

PETITION TO FINE, SUSPEND, OR * BEFORE THE ALCOHOLIC
 REVOKE THE ALCOHOLIC *
 BEVERAGE LICENSE OF PATRICIA * BEVERAGE HEARING BOARD
 THOMPSON AND WAI YUNG LI *
 ON BEHALF OF BOTTOM OF THE * FOR
 BAY SEAFOOD WENDY T/A *
 BOTTOM OF THE BAY * HOWARD COUNTY, MARYLAND
 *
 * Case No.:19-43-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 July 23, 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 B, Beer, Wine, and Liquor 7-day on/off-sale license of Patricia Thompson and Wai Yung Li (“Licensees”), held on behalf of Bottom of the Bay Seafood Wendy, Inc. t/a Bottom of the Bay, located at 9590 North Laurel Road, Laurel, Maryland 20723. The Petitioners were represented by David Moore, Senior Assistant County Solicitor with the Howard County Office of Law. The Licensees were represented by Bob Kim, Esquire.

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

Preliminarily, all the documents on file were incorporated into the record by reference. Additionally, Nina Lai, Interpreter, was sworn in by the Hearing Board and she indicated that she is a court certified Mandarin interpreter.

STIPULATIONS

The Petitioners and Wai Yung Li 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. At all times relevant to these proceedings, Respondents were responsible for the operation of Bottom of the Bay 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.

4. On or before May 1, 2018, Respondents applied for a Class D Beer, Wine and Liquor, 7-Day On/Off Sale License for Bottom of the Bay Seafood Wendy, Inc. t/a Bottom of the Bay, 9590 North Laurel Road, Laurel, Maryland 20723. Bottom of the Bay is located in Howard County and is subject to the jurisdiction of the Board of License Commissioners for

Howard County.

5. While researching an event website on November 16, 2018, Detective Mark Baxter discovered a digital flyer for a Thanksgiving night party on November 22, 2018 at the Xcape Lounge located at 9590 N. Laurel Road, Laurel, in Howard County, Maryland.

6. Upon researching the address in the Liquor Board files, Detective Baxter discovered it to be the registered address for Bottom of the Bay Restaurant.

7. The flyer advertised there would be hookahs, bottle services, and drinks at the event and that it was open to those over 21 years of age.

8. Knowing that Bottom of the Bay was previously licensed by the Alcoholic Beverage Hearing Board, Det. Baxter contacted the Liquor Board Administrator, Robin Regner, to inquire as to the continued validity of the license at this location. Det. Baxter had been aware that the owner of the establishment, Wai Yung Li (aka Karen Li), notified the Administrator, in a letter dated October 29, 2017, that due to a traffic accident which destroyed part of the building, Bottom of the Bay was, "closed to the public for a period of time yet to be determined." The letter ultimately affirmed that the owner would subsequently notify the Administrator, "when we know a re-opening date."

9. That same day, the assistant to the Administrator, Ann Nicholson, informed Det. Baxter that the Class D Alcoholic Beverage License issued to Bottom of the Bay Seafood Wendy, Inc., t/a Bottom of the Bay was indeed an active alcoholic beverage license.

10. On November 19, 2018, Detective Baxter requested from the Liquor Board Administrator any notifications in the file for Bottom of the Bay. The Administrator advised there were only two notifications since the October 29, 2017 letter:

- a. A letter dated November 6, 2017 requesting the release of all Liquor Board records to Martin Johnson; and
- b. A letter dated March 27, 2018, included with their 2018 license renewal application, notifying the Board of a tax issue case between their business and the state comptroller's office. In this letter, Ms. Li again advises that she will notify the Board, "when this case is settled."

11. On the evening of November 21, 2018, Detective Baxter called the number listed for Bottom of the Bay on Ms. Li's background questionnaire and through a Google search. A female answered the phone and offered the greeting, "Monikay's." Detective Baxter asked if this was Bottom of the Bay, and the person on the phone said, "No."

12. Later that evening, Detective Baxter drove to the establishment and discovered signage on the building at 9590 N. Laurel Rd, Laurel, that displayed Bottom of the Bay, Monikay's (Authentic West African Cuisine), and Golden Xcape Lounge. Detective Baxter took photos of the signage.

