revoke the Class A, Beer, Wine, and Liquor 7-day off-sale license of Yvonne Marie Rawleigh and Mi Young Kim (“Licensees”), held on behalf of HMY, LLC, t/a One Shot Liquors, located at 8801 Baltimore National Pike, Ellicott City, MD 21043. The Licensees were not represented by counsel. Hae Park was sworn as an interpreter and served as a Korean Language interpreter for Ms. Kim.

The hearing was properly advertised and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland.

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

STIPULATIONS

The parties agreed to stipulate to all of the allegations of the Petition, including the following:

1. Detective Mark Baxter, Petitioner, at the time of the Petition, was a sworn Howard County Police Officer, specially assigned and designated, pursuant to the applicable laws, as the Alcoholic Beverage Inspector for Howard County. In this capacity, he has the obligation, duty, and responsibility to investigate any licensed liquor establishment for any violations of the applicable liquor or other laws which may occur in the licensed establishment.
2. Howard County, Maryland, is a chartered county, organized pursuant to law, and has the authority, through the exercise of its police power, to enforce all of the laws relating to alcoholic beverages.
3. On or before May 1, 2018, Respondents applied for and received a Class A-1 Beer, Wine, and Liquor 7 day off-sale license for HMY, LLC t/a One Shot Liquors, 8801 Baltimore National Pike, Ellicott City, MD 21043. One Shot Liquors is located in Howard County and is subject to the jurisdiction of the Board of License Commissioners for Howard County.
4. At all times relevant to these proceedings, Respondents were responsible for the operation of One Shot Liquors, and were responsible for ensuring compliance with all local and State laws concerning the distribution, sale, and transfer of alcoholic beverages to members of the public.
5. On December 19, 2018, an underage male cadet was sent into One Shot Liquors to purchase an alcoholic beverage.
6. The underaged cadet proceeded to the counter with a 12-pack of Miller Lite bottles,

an alcoholic beverage.

7. The cashier, Hyo Kim, conducted the transaction, without asking for the cadet's identification, which would have shown that he was under the age of twenty-one.

8. Detective Baxter photographed the evidence, returned it to the store, and was refunded the money.

9. The Respondents have committed the following violations:

1. Liquor Board Rule 4.04 – Compliance with the Laws and Regulations;
2. Liquor Board Rule 5.02 – Sales to Minors; and
3. Liquor Board Rule 5.08 – Acts Contrary to Law

10. The Respondents and their agents have allowed One Shot Liquors to be used for acts which are contrary to local ordinances and against the public peace, safety, health or welfare.

SUMMARY OF TESTIMONY

Yvonne Marie Rawleigh, was sworn and testified as follows. Ms. Rawleigh testified that she is the resident agent licensee and an alcohol awareness trainer. She stated that she takes her job very seriously, checking on the liquor store one to two times a week. She testified that it is her understanding that the day of the incident Mr. Kim had a medical procedure where he was put under anesthesia and later he covered for Ms. Kim as she took a dinner break, which is when the violation occurred. Ms. Rawleigh testified that Mr. Kim is not present at the hearing as he is working at the store. She noted that he is alcohol awareness certified.

Martin Johnson was sworn and testified as follows. Mr. Johnson testified that he was a Howard County Police Officer for twenty-five years, thirteen of those as the Alcoholic

Beverage Inspector and is currently involved in alcohol education and consulting. He stated that he has worked with the Kims in the past with their alcohol awareness certification as well as a safe alcohol sales course. He testified that they have stayed in touch and he often answers questions and concerns from them regarding sales rules and identification issues.

Mr. Johnson testified about updated store procedures to prevent problems in the future including additional signage and other procedures including the addition of a license authentication device.

The following Respondents' Exhibits were entered into the record:

1. *Alcohol and Tobacco Retail Training Certificates for the Respondents*
2. *Photos of signage at One Shot Liquors ID policies*
3. *Photos of counterfeit licenses confiscated by the Respondents*
4. *Letters of Commendation from Police and Health Department for passing underage tests*
5. *Comptroller Inspection reports*
6. *Event log of enforcement action*

FINDINGS OF FACT

1. The Hearing Board finds that Yvonne Marie Rawleigh and Mi Young Kim are the licensees on behalf of HMY, LLC, t/a One Shot Liquors, a Class A, Beer, Wine, and Liquor 7-day off-sale license located at 8801 Baltimore National Pike, Ellicott City, MD 21043.

2. The Hearing Board finds that the Licensees have stipulated to violating Liquor Board Rule 4.04 – Compliance with the Laws and Regulations; Liquor Board Rule 5.02 – Sales to Minors; and Liquor Board Rule 5.08 – Acts Contrary to Law.

