

IN THE MATTER OF THE * BEFORE THE ALCOHOLIC
 APPLICATION OF DAE YOUNG YOON *
 AND SERENA HAESUN KIM ON * BEVERAGE HEARING BOARD
 BEHALF OF BLUE SAND 2, INC., t/a *
 BLUE SAND RESTAURANT, FOR A * FOR
 NEW CLASS B BEER, WINE, AND *
 LIQUOR 7-DAY ON-SALE LICENSE * HOWARD COUNTY, MARYLAND
 *
 * Case No. 15-06

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 March 10 and March 24, 2015, the Hearing Board heard the application of Dae Young Yoon and Serena Haesun Kim (“Applicants”), on behalf of Blue Sand 2, Inc., t/a Blue Sand Restaurant (“Blue Sand 2, Inc.”), for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 3,358 square foot restaurant located at 10176 Baltimore National Pike, #116, Ellicott City, Maryland 21042. The hearing was advertised pursuant to Article 2B of the Annotated Code of Maryland, but due to a delay in publication, a second hearing was scheduled to ensure compliance with public notice requirements. The Applicants were represented by Thomas M. Meachum, Esquire. There were no protestants who appeared in opposition to the application.

All the documents on file were incorporated into the record by reference. These include the following: a letter dated January 5, 2015, from the Applicants’ attorney enclosing the application; a letter dated February 4, 2015, from the Applicants’ attorney enclosing an amended page 4 of the application; a copy of the background investigation questionnaires for the Applicants; a copy of the Certificate of Naturalization for Dae Young Yoon; a copy of the driver history record for Serena Haesun Kim from the Virginia Department of Motor Vehicles; a copy of the criminal history record information request for Serena Haesun Kim from the

Fairfax County Police Department; a copy of the corporate charter approval sheet of Blue Sand 2, Inc.; a copy of the Articles of Incorporation for Blue Sand 2, Inc.; a copy of a letter dated December 11, 2014, from the State of Maryland Department of Assessments and Taxation confirming the acceptance of the filing of Blue Sand 2, Inc.; a copy of the floor plan; a memorandum dated February 12, 2015, from the Liquor Board to the Alcoholic Beverage Inspector, the Department of Inspections, Licenses and Permits, the Bureau of Environmental Health, and the Department of Planning and Zoning; the background investigation of the Applicants by the Alcoholic Beverage Inspector dated February 24, 2015; an email dated February 4, 2015, from the Office of the Fire Marshal; an email dated January 20, 2015, from the Department of Inspections, Licenses and Permits; a memorandum dated February 26, 2015, from the Department of Planning and Zoning; an email dated February 18, 2015, from the Department of Inspections, Licenses and Permits; a letter dated February 23, 2015, from the Office of the Fire Marshal; a letter dated January 27, 2015, to the Department of Finance; an email dated March 10, 2015, from the Department of Finance; a letter dated January 27, 2015, to the Comptroller of Maryland; a letter dated February 25, 2015, from the Comptroller of the Treasury; a fax transmission to the Applicants' attorney enclosing a letter dated February 13, 2015, with notification of the hearing date and the necessity to advertise; the certification of advertisement from the Howard County Times and the Baltimore Sun; and an email dated February 24, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF TESTIMONY

Serena Haesun Kim, President and 90% shareholder of Blue Sand 2, Inc., t/a Blue Sand Restaurant, was sworn and testified that the concept for Blue Sand Restaurant is to be a Korean/Japanese seafood restaurant. Ms. Kim testified that the hours of operation will be 10:00 A.M. to 11:00 P.M. Ms. Kim testified that they will have 80 seats, and six to seven employees. Ms. Kim testified that their servers will be alcohol awareness certified.

Ms. Kim testified that she is a licensee/general manager for Blue Sand Restaurant in Virginia, and that they have never had a violation. Ms. Kim testified that she will be the general manager at the Blue Sand Restaurant in Ellicott City, and will be on the premises every day for the first six months. After that, Ms. Kim testified she will be at the restaurant

approximately two or three days per week. Ms. Kim testified that she is alcohol awareness certified, and is familiar with the Liquor Board's Rules and Regulations.

