

IN THE MATTER OF THE	* BEFORE THE ALCOHOLIC
APPLICATION OF JUNG HEE	* BEVERAGE HEARING BOARD
LEE ON BEHALF OF JHL FAMILY,	* FOR
INC. T/A FAMILY MUSIC STUDIO	* HOWARD COUNTY, ARYLAND
FOR A NEW CLASS D BEER, WINE	*
AND LIQUOR 7-DAY ONE SALE	*
LICENSE	* Case No.: 20-32

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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 27, 2020, the Hearing Board heard the application of Jung Hee Lee (“Applicant”) on behalf of JHL Family, Inc. t/a Family Music Studio (“Family Music Studio”) for a new Class D Beer, Wine and Liquor, 7-day on-sale license for a 2,800 square foot restaurant located at 3240 corporate Court, Suite F, Ellicott City, Maryland 21042.

The hearing was properly advertised, and the property was posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicant was represented by Thomas Meachum, Esquire. Rob Freeman, Christine Kelly Kane, Mike Kelly and Tom Munson appeared in opposition to the application.

Board Member Charley Sung recused himself from the hearing.

Korean Interpreter, Sohyun Kim, was sworn and interpreted the hearing for the applicant.

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

### **SUMMARY OF TESTIMONY**

Jung Hee Lee, 100 % owner of Family Music Studio was sworn in and testified as follows:

Ms. Lee testified that she is the sole applicant for the liquor license and is the 100 percent owner of JHL Family, Inc., which operates Family Music Studio. Ms. Lee is a Howard County resident and a registered voter. Ms. Lee stated that for four years, she has operated Family Music Studio, which is a karaoke venue with private rooms for individual groups of friends or families.

Ms. Lee stated that her patrons have requested alcoholic beverage availability. Ms. Lee testified that there is a similar venue nearby that does have a liquor license and she stated that she expects to sell more alcohol than food as they currently only sell snacks.

Ms. Lee testified that there will be a cooler next to the cash register and when requested, alcoholic beverages will be served to the customer karaoke rooms. Ms. Lee testified that the alcohol will be stored in a back-storage room.

Ms. Lee testified that she has read and understands the Board's Rules and Regulations and has taken an alcohol awareness certification class and that staff will check ID's of everyone requesting alcohol. Ms. Lee testified that the hours of operation will be seven days a week from 6:00pm to 2:00am. The business provides individual rooms which hold between 5- 15 people depending on the size of the group.

Ms. Lee testified that customers will only be able to consume alcohol inside the individual karaoke rooms, not in the hallways or outside, and that alcoholic beverages will not be sold to anyone who appears intoxicated. Ms. Lee indicated that if parents bring in children that are over 10 years old she will not serve the parents any alcohol. Bags will be checked upon

entrance to the business to ensure alcohol is not being brought in from outside. Ms. Lee stated that there is no smoking allowed inside but there is a designated smoking area outside with a bench and disposal container.

Ms. Lee testified that she has never received noise or trash complaints from the neighbors or the property owner; however, she has seen Ms. Cane put trash on her front door through a camera. After hearing complaints from some of her neighbors during the hearing, Ms. Lee said she will be more vigilant checking the parking lot around her business, although she does clean and does not believe all the trash is coming from her customers as there are other businesses in the building and many people walk through that area.

The following exhibits was entered into the record:

*Applicant's Exhibit #1 – Aerial Map of the location*

Rob Freeman was sworn in and testified in opposition to the application. Mr. Freeman testified that he has an office in the building next door since 2003, and there has always been a karaoke business in the location occupied by Family Music Studio. Mr. Freeman is the vice president of a condo organization at 3220 Corporate Court and they have had problems with littering and drinking in the parking lot as well as a hit and run of a nearby building. Mr. Freeman stated that renters don't maintain property as well as the owners. Mr. Freeman testified that he has never seen anyone from Family Music Studio picking up trash and cigarette butts and stated that the company that the owners pay for through their condo fees is stuck with the cleaning of the property. Mr. Freeman stated they have had an increase in crime and people sleeping in cars. Additionally, Mr. Freeman testified that the Howard County Police used his condo to watch the serving of alcohol by Family Music Studio in the parking lot in 2005; however, he concedes that Ms. Lee was probably not the owner. Mr. Freeman stated that



Family Music Studio having a liquor license is not a good fit for the neighborhood due to concerns about crime

Mr. Freeman testified that his hours of operation are 9-6 daily and generally he stays at his business until approximately 7:30 at night. Mr. Freeman stated there has been high criminal activity and people walking through the area of his business. Mr. Freeman testified that he has never voiced his concerns to anyone at the Family Music Studio, to the present or previous operator, but it has been brought up to the owner of the property occupied by Family Music Studio. Mr. Freeman has never called the police about the issues, and does not believe there is anyone, other than the Family Music Studio customers drinking in the parking lot. Mr. Freeman believes the people sleeping in cars and littering in the parking lot are customers of Family Music Studio.

