

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF NICHOLAS	*	
SEUNG CHOI ON BEHALF OF	*	BEVERAGE HEARING BOARD
CT WINE & SPIRITS, INC., T/A	*	
CT WINE & SPIRITS, FOR A NEW	*	FOR
CLASS A, BEER, WINE, AND LIQUOR	*	
7-DAY OFF-SALE LICENSE	*	HOWARD COUNTY, MARYLAND
	*	
	*	Case No.:19-09

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 February 6, 2019 and February 12, 2019, the Hearing Board heard the application of Nicholas Seung Choi (the “Applicant”), on behalf of CT Wine & Spirits, Inc., t/a CT Wine & Spirits (“CT Wine & Spirits”), for a new Class A, Beer, Wine, and Liquor 7-Day Off-Sale License for a 2,010-square foot package goods store located at 10100 Twin Rivers Road. Columbia, MD 21044.

The hearing was properly advertised and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicant was represented by Thomas Meachum, Esquire. The following individuals appeared in opposition to the application: Davis Statton, Shelly Barnett, James Carantonis, Laurie Scheiber, Chris Barker, and Keith Winfield. Board member Sung recused himself from the case.

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

SUMMARY OF TESTIMONY

Nicholas Choi, 100% interest holder, President of CT Wine & Spirits, Inc. and proposed resident agent, was sworn and testified before the Board.

Mr. Choi testified that he has lived in Howard County for nine years, is a registered voter and has not been on a liquor license previously. He testified that he plans to open a 2010-square foot high-end package goods store to include high-end wines and craft beers in the Columbia Village Town Center and described the exact location. He stated that there is no liquor store in the nearby Columbia Mall or in the Village Town Center and this proposed store would accommodate the Mall shoppers and surrounding community. Mr. Choi testified that he believes the main source of customers will be the apartments in Town Center which includes 817 units in the three buildings near the proposed site.

Mr. Choi stated that he has read the Board's Rules and Regulations and will abide by them. He stated that he is TAMS certified and his two additional employees will also be TAMS certified. Mr. Choi stated that two employees will always be on-site, with three employees on weekends.

Mr. Choi testified that he intends to work at the location between 50-60 hours a week and that the hours of operations for this store will be Monday through Saturday from 9 a.m. to 10 p.m. and on Sundays from 10 a.m. until 8 p.m. He also testified that he plans to provide support to the local community.

In response to questions from the Board, Mr. Choi stated that his friend, Peter Jung, was going to open this business but it did not work out, so Mr. Jung gave it to him. Mr. Choi said Mr. Jung owns a liquor store and has been helping him but that he will not be the resident agent of the corporation once the license application is approved. Mr. Choi testified that it will take

approximately 60 days for the build out of the space and will include about 30%, or 600-700 square feet, for storage of alcohol. Mr. Choi anticipates investing \$150,000 for beginning inventory, however, he will not start making improvements on the building until the liquor license is granted.

Mr. Choi testified that he intends to offer higher end alcohol than some of the other liquor stores in the area. In response to the testimony from community members in opposition he testified that he does not intend to let anyone under the age of 21 in the store without an adult and that he will use an ID scanner.

The following exhibits were submitted and accepted into the record as Applicant's Exhibits:

1. *Map of Columbia Village Town Center (from Howard County website)*
2. *Aerial map of the area showing location of proposed liquor store*
3. *Alcohol Awareness Certificate for Nicholas Choi*

Detective Mark Baxter was sworn and testified before the Board as to the exact location of the proposed liquor store and clarified that it was posted correctly.

Davis Statton, local resident living in Columbia, was sworn and testified before the Board in opposition to the application. Mr. Statton testified as to his concern about there being a liquor store near the mall because so many teenagers hang out at the mall and it is not appropriate.

Shelly Barnett, a 25-year resident of Howard County living about 1-1/2 miles from the proposed site, was sworn and testified that she is in opposition to the application. Ms. Barnett testified that she has concerns about the proximity of the proposed liquor store to the mall due to the number of teenagers there as well as the possibility of more traffic and crime in the mall area. Ms. Barnett believes there are enough liquor stores in the area already.

James Carantonis, a local resident living near the proposed location since 1979, was sworn and testified before the Board in opposition to the application. Mr. Carantonis testified that he is concerned about the impact of the proposed liquor store on the small businesses in the Village Centers. He stated that this proposal will not serve the public need or the good of the community.

Laurie Scheiber, who lives and works nearby the Mall and this proposed liquor store, was sworn and testified before the Board in opposition to the application. Ms. Scheiber stated her concerns regarding the number of kids who hang out at the mall and the opportunity for them to get alcohol. She also expressed concerns about Merriweather patrons drinking in the mall parking lot and fights she has witnessed there.

Chris Barker, who lives in Ellicott City about 15-20 minutes from the proposed site, was sworn and testified before the Board in opposition to the application. Mr. Barker testified about dropping his kids at the mall and his concerns about a liquor store being located that close to the mall.

Keith Winfield, 35-year Howard County resident living about 10 minutes from the proposed liquor store, was sworn and testified before the Board in opposition to the application. Mr. Winfield testified that he does not see a public need for a liquor store at this location and he is also worried about the impact on kids at the mall.

DECISION

At the conclusion of the hearing and the closing of the record, the Alcoholic Beverage Hearing Board deliberated. The deliberations resulted in a 2-2 vote. Pursuant to MD. CODE ANN., ALC. BEV. § 23-207(a)(2), a majority of the Board is necessary to take action. Consequently, the Board's tie vote is a conclusion that the Applicant did not meet his burden and


the application is therefore denied. Additionally, without a majority, the Board is unable to make findings of fact and conclusions of law other than to conclude that the application is denied.


ORDER

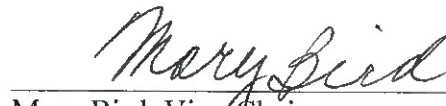
For the foregoing reasons, it is this 26th day of March, 2019, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Nicholas Seung Choi, on behalf of CT Wine & Spirits, Inc., t/a CT Wine & Spirits, for a new Class A, Beer, Wine, and Liquor 7-Day Off-Sale License for a 2,010-square foot package goods store located at 10100 Twin Rivers Road, Columbia, MD 21044 be and the same is hereby **DENIED**.

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

Absent AT TIME OF SIGNING
Charles C. Feaga, Member


Lewis Taylor, Esquire
Senior Assistant County Solicitor


Heather Gaetano, Member

RECUSE
Charley C. Sung, Member