

PETITION TO FINE, SUSPEND, OR * BEFORE THE ALCOHOLIC
 REVOKE THE ALCOHOLIC *
 BEVERAGE LICENSE HELD BY * BEVERAGE HEARING BOARD
 MATTHEW S. PARK AND JUNG WEON *
 CHOI, ON BEHALF OF ST. JOHN'S * FOR
 LIQUORS, INC., t/a ST. JOHN'S *
 LIQUORS * HOWARD COUNTY, MARYLAND
 *

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 December 2, 2014, the Hearing Board heard the Petition of the Hearing Board to Fine, Suspend, or Revoke the Class A-1 Beer, Wine, and Liquor 7-day off-sale license ("License") held by Matthew S. Park and Jung Weon Choi ("Licensees"), on behalf of St. John's Liquors, Inc., t/a St. John's Liquors, located at 9150 Baltimore National Pike, Suite 7, Ellicott City, Maryland 21042. The Licensees were represented by Joshua Whitaker, Esquire.

All the documents on file were incorporated into the record by reference. These include the following: a letter dated October 16, 2014, to the Licensees from the Liquor Board Administrator, advising of the hearing date, and enclosing the Petition to Fine, Suspend, or Revoke the alcoholic beverage license for St. John's Liquors, Inc., t/a St. John's Liquors; and an email dated November 18, 2014, from the Alcoholic Beverage Inspector stating that the property had been posted.

The allegations of the Petition were that the Resident Agent of the License violated Rule 2.06 by failing to appear, despite being notified, at a Hearing Board hearing on a Petition for Violation against St. John's Liquors held on September 27, 2014. The Petition ordered the Licensees to appear to show cause why their License should not be fined, suspended, or revoked.

Joshua Whitaker, attorney for the Licensees, stated that Mr. Park was not present but that he recognized that he should be present. He stated that he did not know until the previous day whether Ms. Choi would appear at the hearing and that an interpreter may be necessary because her English is limited. Ms. Choi's brother-in-law, Jonathan Choi, was proffered as an interpreter and accepted and sworn by the Hearing Board.

Jung Weon Choi, was sworn and testified that she understands the violation. She stated that it was not "my fault totally" because Matthew Park told her everything was taken care of and not to worry. Ms. Choi testified that on the day of the September hearing she found out that Matthew Park was not going to be at the hearing and that she was scared, had a headache, and decided to stay home. Ms. Choi testified that she did receive prior notice of the September violation hearing at her home. She stated that when she received the notice in July her husband read it to her. Ms. Choi testified that she thought she did not need to appear because the alleged violation was not her fault but was caused by an incorrect delivery at the store.

When asked whether she wanted to remain on the License as the resident agent, Ms. Choi stated that she would need to think about it and could not answer the question right now. Ms. Choi testified that the last time she spoke to Mr. Park was on September 27, 2014 and that he did not tell her that he would not be appearing at this (December 2) hearing. She testified that he currently resides in Colorado. She stated that she was last at the store approximately one month ago. Ms. Choi testified that Mr. Yang is currently managing the store.

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

FINDINGS OF FACT

1. The Hearing Board finds that Matthew S. Park and Jung Weon Choi are the Licensees on behalf of St. John's Liquors, Inc., t/a St. John's Liquors, a Class A-1 Beer, Wine, and Liquor 7-day off-sale license located at 9150 Baltimore National Pike, Suite 7, Ellicott City, Maryland 21042.
2. The Hearing Board finds that Ms. Choi failed to appear at a September 27, 2014 hearing concerning a Petition for Violation against St. John's Liquors.

