

IN THE MATTER OF THE	*	BEFORE THE BOARD OF
APPLICATION OF NICHOLAS	*	
SEUNG CHOI ON BEHALF OF	*	LICENSE COMMISSIONERS
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.:19-35

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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 February 6 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 Petition was denied in a 2-2 vote by the Hearing Board in its decision and order dated March 26, 2019. On March 28, 2019, the Applicant filed a Request for a New Hearing with the Liquor Board.

On May 15, 2019, the Liquor Board held a public hearing to consider the Request for a New Hearing and determined that they would rehear this case for a de novo hearing. On June 26, 2019, the Liquor Board heard Applicant's request, 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 Coale, Esquire. The following residents appeared in support of the application: Sherry Dail, Josh Chartier, and Amy Gao. The following residents appeared in opposition to the application: Bill Miller, Shelly Barnett, Chris Barker and Keith Winfield.

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

### **SUMMARY OF TESTIMONY**

Nicholas Seung Choi, 100% owner and resident agent applicant for the liquor license, was sworn and testified before the Board.

Mr. Choi testified that Peter Jung is a friend of Mr. Seung and has been his CPA for twenty years. He stated that Mr. Jung owns a liquor store in Washington DC and has been helping Mr. Seung look for a business opportunity in Howard County. Mr. Jung originally wanted to open a liquor store at this location and had his girlfriend apply for a liquor license but later found out that she is not qualified to hold a liquor license because she is not a registered voter nor a US citizen.

Mr. Seung testified that Mr. Jung subsequently withdrew his application and gave Mr. Seung the opportunity to apply for a liquor license at the site. He testified that Mr. Jung has no financial interest in this proposed business and conveyed 100% of his interest in CT Wine and Spirits to Mr. Seung. Mr. Seung testified that he has been a resident of Howard County for ten years, is a registered voter and has never been convicted of a felony.

Mr. Seung testified that he has never held a liquor license before but has hired Martin Johnson to help him train staff, conducting alcohol awareness classes to assure that all employees are alcohol awareness certified, as well as setting up a license ID verification system and setting

policies and procedures for all employees to follow.

In addition, he testified that he has hired a friend, Phillip Chung, to help him with the start-up of the business. He testified that Mr. Chung has over thirty years of experience in the liquor store business and will help him with stocking the store and will work with him on all aspects of the business, providing high end alcoholic beverages.

In response to concerns expressed by the opposition in this case before the Alcoholic Beverage Hearing Board regarding minors who spend time at the mall, Mr. Seung testified that his location is across the parking lot from the mall and he has not witnessed a lot of kids hanging around that area. He testified that unaccompanied minors will not be allowed in the store under any circumstances.

Mr. Seung testified as to the public need by noting that 817 apartment units, housing approximately 2000 people, have been built at Town Center in the recent past and this would allow them, and other residents in the area, to be able to walk to a liquor store as they do with groceries and restaurants. He testified that residents of these apartments would need to drive to the two closest liquor stores. He also noted that Town Center is the only village in Columbia without a liquor store.

Mr. Choi testified that he is alcohol compliance certified and is familiar with the alcoholic beverage laws.

In response to questions from the Board, Mr. Choi agreed to have a sign posted barring unaccompanied minors from entering the store and a policy of carding every individual who enters the store. Mr. Choi testified that he currently runs a company called Tri-Commerce with a partner, John A. Davis but that he will be working at CT Wine & Spirits full time when it opens. Mr. Choi presented a change of resident agent application to the State of Maryland from Peter Jung to

himself as resident agent of CT Wine & Spirits, Inc.

The following Applicant exhibits were accepted into evidence:

- A. *Proposed floor plan*
- B. *Map of liquor stores in the area*
- C. *Change of resident agent for CT Wine and Spirits*

Sherry Dail was sworn and testified in support of the petition. Ms. Dail testified that she lives in the Metropolitan Downtown Columbia apartments and would enjoy the convenience of not having to drive to a liquor store.

Joshua Chartier was sworn and testified in support of the petition. Mr. Chartier testified that he lives in the Ten.m Flats apartments in Town Center and is supportive of having a liquor store within walking distance. He testified that he moved to Town Center because of the walkability and convenience of restaurants and grocery stores nearby and feels that a liquor store will complement the neighborhood.

Amy Gao was sworn and testified in support of the petition. Ms. Gao testified that she lives in the Ten.m Flats apartments in Town Center and noted that there are a lot of young professionals who have moved from big cities living in the new apartments at Town Center and they expect to be able to walk to restaurants, liquor stores, groceries stores, etc.

Bill Miller, owner of Today's Catch Seafood in Wilde Lake Village Center, was sworn and testified in opposition to the petition. Mr. Miller testified that there is not a need for another liquors store stating that he can walk to six liquor stores from his home in Wilde Lake.

