



MEMORANDUM

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LEB*
Julie Quinlan Dufrane, Assistant City Attorney *JQD*
DATE: February 19, 2016
SUBJECT: Liquor Violation Hearing – H-Mart Troy, LLC

On January 7, 2015, Troy police officers responded to the H-Mart store located at 2963 E. Big Beaver Road. An anonymous caller reported to officers that there were numerous intoxicated persons inside the store. When officers arrived, they were advised by an employee that the intoxicated person, the manager Seong-Mun Yoon, had left the store. Officers did not issue any citations when they were on the scene, however, they submitted a report of their findings to the Michigan Liquor Control Commission (MLCC).

On May 15, 2015, a hearing was conducted at the MLCC where the licensee entered a plea of no contest to the allegations. The licensee was found responsible for violating MCL 436.1707(3) which states, in pertinent part: A licensee, or the clerk, servant, agent, or employee of a licensee, shall not be in an intoxicated condition on the licensed premises. As a penalty, the MLCC imposed a fine of \$150.00.

H-Mart has an SDM liquor license which means alcohol is sold to patrons for consumption off the premises. Under Michigan law, a local unit of government may request, by resolution, that the MLCC revoke the license of an off-premises licensee if council determines under the City's Liquor License Ordinance that the licensed premises is a nuisance and that there is an established pattern of conduct involving repeated violations of law and disturbing of the peace and tranquility of the neighborhood. A liquor license violation, such as a licensee being intoxicated on the licensed premises, could serve as a basis for seeking a revocation of a liquor license, however, the subject violation is the only one for H-Mart in the calendar year 2015. Prior to taking any adverse action, the licensee is entitled to a due process hearing which provides the licensee an opportunity to challenge the violation and allows the licensee to come forward with any proactive measures it has taken to guard against future liquor license violations.

Please let me know if you have any questions.



**Michigan Department of Licensing and Regulatory Affairs
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)**

7150 Harris Drive - P.O. Box 30005
Lansing, Michigan 48909-7505
Phone (517) 322-1390 ~ FAX (517) 322-6347

VIOLATION REPORT
(Authorized by P.A.58 of 1998)

This report is not to be faxed or electronically submitted - an original signature is required.

*** OFFICERS please obtain License No., Bus. ID and File # directly from the liquor license ***

License Number 224253-2013	Business ID 228645	File Number D132.5
Name of Licensee H-MART TROY, LLC	Doing Business As H-MART	
Mailing Address (street, city, zip code) 2963 East Big Beaver Road; Troy		
Township	County Oakland	
Type of License(s) & Permit(s) SDM		
Date of violation:	Day Wednesday	Date 01/07/15 Time 2100

Violation Type: Minor Intoxicated Person Gambling Controlled Substances
 Prohibited Conduct Failure to Cooperate Fighting (must be inside licensed premises)
 After Hours Sales / Consumption Other (explain):

If MINOR: Birth date Was this a DECOY? Yes No If No, you MUST answer below!
 If above minor violation was NOT a decoy, describe enforcement action taken:

NOTE! COPY OF APPEARANCE TICKET MUST BE ATTACHED.

Submit Report Below or Indicate Attached Report Number **15-762**

*** REMINDER, PLEASE MAIL THIS REPORT TO THE ADDRESS ABOVE.***

Officer Signature *K. Raczka #115* Name and Title **Officer Kate Raczka**
 Officer Signature Name and Title
 Department Name **Troy Police Department** Telephone Number **248-524-3477**

WITNESSES

- Name **Nora Qaryakous** Address Will testify to: **Cashier at store; witnessed intoxicated person**
- Name **Sang Wook Kim** Address Will testify to: **Cashier at store**
- Name Address Will testify to:
- Name Address Will testify to:
- Name Address Will testify to:

EVIDENCE

Location Held (Explain) **None**
 LC-600 Rev. 03/05 4880-2362

CR No: 15000762-001



Report Type:
Crime Report

Officer:
TRRACZKAK (126371)

001

TROY PD
500 W. BIG BEAVER
TROY MI 48084
248-524-3477



Case Report

Administrative Details:

CR No 15000762-001	Subject 4171 - Violation of Liquor Control Laws [41001]
Report Date/Time 01/07/2015 20:30	Occurrence Date/Time 01/07/2015 20:30
Location 2963 E BIG BEAVER RD	Call Source TELEPHONE
Dispatched Offense L3513 WELFARE CHECK	Verified Offense 4171 Violation of Liquor Control Laws
County 63 - Oakland	City/Twp/Village 84 - Troy
Divison Patrol Shift 2	
Report Type Crime Report	
Created By KATE RACZKA	Created Date/Time 01/07/2015 09:55 PM
Verified By SYSTEM	Verified Date/Time 01/07/2015 10:55 PM
Approved By MICHAEL GIORGI	Approved Date/Time 01/08/2015 06:21 AM

CR No: 150000762-001 	Report Type: Crime Report	Officer: TRRACZKAK (126371)	001
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Offenses:

4171 - Violation of Liquor Control Laws [TRRACZKAK (126371)]			
IBR Code / IBR Group 90G - Liquor Law Violations / B	Offense File Class 41001 - LIQUOR LICENSE -ESTABLISHMENT		
Crime Against SO	Location Type 12 - Grocery/Supermarket	Offense Completed Completed	
Domestic Violence No	Hate/Bias 00 - None (No Bias)		
Using A-Alcohol: Yes C-Computer Equipment: No D-Drugs/Narcotics: No			Cargo Theft

People:

YOON, SEONG-MUN (S-SUSPECT) [TRRACZKAK (126371)]							
Last Name YOON		First Name SEONG-MUN		Middle Name	Suffix	Mr/Mrs/Ms	
Aliases			Driver License#	DL State MI	DL Country	Personal ID#	
DOB (Age) 973 (41)	Sex M	Race ASIAN/PACIFIC ISLANDER	Ethnicity	Birth City & State	Birth Country	Country of Citizenship	
Street Address		Apt #	County	Country	Home Phone	Work Phone	
City STERLING HEIGHTS		State MI	Zip 48314-1022	Cell Phone	Email		
Employer Manager		Employer Address 2963 E Big Beaver		Employer Phone	Occupation Manager	Employer CSZ Troy, MI	

QARYAKOUS, NORA HABEEB (W-WITNESS) [TRRACZKAK (126371)]								
PE:	W.Type: EY	Last Name QARYAKOUS		First Name NORA		Middle Name HABEEB	Suffix	Mr/Mrs/Ms
Aliases			Driver License#	DL State MI	DL Country	Personal ID#		
DOB (Age) 90 (24)	Sex F	Race WHITE	Ethnicity	Birth City & State	Birth Country	Country of Citizenship		
Street Address		Apt #	County	Country	Home Phone	Work Phone		
City TROY		State MI	Zip 48083-4489	Cell Phone	Email			
Employer Cashier		Employer Address 2963 E Big Beaver		Employer Phone	Occupation Cashier	Employer CSZ Troy		

KIM, SANG WOOK (W-WITNESS) [TRRACZKAK (126371)]								
PE:	W.Type: EY	Last Name Kim		First Name Sang		Middle Name Wook	Suffix	Mr/Mrs/Ms
Aliases			Driver License#	DL State	DL Country	Personal ID#		
DOB (Age) 58 (56)	Sex M	Race ASIAN/PACIFIC ISLANDER	Ethnicity	Birth City & State	Birth Country	Country of Citizenship		
Street Address		Apt #	County	Country	Home Phone	Work Phone		
City Sterling Heights		State MI	Zip 48313	Cell Phone	Email			

CR No: 15000762-001 	Report Type: Crime Report	Officer: TRRACZKAK (126371)	001
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CUSTOMER-ANONYMOUS, (O-OTHER) (C-COMPLAINANT) [TRRACZKAK (126371)]							
PE:	W.Type:	Last Name Customer-Anonymous	First Name	Middle Name	Suffix	Mr/Mrs/Ms	
DOB (Age)	Sex U	Race UNKNOWN	Ethnicity	Birth City & State	Birth Country	Country of Citizenship	