13. On November 30, 2018, Detective Baxter attempted to contact Ms. Li via the phone number of record in the Board's file which is a cellphone number, 301.256.4917. The call was directed to a voicemail notification that did not allow a message to be left. It was noted that the notification was in the Spanish language.

14. Detective Baxter then contacted the Resident Agent for the license, Patricia Thompson, via telephone. She advised that as far as she knows, the establishment is still closed and has been since the traffic accident that damaged the building. She advised that she was unaware of any other information or activity at the establishment since the license was

renewed in May 2018 and she was unable to provide any updated contact information for Ms. Li other than the same cellphone number previously called with the Spanish notification.

15. On December 13, 2018 at 1250 hours, Detective Baxter attempted calling Ms. Li, but again there was no answer and he received some type of notification in Spanish. Upon further investigating her contact information, Detective Baxter discovered her primary residence of record, according to the Maryland Land Records database, as 7704 Macgregor Way, Laurel (PG County), MD 20707. This primary residence address was different than the one in the Board's file – 9065-B, N. Laurel Rd., Laurel (Howard County).

16. On December 14, 2018, Detective Baxter obtained the phone number listed for 7704 Macgregor Way, Laurel through the Criss-Cross Directory as 301.483.3968. The first contact attempt to this number at 1722 hours was unsuccessful as it continued to ring without end. Contact was again attempted on December 17, 2018 at 1520 hours with the same result.

17. On December 28, 2018, Detective Baxter visited Bottom of the Bay and was able to contact Ms. Li, who was working inside of the off-sale component of the establishment. Detective Baxter identified himself to Ms. Li as the Liquor Inspector and asked her which name she is known by. Ms. Li advised that she goes by the name of "Karen." When asked when the business was reopened, Ms. Li advised it was on or about November 18. Detective Baxter asked her for her telephone number to which she provided a different number than that on record with the Board, 301.502.8132. Detective Baxter asked Ms. Li where she is currently residing, and she confirmed that she lives at 9065-B N. Laurel Rd., Laurel.

18. Ms. Li was unable to present a copy of her Alcohol Awareness certification to Detective Baxter.

19. Detective Baxter walked around the restaurant section of the establishment and observed numerous table and chair setups, as well as a fully stocked bar area. Detective Baxter noticed pamphlet style beverage menus on each table throughout the restaurant with the name "Golden Xcape Lounge" printed within each pamphlet along with numerous alcoholic beverages and their prices. Detective Baxter additionally observed a black female in the kitchen area who appeared to be cooking or prepping food. Detective Baxter commented to Ms. Li that it appears she has done a lot of renovations to make the place look a lot nicer. She agreed and said they have done a lot to fix it up.

20. After leaving the establishment, Detective Baxter drove to 9065-B N. Laurel Rd., Laurel in an attempt to confirm Ms. Li's residence. Upon arrival, Detective Baxter observed the residence was a townhome and proceeded to make contact with a Hispanic female resident who answered the front door. The resident advised she did not speak good English but was able to confirm that no one by the name of "Karen" lived there. No other information was provided by this individual.

21. Detective Baxter continued his investigation into Ms. Li and her residences by conducting several database searches. A MD Motor Vehicle Administration (MVA) search revealed the following information:

- MVA address for Ms. Li (since 7/5/18)
 - 323 Gorman Ave., Laurel (PG), MD 20707 (residential property)

A MD Real Property Data search revealed the following information:

- Premises of 9590 N. Laurel Rd., Laurel, MD 20723 (Bottom of the Bay (Commercial))

- Owner: CW LLC (323 Gorman Ave., Laurel (PG), MD 20707)
- Premises of 323 Gorman Ave., Laurel (PG), MD 20707 (residential property)
 - Owner: Wai Y. Li (7704 Macgregor Way, Laurel (PG), MD 20707)
- Premises of 9065-B, N. Laurel Rd, Laurel, MD 20723 (residential property)
 - Owned by Chuen Luen Yau and Wai Yung Li (9065-B, N. Laurel Rd, Laurel, MD 20723)

A search of the MD Land Records database revealed the following information:

7/25/08 – Deed transfer

- 7704 Macgregor Way, Laurel (PG), MD 20707
- From Chuen L. Yau and Wai Yung Li, Husband and Wife, to Wai Yung Li
- Recorded as the principal residence for Wai Yung Li

Numerous inquiries of the MD Business Entity database revealed the following information:

- 3/20/14 – Articles of Incorporation filed – Bottom of the Bay Seafood Wendy, Inc.
 - Resident Agent: Wai Yung Li (323 Gorman Ave., Laurel (PG), MD 20707)
- 1/31/18 – Articles of Revival filed – Bottom of the Bay Seafood Wendy, Inc.
 - Resident Agent: Wai Yung Li (7704 Macgregor Way, Laurel (PG), MD 20707)
- 6/15/17 – Articles of Organization – Monikay’s Kitchen, LLC
 - Resident Agent: Jennifer Jackson (11700 Old Columbia Pike, Apt 2105, Silver Spring (MD), 20904)

- Principal Office address: 9990 Washington Blvd., Laurel, MD 20723
- 12/11/18 – Resolution to Change Principal Office – Monikay’s Kitchen, LLC
 - Principal Office address: 9590 North Laurel Rd., Laurel, MD 20723
- 10/22/18 – Articles of Organization filed – Golden Xcape Lounge, LLC
 - Resident Agent: Francis Rufae, Bartholomew Ofori (6021 Majors La., #6, Columbia, MD 21045
 - Principal Office address: 9590 North Laurel Rd., Laurel, MD 20723

22. On February 6, 2019, Detective Baxter received notification from the Liquor Board Administrator that Ms. Li had submitted two letters to the Board, both dated January 31, 2019:

- Notification of Address Change
 - Primary address for Ms. Li is now 7704 Macgregor Way, Laurel (PG), MD 20707
- Notification of Re-Opening and Trade Name Change
 - The business has now reopened
 - Establishment will now have two separate trade names, both owned and operated by Bottom of the Bay Seafood Wendy, Inc.:
 - 1) Restaurant component renamed “Monikay’s Kitchen Restaurant and Lounge”
 - 2) Package Goods component renamed “Toby’s Liquors”

23. Additionally, on the same date, Detective Baxter received notification from Mike Cobb of the Howard County Health Department that a Cease and Desist Order was served on

Monikay's Kitchen, located at 9590 N. Laurel Rd., Laurel, for operating without a food service license and for making significant alterations to menu and food processes without a plan review process and approval.

24. Numerous other violations were further outlined in a 2/7/19 email to the Liquor Board Administrator from Trudy Hyde of the Howard County Health Department:

I wanted to inform you of the current issue with Bottom of the Bay restaurant closure. Our inspectors closed Monekay's Kitchen which is a facility operating out of the existing licensed "Bottom of the Bay" restaurant. Closing the facility was a difficult task due to the operator's refusal and belligerence. Our staff informed them that we will obtain the help of the police and were finally able to close the facility. There are numerous issues and violations that fall under our oversight as well as other agencies.

*Apparently, existing Bottom of the Bay owner(s) has leased the operation of the kitchen to Monekay's Kitchen, the use of another area to "Golden Escape Lounge" the hookah operation while retaining the existing mini-liquor store section as Bottom of the Bay while using the Bottom of the Bay food license and liquor license to run the operations, including serving alcohol at the bar area operated by Monekay. **All three facility signs are posted on the restaurant building.***

- 1. **Monekay's Kitchen** operating without a food license, restaurant signs are posted on building.*
- 2. Hookah operation "**Golden Escape Lounge**", sign on the building. Not approved and is illegal to operate in a food service facility.*
- 3. Numerous Tobacco products stored on shelves with food. Numerous Hookah*

devices stored on site in the food facility.

4. No liquor license issued under Monekay, using "Bottom of the Bay" liquor license and food license to run the businesses.

5. Numerous violations for sanitation including critical violation issued.

6. Walk-In Refrigeration broken.

7. Unapproved equipment.

8. Non-commercial charcoal grill being used under the exhaust hood. Illegal to use charcoal grill inside and the type of hood is not approved for such equipment. Charcoal grill are not allowed indoors.