3. The Hearing Board finds that the Licensees have violated Liquor Board Rule 4.04 – Compliance with the Laws and Regulations; Liquor Board Rule 5.02 – Sales to Minors; and Liquor Board Rule 5.08 – Acts Contrary to Law.

4. The Hearing Board finds that it is not necessary to revoke the License, but in order to ensure compliance with the law and Rules and Regulations, and protect the public health and safety, it is necessary to impose a One-day Suspension, and a fee of Two Hundred Seventy Dollars (\$270.00) for the cost of the hearing as provided by Rule 7.05(B).

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Yvonne Marie Rawleigh and Mi Young Kim are the licensees on behalf of HMY, LLC, t/a One Shot Liquors, a Class A, Beer, Wine, and Liquor 7-day off-sale license located at 8801 Baltimore National Pike, Ellicott City, MD 21043.

2. The Hearing Board concludes that the Licensees have stipulated to violating Liquor Board Rule 4.04 – Compliance with the Laws and Regulations; Liquor Board Rule 5.02 – Sales to Minors; and Liquor Board Rule 5.08 – Acts Contrary to Law.

3. The Hearing Board concludes that the Licensees have violated Liquor Board Rule 4.04 – Compliance with the Laws and Regulations; Liquor Board Rule 5.02 – Sales to Minors; and Liquor Board Rule 5.08 – Acts Contrary to Law.

4. The Hearing Board concludes that it is not necessary to revoke the License, but in order to ensure compliance with the law and Rules and Regulations, and protect the public health and safety, it is necessary to impose a One Day Suspension, and a fee of Two Hundred Seventy Dollars (\$270.00) for the cost of the hearing as provided by Rule 7.05(B).

ORDER

For the foregoing reasons, and upon finding a violation of Liquor Board Liquor Board Rules 4.04, 5.02, and 5.08, it is this 14th day of MAY, 2019, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED:**

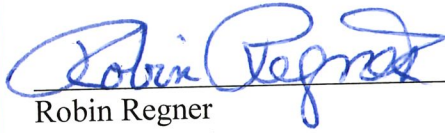
1. That the Class A, Beer, Wine, and Liquor 7-day off-sale license held by Yvonne Marie Rawleigh and Mi Young Kim on behalf of HMY, LLC, t/a One Shot Liquors, located at 8801 Baltimore National Pike, Ellicott City, MD 21043, be and hereby is **SUSPENDED beginning at 6am on Saturday, June 1, 2019, through 2am on Sunday, June 2, 2019;** and further


2. That the Licensees shall **DISPLAY the attached SIGN**, in color and in a prominent and clear manner, on the front door of the licensed premises beginning at close of business the day prior to suspension and continuing until reopening for business the day after the suspension.

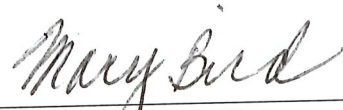
3. That a **Fee of Two Hundred and Seventy Dollars (\$270.00)**, is **HEREBY IMPOSED** upon Yvonne Marie Rawleigh and Mi Young Kim and HMY, LLC, t/a One Shot Liquors, and **SHALL BE PAID NO LATER THAN** June 1, 2019.

ATTEST:

ALCOHOLIC BEVERAGE HEARING BOARD
OF HOWARD COUNTY, MARYLAND


Robin Regner
Board Administrator



Gene Ryan, Chairperson


Mary Bird, Vice-Chairperson

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


Charley C. Sung, Member


Heather Gaetano, Member


Lewis Taylor, Esquire
Senior Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER MAY APPEAL THE
DECISION TO THE LIQUOR BOARD WITHIN TEN DAYS OF THE DATE OF THE
DECISION, IN ACCORD WITH RULE 6.14 OF THE RULES AND REGULATIONS OF
THE LIQUOR BOARD.

THE HOWARD COUNTY ALCOHOLIC BEVERAGE HEARING BOARD
HAS ORDERED THE LIQUOR LICENSE FOR
ONE SHOT LIQUORS

SUSPENDED

No alcoholic beverage may be sold or consumed on this licensed premises on:

6/1/2019 and 6/2/2019

This licensee was found guilty of violating the Annotated Code of Maryland, Article 2B. Specifically:

Liquor Board Rule 4.04 – Failure to Comply with Laws and Regulations;
Liquor Board Rule 5.02 – Sales to Minors;
Liquor Board Rule 5.08 – Acts Contrary to Law

THIS SIGN SHALL BE PRINTED IN COLOR & CLEARLY DISPLAYED PROMINANTLY ON THE FRONT DOOR BEGINNING AT CLOSE OF BUSINESS THE DAY PRIOR TO SUSPENSION, AND CAN BE TAKEN DOWN ONLY UPON REOPENING FOR BUSINESS THE DAY AFTER SUSPENSION.

Any questions about this notice should be directed to the Howard County Alcoholic Beverage Administrator at 410-313-2395.