

PETITION TO FINE, SUSPEND OR * BEFORE THE ALCOHOLIC
 REVOKE THE ALCOHOLIC *
 BEVERAGE LICENSE HELD BY * BEVERAGE HEARING BOARD
 ROBERT LAPREZE, KANTYA NUTH *
 NOU, AND BUN SELAINE NOU ON * FOR
 BEHALF OF KANTYA *
 INTERNATIONAL, LLC, t/a VILLAGE * HOWARD COUNTY, MARYLAND
 LIQUORS *

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”). This Proposed Decision and Order shall take effect immediately in accord with Rule 7.05(C), and shall become Final, as provided in Rule 6.13.

On February 18, 2014, the Hearing Board heard the Petition of Howard County, Maryland and Detective Mark Baxter, Alcoholic Beverage Inspector, collectively (“Petitioners”) to Fine, Suspend or Revoke the Class A-1 Beer, Wine, and Liquor 7-day off- sale license held by Robert LaPreze, Kantya Nuth Nou and Bun Selaine Nou, (“Licensees”), on behalf of Kantya International, LLC, t/a Village Liquors, located at 12210 Clarksville Pike, Clarksville, Maryland 21029. The Petitioners were represented by David Moore, Senior Assistant County Solicitor. The Licensees were not represented by an attorney.

The following documents were presented to the Hearing Board and entered into the record: a letter dated January 15, 2014, to the Licensees, from the Liquor Board Administrator, advising them of the hearing date and enclosing the Petition to Fine, Suspend, or Revoke the alcoholic beverage license for Kantya International, LLC, t/a Village Liquors; a letter dated January 27, 2014, to the Licensees, from the Administrator, rescheduling the hearing date and enclosing the Petition to Fine, Suspend, or Revoke the alcoholic beverage license for Kantya International, LLC, t/a Village Liquors; a letter dated January 30, 2014, to the Administrator from the Licensees requesting another hearing date; a letter dated February 3, 2014, to the Licensees, from the Administrator, rescheduling the hearing date and enclosing the Petition to

Fine, Suspend, or Revoke the alcoholic beverage license for Kantya International, LLC, t/a Village Liquors, and an email dated February 7, 2014, from the Alcoholic Beverage Inspector stating that the property had been posted

STIPULATIONS

The Licensees agreed to the following stipulations:

1. On or before May 1, 2013, the Licensees applied for and received a Class A-1 Beer, Wine, and Liquor 7-day off-sale license for Kantya International, LLC, t/a Village Liquors, 12210 Clarksville Pike, Clarksville, Maryland 21029. Village Liquors is located in Howard County, and is subject to the jurisdiction of the Board of License Commissioners for Howard County.
2. At all times relevant to these proceedings, the Licensees were responsible for the operation of Village Liquors, and responsible for ensuring compliance with all local and State laws concerning the distribution, sale and transfer of alcoholic beverages to members of the public.
3. On November 6, 2013, at 6:52 P.M., a 19 year old male cadet was sent into Village Liquors in an attempt to purchase an alcoholic beverage. He bought a six (6) pack of Sam Adams October Fest beer bottles from the clerk, identified as Dina Ruano-Paraedes. Ms. Ruano-Paraedes sold the young man the beer without checking his actual driver's license which would have indicated that he was 19 years old.
4. The Licensees have committed the following violations:
 1. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
 2. Liquor Board Rule 5.01, and Annotated Code of Maryland, Article 2B Sec. 12-108 – Sale of Alcoholic Beverages to a Minor
 3. Liquor Board Rule 5.07 – Acts Contrary to Law

Bun Selaine Nou, Licensee, was sworn and testified that he was not present when the sale to the cadet occurred, but he was notified shortly afterward. Mr. Nou testified that he reviewed video footage and observed that the employee, Dina, had earphones in her ears, and was talking on the phone. Mr. Nou testified that it was obvious that the employee failed to pay attention to the customer.

Mr. Nou testified that the store's policy is to ask for identification from anyone appearing to be under the age of 35. Employees are not to serve anyone with a vertical identification card, without the approval of the manager. The employees are also not allowed to make personal calls while at the cash register.

Mr. Nou testified that Dina had been a part-time employee for five months. Dina worked four times per week for five hours per day. Mr. Nou testified that Dina shadowed with another employee for two months, and that she was alcohol awareness certified. Dina was told to call the manager if there was ever a problem. She was told that if a group of young patrons came in to purchase alcoholic beverages, she was to ask for identification from everyone before selling to them.

Mr. Nou testified that since the time of the incident Dina resigned and they hired a consultant, Martin Johnson, to help improve their policies. Mr. Nou testified that they developed a set of written policies, they now keep a record of unusual sales, and they have increased their signage. Mr. Nou testified that they have ID Guides, and have a video monitoring system. Mr. Nou testified that they require all of their staff to be alcohol awareness certified.

Robert LaPreze, Licensee, was sworn and testified that he has been the resident agent of Village Liquors since January 2006. Mr. LaPreze testified that he is not involved with the daily operations, but that he periodically stops by the store. Mr. LaPreze testified that on average, there are three employees in the store at one time.

Since the violation, Mr. LaPreze testified that they now require all of the employees to read and sign a written policy. Mr. LaPreze testified that they met with Martin Johnson so that he could assist them with preventing future violations. Mr. LaPreze testified that Mr. Johnson suggested using a checklist when he visits Village Liquors.. Mr. LaPreze testified that he is visiting the store more frequently.

Martin Johnson was sworn and testified that he was a police officer for 25 years with the Howard County Police Department, and for 13 years was the Alcoholic Beverage Inspector. Mr. Johnson testified that he met with Mr. LaPreze, and suggested that he do random inspections at least twice per month. Mr. Johnson testified that he gave Mr. LaPreze a 16 point checklist to use during his inspections.