25. On February 7, 2019 at 1155 hours, Detective Baxter visited Bottom of the Bay, entering through the package goods section of the establishment, and was greeted by Chuen Luen Yau (aka Toby) and Jonathan Yau, who were behind the sales counter. Detective Baxter identified himself and asked if Ms. Li was there. Toby advised that she was not there and that she was at court. At that time, Det. Baxter asked Toby if he was the owner's husband. He replied that he was not. Subsequently, Det. Baxter requested the alcohol awareness certifications for either of them. Toby proceeded to call Ms. Li (according to Jonathan) to find out their whereabouts. Ultimately, they produced the Tips certificate for Ms. Li and advised they did not have them, but that Ms. Li was on her way back to the store.

26. At that time, Detective Baxter obtained their personal information for his report. Jonathan provided Detective Baxter his date of birth as 8/19/00 (he specifically said, "two-thousand" as the year.) Detective Baxter asked Jonathan if he had any relation to the owner, Ms. Li, to which he replied he was her son. Jonathan then advised that Chuen is his father and

goes by the name "Toby." Jonathan advised Toby's date of birth is 10/15/70, and indicated that Toby is indeed his mother's husband.

27. It was later discovered through an MVA search that Chuen "Toby" Yau's address of record is 7704 Macgregor Way, Laurel (PG), MD 20707. Additionally, Jonathan's date of birth on record with the MVA is 8/19/98. It is unknown why he provided the incorrect year of birth for himself, but knew his father's date of birth just fine.

28. At 1235 hours that same day, Det. Baxter received a phone call at his office from the latest phone number on record for Ms. Li, 301.502.8132. Upon answering, I was greeted by Karen Tuen, self-declared friend and interpreter of Ms. Li. Ms. Tuen called to ask who was recently at the store looking to speak with Ms. Li, and what they wanted. Detective Baxter advised that it was him and that he came by to ask her about the issues with the recent visit from the Health Department. Ms. Tuen advised the restaurant was forced to close, but they were still serving sandwiches. She advised Ms. Li was not at the store when he was there because she had to quickly step out to "take care of something important." Immediately after that call, I contacted Mike Cobb at the Health Department to make him aware of the statement by Ms. Tuen that they were still serving sandwiches, as this did not seem appropriate since the restaurant component of the establishment had been ordered to cease and desist all food service.

29. At 1540 hours, I called Ms. Li to see if she could provide clarification on the letters recently received by the Liquor Board Administrator regarding her change of residence and the reopening of the restaurant. Ms. Tuen answered and said Ms. Li was standing with her. Detective Baxter could hear Ms. Tuen communicating in a different language with

someone in the background with a female voice and, when asked by Detective Baxter who that person was she was communicating with, Ms. Tuen advised it was Ms. Li.

30. Regarding the reopening of the restaurant, Detective Baxter asked what specific date it was reopened since the letter was vague in its description. Upon communicating with Ms. Li for less than 15 seconds, Ms. Tuen stated that it was 10/1/18 when they officially reopened.

31. As to the primary address change, Detective Baxter inquired, among other things, what date Ms. Li moved to the 7704 Macgregor Way, Laurel (PG), MD 20707 address. After conferring with Ms. Li, Ms. Tuen advised that Ms. Li stated the following:

- Residing at 7704 Macgregor Way, Laurel (PG), MD 20707 since the “end of 2016”

*(*They were speaking amongst themselves for approximately two (2) minutes before Ms. Tuen was able to answer this question)*

- Stopped living at 323 Gorman Ave, Laurel (PG), MD 20707 fifteen (15) years ago
*(*This is currently the address of record for Ms. Li according to the MVA)*
- Lived at 9065-B North Laurel Rd, Laurel, MD 20723 from the time she moved from 323 Gorman Ave, Laurel (PG), MD 20707 until the “end of 2016” when she moved to 7704 Macgregor Way, Laurel (PG), MD 20707

*(*This conflicts with the address provided by Ms. Li within the 2017 and 2018 renewal applications in which she states, under the penalty of perjury, that all facts contained on the original application (1/28/15) are true and unchanged, and affirms her residence as 9065-B North Laurel Rd, Laurel, MD 20723)*