Christine Kelly Cane, was sworn in and testified in opposition to the application.

Ms. Cane testified that she is a secretary of the condo association and owner of unit F and has cleaned Family Music Studio's parking lot. Ms. Cane testified that she has witnessed people sleeping in cars and seen abandoned cars outside Family Music Studio in the morning. Ms. Cane testified that she believes allowing Family Music Studio to serve alcohol will make things worse than they are now. Ms. Cane stated that she has never complained to Ms. Lee directly, but has contacted the building owner on several occasions about the trash and liquor bottles near and around the property. Ms. Cane indicated that she has not made any observations of the parking lot between 8:00 p.m. and 2:00 a.m.

Mike Kelly, was sworn and testified against the application.

Mr. Kelly testified that he sometimes works late in the evening and has witnessed people in the parking lot drinking, smoking, and leaving trash. Mr. Kelly testified that he has

attempted to speak to patrons in the parking lot about his concerns but has experienced a language barrier. Mr. Kelly testified that he has seen Ms. Lee clean up the parking lot before opening. Mr. Kelly stated that he does not think the granting of a liquor license will enhance the business but hopes there will be more control of loitering if the license is permitted. Mr. Kelly indicated that he has attempted to speak to Ms. Lee about his concerns; however, there is a language barrier that prevents them from communicating with each other.

### **FINDINGS OF FACT**

1. The Hearing Board finds that Jung Hee Lee on behalf of JHL Family, Inc. t/a Family Music Studio has applied for a new Class D Beer, Wine and Liquor, 7-day on-sale license for a 2,800 square foot restaurant located at 3240 corporate Court, Suite F, Ellicott City, Maryland 21042.

2. Ms. Lee is a resident of Howard County, Maryland.

3. Ms. Lee is the 100 percent owner of JHL Family, Inc., which operates Family Music Studio at 3240 Corporate Court, Suite F, Ellicott City, Maryland 21042.

4. Family Music Studio is a karaoke venue with private rooms.

### **DECISION**

At the conclusion of the hearing and the closing of the record, the Alcoholic Beverage Hearing Board deliberated. The deliberations resulted in one vote to deny, one vote to abstain and two votes in favor of granting the license. 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 one vote to deny, one vote to abstain and two votes in favor of granting the license is a conclusion that the Applicant did not meet its burden and the application is therefore denied. Additionally, without a majority, the Board is unable to make sufficient findings of fact and no conclusions


of law other than to conclude the application is denied.

**ORDER**

For the foregoing reasons, it is this 31<sup>st</sup> day of January, 2021, by the Alcoholic Beverage Hearing Board of Howard County, **ORDERED**, that the application of Jung Hee Lee on behalf of JHL Family, Inc. t/a Family Music Studio for a new Class D Beer, Wine and Liquor, 7-day on-sale license for a 2,800 square foot restaurant located at 3240 corporate Court, Suite F, Ellicott City, Maryland 21042, be and the same is hereby **DENIED**.

**ATTEST:**

**ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND**

  
Robin Regner  
Board Administrator

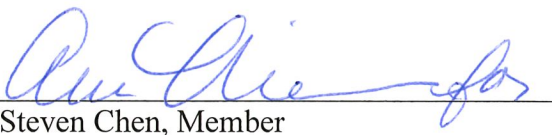
  
Mary Bird, Chairperson

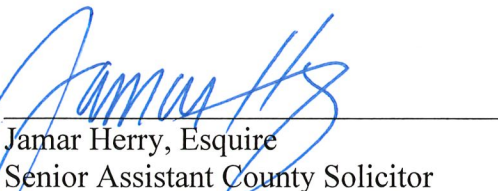
  
Harry Evans, Vice Chairperson

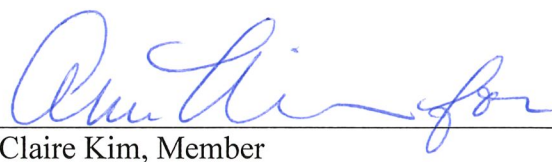
**REVIEWED BY HOWARD COUNTY  
OFFICE OF LAW  
GARY W. KUC  
COUNTY SOLICITOR**

**RECUSED**

Charley C. Sung, Member

  
Steven Chen, Member

  
Jamar Herry, Esquire  
Senior Assistant County Solicitor

  
Claire Kim, Member

**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**