The following Licensee Exhibits were entered into the record:

Exhibit #1 – Policies and Procedures and Event Log for Village Liquors

Exhibit #2 – (7) Photographs of signs and interior of Village Liquors

Exhibit #3 – Certificate of Completion of a ID Training Class presented by Martin Johnson, and Certificate of Awards for successfully completing an Alcohol Awareness Course for Eun Ok Eum, Dara Tea, Robert LaPreze, Sokhorn Heng, Kantya N. Nou, and Bun Selaine Nou

Exhibit #4 – (3) Letters from the Chief of Police for Howard County congratulating Village Liquors for passing underage sales tests.

Based on the evidence presented at the hearing, the Board of License Commissioners makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Hearing Board finds that Robert LaPreze, Kantya Nuth Nou, and Bun Selaine Nou are Licensees on behalf of Kantya International, LLC, t/a Village Liquors, a Class A-1 Beer, Wine and Liquor 7-day off-sale license located at 12210 Clarksville Pike, Clarksville, Maryland 21029.
2. The Hearing Board finds that the Licensees have admitted to violating the following provisions of the Liquor Board Rules and Regulations:
 - a. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
 - b. Liquor Board Rule 5.01 - Sale of Alcoholic Beverages to a Minor, and Annotated Code of Maryland, Article 2B Sec. 12-108
 - c. Liquor Board Rule 5.07 – Acts Contrary to Law
3. The Hearing Board finds that the Licensees have violated the following provisions of the Liquor Board Rules and Regulations:
 - a. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
 - b. Liquor Board Rule 5.01 - Sale of Alcoholic Beverages to a Minor, and Annotated Code of Maryland, Article 2B Sec. 12-108
 - c. Liquor Board Rule 5.07 – Acts Contrary to Law
4. The Hearing Board finds that it is not necessary to revoke the liquor license, but because of the serious nature of these offenses, and in order to ensure compliance with the law and Rules and Regulations, and to promote the peace and safety of the community, it is necessary to impose a fine in the amount of Five Hundred Dollars, (\$500.00), and a fee

of Two Hundred Sixty Dollars (\$260.00) for the cost of the hearing as provided by Rule 7.05(B), for a total of Seven Hundred Sixty Dollars (\$760.00).

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Robert LaPreze, Kantya Nuth Nou, and Bun Selaine Nou are Licensees on behalf of Kantya International, LLC, t/a Village Liquors, a Class A-1 Beer, Wine and Liquor 7-day off-sale license located at 12210 Clarksville Pike, Clarksville, Maryland 21029.
2. The Hearing Board concludes that the Licensees have violated the following provisions of the Rules and Regulations of the Liquor Board:
 - a. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
 - b. Liquor Board Rule 5.01, and Annotated Code of Maryland, Article 2B Sec. 12-108 – Sale of Alcoholic Beverages to a Minor
 - c. Liquor Board Rule 5.07 – Acts Contrary to Law
3. The Hearing Board concludes that it is not necessary to revoke the liquor license, but because of the serious nature of these offenses, and in order to ensure compliance with the law and Rules and Regulations, and to promote the peace and safety of the community, it is necessary to impose a fine in the amount of Five Hundred Dollars, (\$500.00), and a fee of Two Hundred Sixty Dollars (\$260.00), for the cost of the hearing as provided by Rule 7.05(B), for a total of Seven Hundred Sixty Dollars (\$760.00).

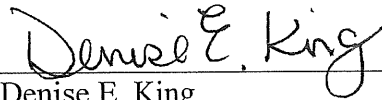
ORDER

For the foregoing reasons, and upon finding a violation of Article 2B § 12-108 of the Annotated Code of Maryland, and Rules 4.04, 5.07, and 5.01 of the Liquor Board's Rules and Regulations, it is this 20th day of March, 2014, by the Alcoholic Beverage Hearing Board for Howard County, Maryland, **ORDERED:**

That a **FINE** in the amount of **Five Hundred Dollars, (\$500.00)**, for violation of Article 2B § 12-108, and Rules 4.04, 5.07, and 5.01 of the Liquor Board Rules and Regulations, and a **Fee** of **Two Hundred Sixty Dollars (\$260.00)**, for a total of **Seven Hundred Sixty Dollars (\$760.00)**, is **HEREBY IMPOSED** upon Robert LaPreze, Kantya Nuth Nou, and Bun Selaine Nou on behalf of Kantya International, LLC, t/a Village Liquors, a Class A-1 Beer, Wine and Liquor 7-day off-sale license located at 12210 Clarksville Pike, Clarksville, Maryland, and **SHALL BE PAID NO LATER THAN APRIL 18, 2014.**

ATTEST:

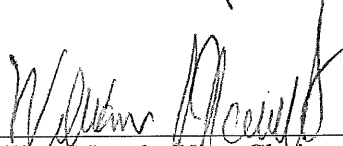
**ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND**



Denise E. King
Administrator

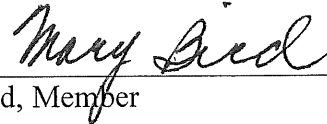


Harry Evans, III, Chairperson



William Neault, Vice-Chairperson

REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
MARGARET ANN NOLAN,
COUNTY SOLICITOR

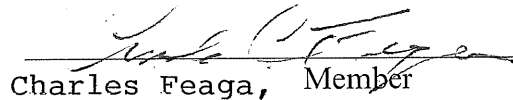


Mary Bird, Member



Lewis Taylor, Esquire
Assistant County Solicitor

Lisa Lopez Friedman, Member



Charles Feaga, 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.