32. The Respondents committed the following violations:

- a. Liquor Board Rule 2.03 – Updated Application;
- b. Liquor Board Rule 3.03 – Cooperation by License holders;
- c. Liquor Board Rule 4.04 - Compliance with Laws and Regulations;
- d. Liquor Board Rule 4.07 – Trade Name
- e. Liquor Board Rule 4.08 – License holder’s Responsibility
- f. Liquor Board Rule 4.10(B) – Alcohol Awareness Program
- g. Liquor Board Rule 4.10(C) – Alcohol Awareness Program
- h. Liquor Board Rule 5.08 - Acts Contrary to Law;
- i. Liquor Board Rule 5.20 - False Statements; and
- j. Liquor Board Rule 5.26(A) – Alterations.

33. The Respondents have allowed Bottom of the Bay to be used for acts which are contrary to local ordinances and against the public peace, safety, health or welfare.

Licensee Patricia Thompson did not agree nor disagree with the aforementioned allegations.

SUMMARY OF TESTIMONY

Ms. Wai Yung Li was sworn and testified with the assistance of an interpreter, Ms. Lai, as follows:

Ms. Li testified as to the ten violations in the petition. She testified that she did not change the size of the premises or the way the alcoholic beverages are sold. Ms. Li testified that she brightened the lighting, replaced the counter, painted and moved the tables and chairs. She further testified that they made no structural changes to the property or the licensed

premises.

Ms. Li testified that when Detective Baxter visited her establishment in February of 2019 there was no one present who was certified to sell alcoholic beverages and that on a previous visit in December of 2018 she was unable to produce her certification to sell alcohol. She testified that now she is ensuring that she has at least one person certified to sell alcoholic beverages is on premises. Ms. Li testified that the alcohol awareness certificates are now posted in the store and she entered as exhibits copies of TIPS certificates for herself, Karen Tuen, Bartholomew Ofori and Chung Lu Yau.

She testified that she filed renewal application from 2015 to 2019 for Bottom of Bay. She testified that she realized in 2019 that she was putting the wrong residential address on her renewal applications after speaking with Martin Johnson, who had reviewed the Board's file. Mr. Martin Johnson was working with Ms. Li as a consultant. She subsequently also had to correct the address on her driver's license. The renewal address that she completed for 2019 had her correct residential address, which is 7704 Macgregor Way, Laurel (PG), MD 20707.

She testified that the business has had Health Department violations; however, she indicated that she has not had any Health Department violations since May 1, 2019. She testified that her Health Code violations were due to the smoking.

Ms. Li testified that her business was closed due to a vehicle accident and reopened in October of 2018. She testified to the change of the trade name to Monikay Golden Xcape and Liquor Store and noted that she did not notify the Board within ten days as required by the Rules.

She testified that Monikay's Kitchen and Golden Xcape have separate ownership. She further testified she had an agreement with Monikay's Kitchen to manage the restaurant within the business and Monikay's Kitchen had a separate agreement with Golden Xcape Lounge, which operated a lounge which included hookah. She did not complete a background checks and is unaware as to the whether they had previous experience managing a restaurant or lounge with the sale of alcohol. She also testified that she never submitted her agreement with Monikay's Kitchen to the Liquor Board Administrator. She testified that she never saw any documentation from the County approving a smoking within her business. She said she became aware of the hookah lounge in February 2019 and she is not sure if they were present before February 2019. She also testified she doesn't know why there would have been flyers advertising the operation of a hookah lounge in November of 2018.

She is paid \$6,000 a month in rent in total from Monikay's Kitchen and Golden Xcape lounge, they each pay \$3,000 each per month. She further testified that Golden Xcape has a sub-lease from Monikay's Kitchen. She indicated she had no contractual relationship with Golden Xcape Lounge; however, she ordered alcohol for them under her liquor license and that they would reimburse her for it. She relied on Monikay's Kitchen to ensure that she was in compliance with the Howard County Alcoholic and Beverage Rules.

She testified that there is supposed to be a record of alcohol sales for tax purposes; however, she testified that Golden Xcape Lounge did not report sales to her. She also testified that she does not know if the taxes on the alcohol were paid under her CR number.

She testified that from 2014 to 2018 she has had no Alcoholic and Beverage violations. She indicated that the hookah lounge is no longer in operation and if the Hearing Board allows her to keep her license she will take over control of the restaurant and lounge from Monikay's Kitchen and Golden Xcape.

