

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF LIJIE ZHEN ON	*	
BEHALF OF ZEN, LLC, t/a ZEN	*	BEVERAGE HEARING BOARD
GARDEN, FOR A TRANSFER OF A	*	
CLASS B BEER, WINE, AND LIQUOR	*	FOR
7-DAY OFF-SALE LICENSE	*	
	*	HOWARD COUNTY, MARYLAND
	*	
	*	Case No. 16-11
	*	

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, 2016, the Hearing Board heard the application of Lijie Zhen (“Applicant”), on behalf of Zen, LLC, t/a Zen Garden (“Zen, LLC”), for a transfer from Yama Asian Bistro, LLC, t/a Yama Asian Fusion, in the name of Xue Li Chen, for a 3,057 square foot restaurant located at 10039-A Baltimore National Pike, Ellicott City, Maryland 21042. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicant was represented by Thomas G. Coale, 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 February 9, 2016, from the Liquor Board Administrator to the attorney for the Applicant, rescheduling the hearing of February 9, 2016, because of inclement weather; a letter dated November 4, 2015, from the paralegal for the attorney for the Applicant, enclosing the transfer application; an email dated November 25, 2015, from

the paralegal for the attorney for the Applicant attaching a revised page 3 of the application; certification from the State of Maryland Department of Assessments and Taxation that the attached Articles of Organization for Zen, LLC, are a true copy of the public record; a copy of the Articles of Organization for Zen, LLC; a copy of an interim beverage management agreement between Yama Asian Bistro, LLC and Zen, LLC; the background questionnaire for the Applicant; a copy of the United States passport of Lijie Zhen; a criminal history record check from Maryland's Criminal Justice Information System for Lijie Zhen; a memorandum dated January 5, 2016, 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 the Office of the Fire Marshal; the background investigation of the Applicant by the Alcoholic Beverage Inspector dated December 22, 2015; a memorandum dated January 11, 2016, from the Department of Planning and Zoning; a letter dated January 12, 2016, from the Office of the Fire Marshal; a memorandum dated January 11, 2016, from the Bureau of Environmental Health; a letter dated January 5, 2016, to the Department of Finance; a letter from the Department of Finance; a letter dated January 5, 2016, to the Comptroller of Maryland; a letter dated January 21, 2016, from the Comptroller of Maryland; a letter dated January 7, 2016, from the Liquor Board Administrator to the attorney for the Applicant with notification of the hearing date, and the necessity to advertise; an email dated January 21, 2016, from the Alcoholic Beverage Inspector stating the premises had been posted; an email dated February 10, 2016, from the Alcoholic Beverage Inspector stating the original posting of the premises was amended; and a letter dated February 5, 2015, from the paralegal for the attorney for the Applicant enclosing the certification of advertisement from The Baltimore Sun and Howard County Times.

SUMMARY OF TESTIMONY

Lijie Zhen, Member and 100% shareholder of Zen, LLC, t/a Zen Garden, was sworn and testified that he has lived in Howard County for more than two years, is a registered voter, and is alcohol awareness certified. Mr. Zhen testified that he is currently operating Zen Garden through a management agreement, and that the existing restaurant has been open for approximately one year. Mr. Zhen testified that he is at the restaurant approximately 12 hours per day, and that he manages the restaurant, which includes ordering supplies and training staff. Mr. Zhen testified that if approved, he will be the principal owner and operator.

Mr. Zhen testified that the hours of operation are Sunday through Thursday, 11:30 A.M. to 10:30 P.M., and Friday and Saturday, 11:30 AM. To 11:00 P.M. Mr. Zhen testified that his wife will work there, and is alcohol awareness certified. Mr. Zhen testified that he has eight employees. Mr. Zhen testified that he plans to keep the current menu, but will also add a few more authentic Chinese dishes. Mr. Zhen testified that he is getting his new sign approved by the landlord.

Mr. Zhen testified that he is familiar with the Liquor Board's rules and regulations, and that he will comply with them.

The following Exhibit was entered into the record:

Exhibit #1 – Menu for Zen Garden

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

FINDINGS OF FACT

1. The Hearing Board finds that Lijie Zhen on behalf of Zen, LLC, t/a Zen Garden, has applied for a transfer from Yama Asian Bistro, LLC, t/a Yama Asian Fusion, in the name of Xue Li Chen, for a 3,057 square foot restaurant located at 10039-A Baltimore National Pike, Ellicott City, Maryland 21042.
2. The Hearing Board finds that the Applicant is a fit and proper person to hold an alcoholic beverage license.
3. The Hearing Board finds that Lijie Zhen has been a Howard County resident for more than two years, is a registered voter, and a 100% shareholder of Zen, LLC, t/a Zen Garden.
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 Lijie Zhen on behalf of Zen, LLC, t/a Zen Garden, has applied for a transfer from Yama Asian Bistro, LLC, t/a Yama Asian Fusion, in the name of Xue Li Chen for a 3,057 square foot restaurant located at 10039-A Baltimore National Pike, Ellicott City, Maryland 21042.
2. The Hearing Board concludes that the Applicant is a fit and proper person to hold an alcoholic beverage license.
3. The Hearing Board concludes that Lijie Zhen 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.

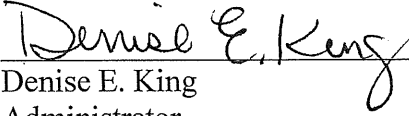
ORDER

For the foregoing reasons, it is this 5th day of March 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Lijie Zhen on behalf of Zen, LLC, t/a Zen Garden, for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license held by Xue Li Chen on behalf of Yama Asian Bistro, LLC, t/a Yama Asian Fusion, for a 3,057 square foot restaurant located at 10039-A Baltimore National Pike, Ellicott City, Maryland 21042, be and the same is hereby **GRANTED**, subject to the following conditions:

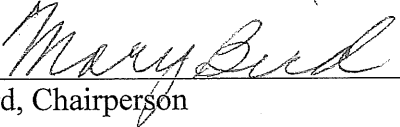
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicant obtains the license and complies with the following conditions:
 - (a) That the Applicant complies with all State and County Rules and Regulations; and
 - (b) Failure to comply with these conditions and obtain the license by March 31, 2016, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator



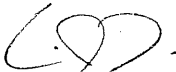
Mary Bird, Chairperson

ABSENT
Harry Evans, III, Vice-Chairperson

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




Charles C. Feaga, Member



Lewis Taylor, Esquire
Assistant County Solicitor

Heather Gaetano, Member



Charley C. Sung, Member