Keith Winfield was sworn and testified in opposition to the petition. Mr. Winfield testified that he does not believe there is a need for the proposed liquor store, noting the other liquor stores in the area and he doesn't feel that the applicant is prepared to run a liquor store. In response to

questions from the Board he testified that he works part-time at the Spirit Shop in Ellicott City and Absolutely Wine or Spirits in Wilde Lake.

Chris Barker was sworn and testified in opposition to the petition. Mr. Barker testified about his concerns that Mr. Jung is involved in this store as well as concerns about crime near liquor stores. He stated his concerns about kids hanging at the mall and having a liquor store nearby.

Shelly Barnett was sworn and testified in opposition to the petition. Ms. Barnett testified that she has been a resident of Howard County since 1990 and is concerned about a liquor store being located at the mall where there are unsupervised kids. She also stated that there is not a need for an additional liquor store.

Detective Mark Baxter, Howard County Alcoholic Beverage Inspector, was sworn and testified before the Board. Detective Baxter testified that Mr. Choi owns a condominium in Prince George's County that is listed as his primary residence. He testified that Mr. Choi is a registered voter in Howard County.

Mr. Choi was recalled as a witness and clarified in his testimony that he intended the condo in Prince George's County to be his residence, but it is now a rental and that is how his taxes are paid. He testified that he lives in Elkridge and has lived in Howard County for ten years and pays Columbia Association fees.

#### **FINDINGS OF FACT**

1. The Liquor Board finds that Nicholas Seung Choi, on behalf of CT Wine & Spirits, t/a CT Wine and Spirits, has applied 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.

2. The Liquor Board finds that the Applicant is a fit and proper person to hold an alcoholic beverage license.

3. The Liquor Board finds that Mr. Choi, the resident agent applicant, has been a Howard County resident for more than two years and is a registered voter.

4. The Liquor Board finds that the granting of the application is necessary for the accommodation of the public.

5. The Liquor 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 Liquor Board concludes that Nicholas Seung Choi, on behalf of CT Wine & Spirits, t/a CT Wine and Spirits, has applied 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

2. The Liquor Board concludes that the Applicant is a fit and proper person to hold an alcoholic beverage license.

3. The Liquor Board concludes that Mr. Choi 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 Liquor Board concludes that the granting of the application is necessary for the accommodation of the public.

5. The Liquor Board concludes that the granting of the application will not unduly disturb the peace and safety of the residents of the neighborhood.

**ORDER**

For the foregoing reasons, it is this 11<sup>th</sup> day of September 2019, by the Board of License Commissioners 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 **GRANTED**; subject to the following conditions:

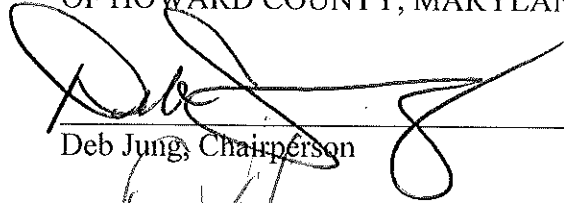
- (a) Receipt of an updated resident agent form removing Peter Jung as resident agent for CT Wine & Spirits, Inc.;
- (b) Receipt of a certificate of good standing;
- (c) Payment of any and all outstanding taxes;
- (d) That the Applicant comply with all State and County laws and regulations;
- (e) That the Applicant satisfies requirements necessary to obtain the license by December 20, 2019, unless that deadline is extended by the Board upon good cause shown; and
- (f) Failure to comply with these conditions shall render this Proposed Decision and Order null and void.

ATTEST:

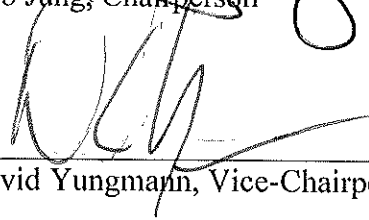
BOARD OF LICENSE COMMISSIONERS  
OF HOWARD COUNTY, MARYLAND



Robin Regner  
Board Administrator



Deb Jung, Chairperson

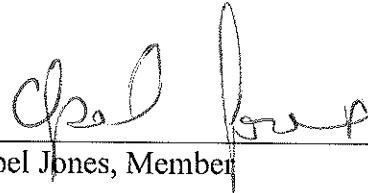


David Yungmann, Vice-Chairperson

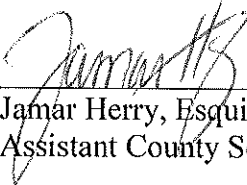
DISSENT

Liz Walsh, Member

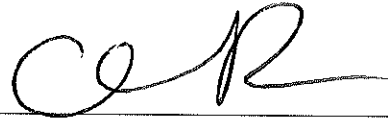
REVIEWED BY HOWARD COUNTY  
OFFICE OF LAW  
GARY W. KUC  
COUNTY SOLICITOR



Opel Jones, Member



Jamar Herry, Esquire  
Assistant County Solicitor



Christiana Rigby Mercer, Member