NOVAK, JUSTIN (O-OTHER) (L-POLICE OFFICER) [TRRACZKAK (126371)]							
PE:	W.Type:	Last Name Novak	First Name Justin	Middle Name	Suffix	Mr/Mrs/Ms	
Street Address 500 W. Big Beaver		Apt #	County OAKLAND	Country USA	Home Phone	Work Phone	
City Troy		State Mi	Zip 48084	Cell Phone	Email		
Phone/Email							
Type				Description			
BU-Business Phone #1				248-524-3477			

MORGAN, JOSEPH (O-OTHER) (L-POLICE OFFICER) [TRRACZKAK (126371)]							
PE:	W.Type:	Last Name Morgan	First Name Joseph	Middle Name	Suffix	Mr/Mrs/Ms	
Street Address 500 W. Big Beaver		Apt #	County OAKLAND	Country USA	Home Phone	Work Phone	
City Troy		State Mi	Zip 48084	Cell Phone	Email		
Phone/Email							
Type				Description			
BU-Business Phone #1				248-524-3477			

RACZKA, KATE (O-OTHER) (L-POLICE OFFICER) [TRRACZKAK (126371)]							
PE:	W.Type:	Last Name Raczka	First Name Kate	Middle Name	Suffix	Mr/Mrs/Ms	
Street Address 500 W. Big Beaver		Apt #	County OAKLAND	Country USA	Home Phone	Work Phone	
City Troy		State Mi	Zip 48084	Cell Phone	Email		
Phone/Email							
Type				Description			
BU-Business Phone #1				248-524-3477			

Narrative:	
<p>Name: H-Mart Address: 2963 E Big Beaver Violation of the liquor Control Law: Rule. 1005. (3) A licensee, or clerk, servant, agent, or employee of a licensee, shall not be in an intoxicated condition on the licensed premises. Rule. 1005. (4) a licensee shall not allow an intoxicated person to frequent, or loiter on, the licensed premises [R436.105]</p>	



On 1/7/2015 at 2100hrs an anonymous caller stated they were shopping at the H-Mart, located at 2963 E Big Beaver, and observed numerous employees to be intoxicated. The caller went on to say that the employees were not assisting the customers and were laying in the aisles.

Officer Morgan and I (Officer Raczka) arrived on scene and was met at the front door by cashier Sang Wook Kim, AM, DOB: /58. I asked Mr. Kim if he was the individual that was drinking this evening and he stated "no, not me". Mr. Kim eventually came into the grocery store. Upon further questioning Mr. Kim was very uncooperative and refused to take a PBT. Eventually he submitted and a test result of .000. It was later determined Mr. Kim has a length CCH including OWI, Battery and MDOP.

I next spoke with cashier Nora Qaryakous, WF and DOB of 1990. I asked Nora where the manager was and she stated that he had gotten picked up. I asked Nora which employees were intoxicated this evening. Nora stated the Manager, Seong-Mun Yoon, was acting very strange and appeared to be drunk. She stated he was stumbling around, laying on the ground and had severely blood shot eyes.

We asked around to several other employees and they stated Mr. Yoon was in the back office. We walked through the store and was directed outside of the building to an open door to the west of the main establishment. It appeared to be some type of food processing room. No one was located inside the building. It appeared that Mr. Yoon had fled the scene.

During the walk through of the building and processing room. Officers first noticed a strong odor of rotten sea food from the main entrance of the Grocery store. When enter into the back storage room, a large vat of alive crabs (60+) were located wide open with no way of staying refrigerated or covered. The back store room was very disorderly, with a dirty mop and mop bucket near the vat of crabs. We had next entered into the secondary building, the processing room, were it was noticed that there was old seafood laying around and it was also very disorderly. The processing room was also left wide open and unsecured making it a hazard to the public. The smell of rotten sea food permeated both areas of the grocery store.

It should be noted on a previous incident on 10/29/2014 during an open alarm dispatch, Officer Barrows observed several rats in the back storage room. Officer Barrows observed a large rat in the vat of alive crabs. The rat removed one of the crabs and ran off.

Also on a previous incident on 3/1/2014, #14-6569, H-Mart, was in LCC violation for selling alcohol to the Troy PD Decoy.

Officers were unable to locate Manager Yoon on the premises.

Violation report to be submitted to LCC, Building Department and Michigan Department of Agriculture.