Ms. Kim testified that she disclosed that she had an interest in another liquor license, but forgot to state that she was a licensee.

Dae Young Yoon, was sworn and testified that he is a 10% shareholder for Blue Sand 2, Inc., t/a Blue Sand Restaurant. Mr. Yoon testified that he has lived in Howard County for eight years, and is a registered voter. Ms. Yoon testified that he will become alcohol awareness certified, and that he plans to visit the establishment three to four times per month. Mr. Yoon testified that he will observe the operation of the restaurant, and will speak to Ms. Kim about his observations. Mr. Yoon testified that he understands his responsibility as a resident agent.

Mr. Yoon testified that he failed to disclose his seatbelt violations, because he thought the question on the application was referring to criminal activity.

The following Exhibit was entered into the record:

Exhibit #1 – a list of foods being offered at Blue Sand Restaurant

The hearing was continued until March 24, 2015, to fully satisfy public notice requirements. On March 24, 2015, no one appeared in opposition to the application.

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicants' attorney waived the right to request the Liquor Board to hear the case.

FINDINGS OF FACT

1. The Hearing Board finds that Dae Young Yoon and Serena Haesun Kim, on behalf of Blue Sand 2, Inc., t/a Blue Sand Restaurant, have applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 3,358 square foot restaurant located at 10176 Baltimore National Pike, #116, Ellicott City, Maryland 21042.

2. The Hearing Board finds that the Applicants are fit and proper persons to hold an alcoholic beverage license.

3. The Hearing Board finds that Dae Young Yoon has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Blue Sand 2, Inc., t/a Blue Sand Restaurant.

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

5. The Hearing Board finds that the granting of this application will not unduly disturb the peace and safety of the residents in the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Dae Young Yoon and Serena Haesun Kim, on behalf of Blue Sand 2, Inc., t/a Blue Sand Restaurant, have applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 3,358 square foot restaurant located at 10176 Baltimore National Pike, #116, Ellicott City, Maryland 21042.

2. The Hearing Board concludes that the Applicants are fit and proper persons to hold an alcoholic beverage license.

3. The Hearing Board concludes that Dae Young Yoon meets the requirements of Rules 1.09(T), 1.09(U), 2.06, and 2.10 of the Liquor Board Rules and Regulations concerning resident agent qualifications.

4. The Hearing Board concludes that the granting of the application is necessary for the accommodation of the public.

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

ORDER

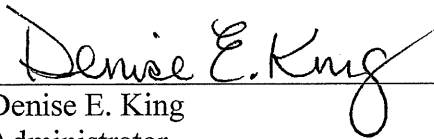
For the foregoing reasons, it is this 24th day of March, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Dae Young Yoon and Serena Haesun Kim, on behalf of Blue Sand 2, Inc., t/a Blue Sand Restaurant, for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 3,358 square foot restaurant located at 10176 Baltimore National Pike, #116, Ellicott City, Maryland 21042, be and the same is hereby **GRANTED** subject to the following conditions:

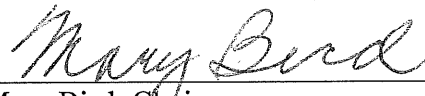
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicants obtain the license and comply with the following conditions:
 - (a) That Dae Young Yoon complete an alcohol awareness course; and
 - (b) The Applicants comply with all State and County rules and regulations; and


(c) Failure to comply with these conditions and obtain the license by April 30, 2015, shall render this Proposed Decision and Order null and void.

ATTEST:

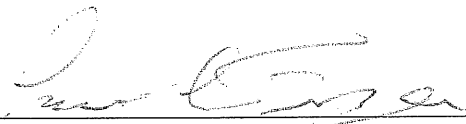
ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND


Denise E. King
Administrator



Mary Bird, Chairperson


Harry Evans, III, Vice-Chairperson

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


Charles C. Feaga, Member

ABSENT
Heather Gaetano, Member


Lewis Taylor, Esquire
Assistant County Solicitor


Charley C. Sung, Member