4. The Hearing Board finds that Mr. Park failed to appear at the December 2, 2014, Petition for Violation hearing, as ordered, despite the fact that his counsel recognized that he should be present.
5. The Hearing Board finds that Mr. Park did not proffer any basis for his failure to appear.
6. The Hearing Board finds that Ms. Choi could not respond affirmatively to the question of whether she wished to continue as the Resident Agent licensee of St. John's Liquors.
7. The Hearing Board finds that St. John's Liquors has a history of violations of the Rules and Regulations.
8. The Hearing Board finds that Ms. Choi's failure to appear at the September 27, 2014 hearing constitutes a violation of Rule 2.06 and Mr. Park's failure to appear at the December 2, 2014 hearing constitutes a violation of Rules 3.03 and 4.04.
9. The Hearing Board finds that St. John's Liquors is being operated in a manner contrary to State and local law and represents a threat to the peace and safety of the residents of Howard County.
10. The Hearing Board finds that Matthew S. Park and Jung Weon Choi are not fit and proper persons to hold an alcoholic beverage license in Howard County.
11. The Hearing Board finds that the Licensees continued violations of the law require that the License be indefinitely suspended or revoked.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Matthew S. Park and Jung Weon Choi are the Licensees on behalf of St. John's Liquors, Inc., t/a St. John's Liquors, a Class A-1 Beer, Wine, and Liquor 7-day off-sale license located at 9150 Baltimore National Pike, Suite 7, Ellicott City, Maryland 21042.
2. The Hearing Board concludes that the Licensees have violated Rules 2.06, 3.03, and 4.04.
3. The Hearing Board concludes that the Licensees are not fit and proper persons to hold an alcoholic beverage license in Howard County.
4. The Hearing Board concludes that, pursuant to Art. 2B § 10-401 of the Maryland Annotated Code and Rule 7.02 of the Liquor Board Rules and Regulations, any one of the violations provides a sufficient basis to suspend or revoke the License.
5. The Hearing Board concludes that because of the history and nature of the violations, and in order to ensure compliance with the law, and to promote the peace and safety of the

community, it is necessary to immediately suspend the Class A-1 Beer, Wine, and Liquor 7-day off-sale license held by Matthew S. Park and Jung Weon Choi on behalf of St. John's Liquors, Inc., t/a St. John's Liquors.

6. The Hearing Board concludes that it is necessary for the suspension to continue until a transfer application for the License, made by new owners, is granted by the Hearing Board.
7. The Hearing Board concludes that in the event a court of competent jurisdiction rules that the Board of License Commissioners does not have the authority to enforce the conditions of the suspension, it is necessary to revoke the Class A-1 Beer, Wine, and Liquor 7-day off-sale license held by Matthew S. Park and Jung Weon Choi on behalf of St. John's Liquors, Inc., t/a St. John's Liquors, for the reasons stated herein and because revocation would then be the only acceptable alternative sanction.

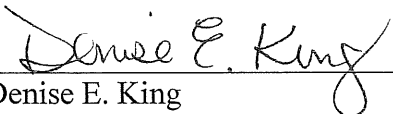
ORDER

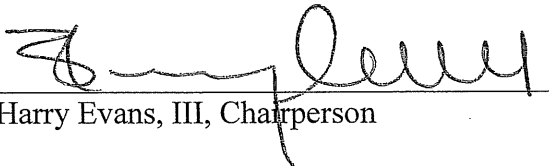
For the foregoing reasons, and upon finding a violation of Rules 2.06, 3.03, and 4.04 of the Liquor Board Rules and Regulations, it is this 27th day of January, 2015, by the Alcoholic Beverage Hearing Board for Howard County, Maryland, **ORDERED:**

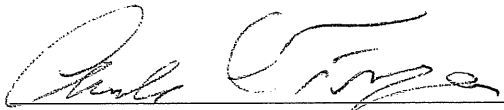
1. That the Class A-1 Beer, Wine, and Liquor 7-day off-sale license held by Matthew S. Park and Jung Weon Choi on behalf of St. John's Liquors, Inc., t/a St. John's Liquors, is **IMMEDIATELY SUSPENDED** until such time as a transfer application for the License, made by new owners, is granted by the Hearing Board; and further
2. That in the event a court of competent jurisdiction rules that the Board of License Commissioners does not have the authority to enforce the conditions of the suspension, it is necessary to **REVOKE** the Class A-1 Beer, Wine, and Liquor 7-day off-sale license held by Matthew S. Park and Jung Weon Choi on behalf of St. John's Liquors, Inc., t/a St. John's Liquors, as the only acceptable alternative sanction.

ATTEST:


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

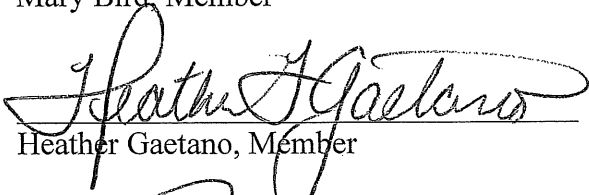

Denise E. King
Administrator


Harry Evans, III, Chairperson



Charles C. Feaga, Vice-Chairperson

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


Mary Bird, Member


Heather Gaetano, Member


Lewis Taylor, Esquire
Assistant County Solicitor


Charley C. Sung

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.