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

IN RE: H MART TROY, LLC
D/B/A H MART
2963 E BIG BEAVER
TROY, MI 48083

HEARING: APRIL 28, 2015
PLACE: SOUTHFIELD
COMPLAINT NO. 5-169725
BUSINESS ID NO. 228645
SDM

CHARGES - JANUARY 7, 2015

- (1) Allowed an agent, clerk, or employee, Seong-Mun Yoon, to be on the licensed premises in an intoxicated condition, contrary to Section 707(3) of the Michigan Liquor Control Code, MCL 436.1707(3).

NEGOTIATED SETTLEMENT

Seong-Mun Yoon, General Manager of the above licensed Limited Liability Company, appeared before this Commissioner and was represented by Attorney Michael A. Szymanski. Mr. Szymanski with Susan Moody-Frezza, Assistant Attorney General representing all law enforcement in this matter, proposed the following Negotiated Settlement for the Commissioner to consider for this case pursuant to Section 903 of the Michigan Liquor Control Code and Rule 436.1909 of the Michigan Liquor Control Commission (MLCC):

PROPOSED NEGOTIATED SETTLEMENT

- (1) The licensee will plead no contest the one charge cited above;
- (2) The Commissioner will enter the Violation Report of this case and attachments thereto into the record as substantive evidence without objection. The Commissioner further

will take notice of the prior record of this licensee, since being licensed by the MLCC at the above-named location under the current ownership;

(3) The licensee will agree to pay a fine of \$150 for the single charge as penalty in this matter; and

(4) Both parties hereto will agree that there shall be no appeals on this matter to the Appeal Board of the MLCC or any court of law.

ORDER

In determining whether to approve the Negotiated Settlement as proposed above, the Commissioner considered support of the aforementioned settlement by Officer Kate Raczka on behalf of the Troy Police Department.

In determining whether to approve the Negotiated Settlement as proposed above, the Commissioner considered the licensee's total record, which shows one violation since becoming licensed by the MLCC on April 23, 2013, at the above-named location under the current ownership.

In consideration of the aforementioned circumstances and statements, the Commissioner hereby accepts the terms and conditions of the proposed Negotiated Settlement and Orders as follow:

The Commissioner accepts the licensee's plea of no contest to the one charge, cited above.

The Commissioner hereby accepts the Violation Report of this case and attachments thereto as substantive evidence without objection; further, the Commissioner hereby accepts a true copy of this licensee's record since being licensed by the MLCC at the above-named location under the current ownership.

Based upon the aforementioned plea by the licensee and a review of the Violation Report and attachments thereto, the Commissioner finds that the licensee in this case violated Section 707(3) of the Michigan Liquor Control Code, MCL 436.1707(3) as cited in the one charge of the complaint.

As penalty, the Commissioner Orders a fine of \$150. In addition, the Commissioner Orders a suspension of eight (8) continuous days if the total fine of \$150 is not paid within forty-five (45) days from the date this Order is mailed. This suspension, if served, shall be served consecutively and not concurrently with any other suspensions Ordered by the MLCC for this licensee.

The licensee agrees this Negotiated Settlement was a full and final disposition of this matter before the MLCC. The licensee recognizes that, as to this complaint, there is no further right of administrative or judicial appeal, to either the MLCC or a court of law. The licensee also agrees that the plea in this case was entered voluntarily and with the full understanding of all consequences. Furthermore, all parties agree that there are no promises, stipulations, understandings or agreements other than those stated above as part of the official record. This document represents the final agreed settlement.

