

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF YUPAYONG	*	
VONGPUKDEE AND URAIWAN	*	BEVERAGE HEARING BOARD
SIRIWONGTHAWAN ON BEHALF OF	*	
MAHALARP, INC., t/a SIAM SPICE, FOR	*	FOR
A TRANSFER OF A CLASS B BEER,	*	
WINE, AND LIQUOR 7-DAY ON-SALE	*	HOWARD COUNTY, MARYLAND
LICENSE	*	
	*	Case No. 15-4

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 24, 2015, the Hearing Board heard the application of Yupayong Vongpukdee and Uraivan Siriwongthawan (“Applicants”), on behalf of Mahalarp, Inc., t/a Siam Spice (“Mahalarp, Inc.”), for a transfer of the Class B Beer, Wine, and Liquor 7-day on-sale license, currently held by Sunthorn Malaisrie and Amnat Laohapant on behalf of Bangkok Garden, Inc., t/a Bangkok Garden, for a 2,800 square foot restaurant located at 5810 Robert Oliver Place, Columbia, Maryland 21045. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Eugene J. Mark, Jr., 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: the application; a copy of the current liquor license in the name of Bangkok Garden, Inc., t/a Bangkok Garden; a copy of the uniform settlement statement for 5810 Robert Oliver Place, Columbia, Maryland 21045; a copy of the death certification for Adisak Siriwongthawan; a copy of the management agreement for Bangkok Garden; a copy of a letter dated April 7, 2011, from the Comptroller of Maryland stating that sales taxes had been paid for Bangkok Garden, Inc.; a copy of the mutual indemnification agreement for Bangkok Garden; a copy of the bill of sale for Bangkok Garden, 5810 Robert Oliver Place, Columbia, MD 21045; a copy of the articles of incorporation for Mahalarp, Inc.; a copy of the background

questionnaires from the Applicants; a copy of an email dated February 18, 2015, from the applicant's attorney providing additional information on the applicants; a copy of the floor plan; a memorandum dated January 27, 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 Applicant by the Alcoholic Beverage Inspector dated February 18, 2015; a copy of a criminal history record check of Maryland's Criminal Justice Information System for the Applicants; a memorandum dated February 3, 2015 from the Bureau of Environmental Health; a memorandum dated January 30, 2015 from the Department of Planning and Zoning; a letter dated January 26, 2015, from the Howard County Department of Fire and Rescue Services; a letter dated January 27, 2015, to the Department of Finance; a letter dated February 11, 2015, from the Department of Finance; a letter dated January 27, 2015, to the Comptroller of Maryland; a letter dated February 10, 2015, from the Comptroller of Maryland; an email to the Applicants' attorney enclosing a letter dated January 27, 2015, with notification of the hearing date and the necessity to advertise; and a memorandum dated February 9, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF TESTIMONY

Yupayong Vongpukdee, Secretary/Treasurer and 20% shareholder for Mahalarp, Inc., t/a Siam Spice, was sworn and testified that she has been a resident of Howard County for three years, is a registered voter, and is alcohol awareness certified. Ms. Vongpukdee testified that she has never been on a liquor license, but she plans to work full-time at the restaurant. Ms. Vongpukdee testified that she has read the Liquor Board's Rules and Regulations, and that she understands her responsibility as a liquor licensee.

Urainwan Siriwongthawan, President and 80% shareholder for Mahalarp, Inc., t/a Siam Spice, was sworn and testified that the reason that taxes were not paid in a timely manner, was that she was in Thailand, and did not come back until January. Ms. Siriwongthawan testified that the taxes are now paid.

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

FINDINGS OF FACT

1. The Hearing Board finds that Yupayong Vongpukdee and Uraiwan Siriwongthawan on behalf of Mahalarp, Inc., t/a Siam Spice, have applied for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license, currently held by Sunthorn Malaisrie and Amnat Laohapant for a 2,800 square foot restaurant located at 5810 Robert Oliver Place, Columbia, Maryland 21045.

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 Yupayong Vongpukdee has been a Howard County resident for more than two years, is a registered voter, and a 20% shareholder of Mahalarp, Inc., t/a Siam Spice.

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 Yupayong Vongpukdee and Uraiwan Siriwongthawan on behalf of Mahalarp, Inc., t/a Siam Spice, have applied for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license, currently held by Sunthorn Malaisrie and Amnat Laohapant for a 2,800 square foot restaurant located at 5810 Robert Oliver Place, Columbia, Maryland 21045.

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 Yupayong Vongpukdee 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.

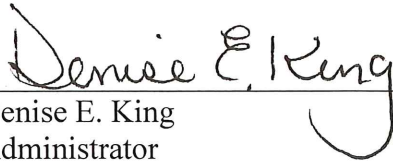
ORDER


For the foregoing reasons, it is this 10th day of March, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Yupayong Vongpukdee and Uraiwan Siriwongthawan on behalf of Mahalarp, Inc., ta Siam Spice, for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license, currently held by Sunthorn Malaisrie and Amnat Laohapant for a 2,800 square foot restaurant located at 5810 Robert Oliver Place, Columbia, Maryland 21045, be and the same is hereby **GRANTED** subject to the following conditions:

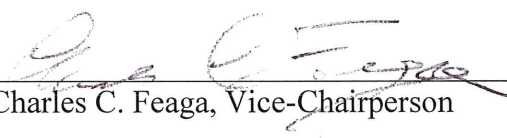
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicants obtain the license and comply with the following conditions:
 - (a) That the Applicants comply with all State and County rules and regulations; and
 - (b) Failure to comply with these conditions and obtain the license by April 15, 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


Charles C. Feaga, Vice-Chairperson

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


Harry Evans, III, Member

Heather Gaetano, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Charley C. Sung, Member