The following Respondent's Exhibits was entered into the record:

Exhibit #1 – Photographs of Alcoholic Awareness certificates on the wall

Exhibit #2 – Photographs of Alcohol Awareness certificates on the wall

Exhibit #3 – Floor plan showing where the certificates are kept

Exhibit #4 – TIPS certificate for Ms. Li

Exhibit #5 – TIPS certificate for Karen Tuen

Exhibit #6 – TIPS certificate for Chung Lu Yau

Exhibit #7 – Passport for Jonathan Yau

Exhibit #8 – Health Department License

Exhibit #9 – TIPS certificate for Bartholomew Ofori

Patricia Johnson, resident agent, was sworn and testified as follows:

Ms. Thompson testified that she found out about the building being damaged late 2018 or in early 2019; however, when she tried to contact Ms. Li at Bottom of the Bay she got a recording that the line had been disconnected. She testified that soon after she sent a letter to Bottom of the Bay requesting to be removed as the resident agent from the liquor license. She also informed Martin Johnson that she wanted to be removed as the resident agent on the license. She said she was unaware of the reopening of the business, the changes taking place and of the violations. She reported that she does not recall the last time she has spoken to Ms.

Li and she doesn't remember the last time she visited the business.

Detective Mark Baxter was sworn and testified as follows:

Detective Baxter testified that he went to Bottom of the Bay on December 18, 2018 and found drink menus on each table that said Golden Escape Lounge on them. He testified that the interior of the building looked different and was told there had been renovations made to the bar area and the kitchen.

The following Petitioner's Exhibit was entered into the record:

Petitioner's Exhibit #1 – drink menu from Golden Escape Lounge

FINDINGS OF FACT

1. The Hearing Board finds that Patricia Thompson and Wai Yung Li are the licensees on behalf of Bottom of the Bay Seafood Wendy, Inc. t/a Bottom of the Bay, a Class B, Beer, Wine, and Liquor 7-day on/off-sale license located at 9590 North Laurel Road, Laurel, Maryland 20723.

2. The Hearing Board finds that the Licensees have stipulated to:

- a. Liquor Board Rule 2.03 – Updated Application;
- b. Liquor Board Rule 3.03 – Cooperation by License holders;
- c. Liquor Board Rule 4.04 - Compliance with Laws and Regulations;
- d. Liquor Board Rule 4.07 – Trade Name
- e. Liquor Board Rule 4.08 – License holder's Responsibility
- f. Liquor Board Rule 4.10(B) – Alcohol Awareness Program
- g. Liquor Board Rule 4.10(C) – Alcohol Awareness Program
- h. Liquor Board Rule 5.08 - Acts Contrary to Law;

- i. Liquor Board Rule 5.20 - False Statements; and
- j. Liquor Board Rule 5.26(A) – Alterations.

3. The Hearing Board finds that the Licensees have violated:

- a. Liquor Board Rule 2.03 – Updated Application;
- b. Liquor Board Rule 3.03 – Cooperation by License holders;
- c. Liquor Board Rule 4.04 - Compliance with Laws and Regulations;
- d. Liquor Board Rule 4.07 – Trade Name
- e. Liquor Board Rule 4.08 – License holder’s Responsibility
- f. Liquor Board Rule 4.10(B) – Alcohol Awareness Program
- g. Liquor Board Rule 4.10(C) – Alcohol Awareness Program
- h. Liquor Board Rule 5.08 - Acts Contrary to Law; and
- i. Liquor Board Rule 5.20 - False Statements.

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 suspension of the license for Forty Five (45) days starting immediately after the appeal period and a fine of Ten Thousand Dollars (\$10,000.00), 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 Patricia Thompson and Wai Yung Li are the licensees on behalf of Bottom of the Bay Seafood Wendy, Inc. t/a Bottom of the Bay, a Class B, Beer, Wine, and Liquor 7-day on/off-sale license located at 9590 North Laurel Road, Laurel, Maryland 20723.