MICHIGAN LIQUOR CONTROL COMMISSION


Edward J. Gaffney, Commissioner

Date Mailed: MAY 15 2015

Susan Moody-Frezza
Assistant Attorney General
25680 W 8 Mile Rd.
Southfield, MI 48033

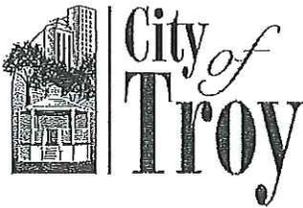
Michael A. Szymanski
Attorney at Law
P.O. Box 96
St. Clair Shores, MI 48080

LCC Liquor Licensee History

Business name: **H Mart (formerly E Mart)**
 Address: 2963 E. Big Beaver Road
 Licensee: H Mart Troy LLC
 License type: SDM
 Permits:
 Comments:

Date	Troy Incident #	Type	Disposition	Date
04/23/13	MLCC	SDM license transferred from E Mart LLC to H Mart Troy LLC		
05/05/13	13-13637	Liquor Inspection (Road Patrol- Sinutko)	NO VIOLATIONS	
05/22/13	13-15687	Liquor Inspection (Road Patrol- Denny)	NO VIOLATIONS	
06/29/13	13-20324	Liquor Inspection (Road Patrol- Sinutko)	NO VIOLATIONS	
09/12/13	13-29131	Liquor Inspection (Road Patrol- Sinutko)	NO VIOLATIONS	
10/29/13	13-34217	Liquor Inspection (Road Patrol- Barrows)	NO VIOLATIONS	
11/05/13	13-35032	Compliance Test	PASSED	
01/15/14	14-1804	Liquor Inspection (Road Patrol- Barrows)	NO VIOLATIONS	
03/04/14	14-6569	Compliance Test (DPU) Sale to Minor	VIOLATION Fined \$600	
03/08/14	14-7357	Liquor Inspection (Road Patrol- Barrows)	NO VIOLATIONS	
05/20/14	14-15019	Liquor Inspection (Road Patrol- Denny)	NO VIOLATIONS	
09/16/14	14-28588	Liquor Inspection (Road Patrol- Denny)	NO VIOLATIONS	
10/28/14	14-33072	Liquor Inspection (Road Patrol- Sinutko)	NO VIOLATIONS	
01/02/15	15-135	Liquor Inspection (Road Patrol- Sinutko)	NO VIOLATIONS	
01/07/15	15-762	Intoxicated Employee on Premises	VIOLATION Fined \$150	<i>This incident</i>
02/20/15	15-5695	Compliance Test	PASSED	
03/03/15	15-7165	Liquor Inspection (Road Patrol- Sinutko)	NO VIOLATIONS	

03/31/15		Letter sent from Police Department to licensee requiring Server Training for all employees serving alcohol and proof of training provided to the Police Department by 6/22/15.	
05/10/15	15-15169	Liquor Inspection (Road Patrol- Mouch)	NO VIOLATIONS
06/22/15		Received proof of required alcohol server training	
07/19/15	15-23692	Liquor Inspection (Road Patrol- Mouch)	NO VIOLATIONS
09/09/15	15-29721	Liquor Inspection (Road Patrol- Mouch)	NO VIOLATIONS
10/11/15	15-33516	Liquor Inspection (Road Patrol- Hancock)	NO VIOLATIONS
11/18/15	15-37820	Compliance Test	PASSED
12/20/15	15-41406	Liquor Inspection (Road Patrol- Hancock)	NO VIOLATIONS



500 W. Big Beaver
Troy, MI 48084
248.524.3300
troymi.gov

February 15, 2016

H Mart Troy, LLC (dba: H Mart)
2963 E. Big Beaver Rd.
Troy, MI 48083

Re: NOTICE OF PUBLIC HEARING - Liquor License Violation

To whom it may concern:

A Public Hearing will be held by and before the City of Troy City Council on Monday, February 22, 2016 at 6:00 PM in the City Council Chambers at City Hall, 500 W Big Beaver, Troy, Michigan. The purpose of this meeting is to determine whether the City Council should recommend to the Michigan Liquor Control Commission the renewal or non-renewal of licenses allowed for the sale and/or consumption of alcoholic beverages. The following licensees and violations will be discussed:

Licensee: H-Mart Troy, LLC
DBA: (dba: H-Mart)
Public Hearing: MONDAY, FEBRUARY 22, 2016 at 6:00 PM
License Type: SDM (224253-2015)
Violation : ALLEGED INTOXICATED EMPLOYEE
Violation Date JANUARY 7, 2015

This notice is sent pursuant to Section 12b of *Chapter 101 – Liquor Licenses* of the City of Troy Code of Ordinances.

Sincerely,

M. Aileen Dickson, MMC, CMMC
City Clerk