

IN THE MATTER OF THE * BEFORE THE ALCOHOLIC
APPLICATION OF SUE HEE CHOE AND *
SOO KYONG CHOE ON BEHALF OF * BEVERAGE HEARING BOARD
U.S. 1 LIQUORS, INC., t/a U.S. 1 *
LIQUORS, FOR A RESIDENT AGENT * FOR
CHANGE ON A CLASS A-1 BEER, *
WINE, AND LIQUOR 7-DAY OFF-SALE * HOWARD COUNTY, MARYLAND
LICENSE *
* Case No: 15-52
*

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 October 27, 2015, the Hearing Board heard the application of Sue Hee Choe and Soo Kyong Choe (“Applicants”), on behalf of U.S. 1 Liquors, Inc., t/a U.S. 1 Liquors (“U.S. 1 Liquors, Inc.”), for a resident agent change from Jong Kyu Choe to Sue Hee Choe on the Class A-1 Beer, Wine, and Liquor 7-day off-sale license, for a 900 square foot package goods store located at 8167 Washington Boulevard, Jessup, Maryland 20794. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Sang W. Oh, 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 July 10, 2015, to the Board of License Commissioners from the

attorney for the Applicants enclosing a copy of the application; a copy of the background investigation questionnaires for the Applicants; a copy of the Board of Directors Meeting minutes for U.S. 1 Liquors, Inc., held July 28, 2015; a memorandum dated September 16, 2015, from the Liquor Board to the Alcoholic Beverage Inspector, the Department of Inspections, Licenses, and Permits, the Bureau of Environmental Health, the Department of Planning and Zoning, and Office of the Fire Marshal; the background investigation of the Applicants by the Alcoholic Beverage Inspector dated October 15, 2015; a memorandum from the Department of Planning and Zoning; an email dated October 27, 2015, from the Office of the Fire Marshal; a letter dated September 14, 2015, to the Department of Finance; a letter from the Department of Finance; a letter dated September 14, 2015, to the Comptroller of Maryland; a letter dated October 22, 2015, from the Comptroller of Maryland; a fax transmission to the attorney for the Applicants attaching a letter dated September 25, 2015, with information regarding notification of the hearing date and the necessity to advertise; an email dated October 9, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted; and a letter dated October 26, 2015, from the attorney for the Applicants enclosing the certification of advertisement from The Baltimore Sun and Patuxent Publishing.

SUMMARY OF TESTIMONY

The attorney for the Applicants proffered that the Change of Resident Agent application was submitted because the prior resident agent, the husband of the proposed resident agent, was recently deceased. Soo Kyong Choe, a 10% owner of U.S. 1 Liquors, and the daughter of Sue Hee Choe was sworn as a translator for her mother. Sue Hee Choe, President and 90% shareholder of U.S. 1 Liquors, Inc., was sworn and testified that she is the owner of U.S. 1 Liquors, that she has lived in Howard County for more than two years, is a voter, and that she is

alcohol awareness certified. Ms. Choe testified that she works at the store daily, and that she is in charge of the day to day operations of the business. Ms. Choe testified that she understands the responsibilities of being a licensee and a resident agent.

Ms. Choe testified that she did not disclose a violation of selling to a minor, because she did not think it was necessary for the application. Ms. Choe testified that she has been tested three times since the violation, and that she passed, and received commendation letters for each incident from the Howard County Police Department.

The Board raised the issue of whether, based on the memorandum from the Department of Planning and Zoning, the business was in compliance with zoning. The attorney for the Applicants, Sang Oh, stated that the liquor store has been open many years, and that they have been allowed to operate at the location since 1961. Mr. Oh stated that he has been in touch with Planning and Zoning, and stated that they are requiring the Applicants to submit evidence of use prior to 1961. Mr. Oh stated that they will be pursuing this with the Department of Planning and Zoning. The Board indicated that the issue should be addressed before the 2016 renewal period.

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

FINDINGS OF FACT

1. The Hearing Board finds that Sue Hee Choe and Soo Kyong Choe on behalf of U.S. 1 Liquors, Inc., t/a U.S. 1 Liquors, have applied for a resident agent change from Jong Kyu Choe to Sue Hee Choe on the Class A-1 Beer, Wine, and Liquor 7-day off-sale license for a 900 square foot package goods store located at 8167 Washington Boulevard, Jessup, Maryland 20794.

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 Sue Hee Choe has been a Howard County resident for more than two years, is a registered voter, and a 90% shareholder of U.S. 1 Liquors, Inc., t/a U.S. 1 Liquors.

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 Sue Hee Choe and Soo Kyong Choe on behalf of U.S. 1 Liquors, Inc., t/a U.S. 1 Liquors, have applied for a resident agent change from Jong Kyu Choe to Sue Hee Choe on the Class A-1 Beer, Wine, and Liquor 7-day off-sale license for a 900 square foot package goods store located at 8167 Washington Boulevard, Jessup, Maryland 20794.

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 Sue Hee Choe 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.

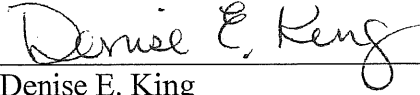
ORDER

For the foregoing reasons, it is this 10th day of November, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Sue Hee Choe and Soo Kyong Choe on behalf of U.S. 1 Liquors, Inc., t/a U.S. 1 Liquors, for a resident agent change from Jong Kyu Choe to Sue Hee Choe on the Class A-1 Beer, Wine, and Liquor 7-day off-sale license for a 900 square foot package goods store located at 8167 Washington Boulevard, Jessup, Maryland 20794, 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 December 31, 2015, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



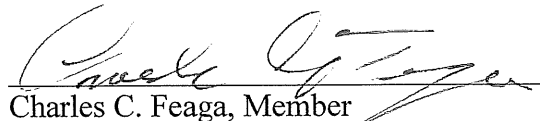
Denise E. King
Administrator

Mary Bird, Chairperson

ABSENT

Harry Evans, III, Vice-Chairperson

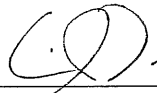
REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR



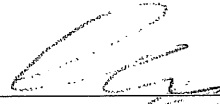
Charles C. Feaga, Member



Heather Gaetano, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Charley C. Sung, Member