2. The Hearing Board concludes that the Licensees have violated:

- a. Liquor Board Rule 2.03 – Updated Application;
- b. Liquor Board Rule 3.03 – Cooperation by License holders;
- c. Liquor Board Rule 4.04 - Compliance with Laws and Regulations;
- d. Liquor Board Rule 4.07 – Trade Name
- e. Liquor Board Rule 4.08 – License holder’s Responsibility
- f. Liquor Board Rule 4.10(B) – Alcohol Awareness Program
- g. Liquor Board Rule 4.10(C) – Alcohol Awareness Program
- h. Liquor Board Rule 5.08 - Acts Contrary to Law; and
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3. 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 suspension of the license for Forty Five (45) days starting immediately after the appeal period and a fine of Ten Thousand Dollars (\$10,000.00), 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 the Liquor Board Rule 2.03, Liquor Board 3.03, Liquor Board Rule 4.04, Liquor Board Rule 4.07, Liquor Board Rule 4.08, Liquor Board Rule 4.10(B), Liquor Board Rule 4.10(C), Liquor Board Rule 5.08, Liquor Board Rule 5.20, and Liquor Board Rule 5.26(A), it is this 13th day of November, 2019, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED:**

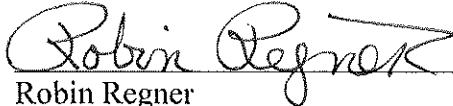
1. That the Class B, Beer, Wine, and Liquor 7-day on/off-sale license of Patricia Thompson and Wai Yung Li ("Licensees"), held on behalf of Bottom of the Bay Seafood Wendy, Inc. t/a Bottom of the Bay, located at 9590 North Laurel Road, Laurel, Maryland 20723 be **SUSPENDED** for **Forty Five (45) days** starting immediately at **6:00a.m. on November 25, 2019** through **2:00a.m. on January 9, 2020**; and,

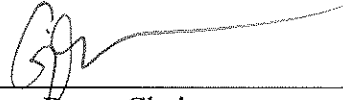
2. That a **FINE** in the amount of **Ten Thousand Dollars (\$10,000.00)**, for violation of the Rule 2.03, Rule 3.03, Rule 4.04, Rule 4.07, Rule 4.08, Rule 4.10(B), Rule 4.10(C), Rule 5.08, and Rule 5.20 of the Liquor Board's Rules and Regulations and a **FEE** of **Two Hundred Seventy Dollars (\$270.00)** for a total of **Ten Thousand Two Hundred and Seventy Dollars (\$10,270.00)**, is **HEREBY IMPOSED** upon Wai Yung Li, Licensee of Bottom of the Bay Seafood Wendy, Inc. t/a Bottom of the Bay, located at 9590 North Laurel Road, Laurel, Maryland 20723 and **SHALL BE PAID NO LATER THAN February 12, 2020.**

3. 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 the close of business the day prior to suspension and continuing until reopening for business the day after the suspension.

ATTEST:

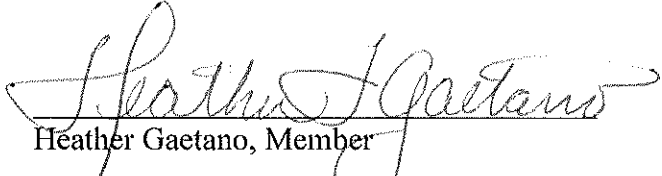
ALCOHOLIC BEVERAGE HEARING BOARD
OF HOWARD COUNTY, MARYLAND


Robin Regner
Board Administrator


Gene Ryan, Chairperson


_____(Not Present)_____
Mary Bird, Vice-Chairperson

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


Heather Gaetano, Member


Charley C. Sung, Member


Jamar Herry, Esquire
Assistant County Solicitor


Harry Evans, 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.

**THE HOWARD COUNTY ALCOHOLIC BEVERAGE HEARING BOARD
HAS ORDERED THE LIQUOR LICENSE FOR
BOTTOM OF THE BAY**

SUSPENDED

No alcoholic beverage may be sold or consumed at this location from:

6:00am on 11/25/19 to 2:00am on 1/9/2020

This licensee was found to have violated:

Liquor Board Rules 2.03, 3.03, 4.04, 4.07, 4.08, 4.10B(B), 410(C), 5.08 and 5.20

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.