

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF JASON CHANG AND	*	
HUNG NGAN CHEUNG ON BEHALF	*	BEVERAGE HEARING BOARD
OF KATANA SUSHI OF CLARKSVILLE,	*	
INC., t/a KATANA SUSHI, FOR A	*	FOR
TRANSFER OF A CLASS B BEER,	*	
WINE, AND LIQUOR 7-DAY ON-SALE	*	HOWARD COUNTY, MARYLAND
LICENSE	*	
	*	Case No. 15-23

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**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 May 12, 2015, the Hearing Board heard the application of Jason Chang and Hung Ngan Cheung ("Applicants"), on behalf of Katana Sushi of Clarksville, Inc., Katana Sushi ("Katana Sushi of Clarksville, Inc."), for a transfer of the Class B Beer, Wine, and Liquor 7-day on-sale license, currently held by Li Mei Chang and Jason Chang on behalf of New Katana Sushi, Inc., t/a Katana Sushi, for a 3,895 square foot restaurant located at 6343 Ten Oaks Road, Clarksville, Maryland 21029. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Thomas M. Meachum, 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 January 14, 2015, from the Applicants' attorney enclosing the application; a letter dated December 9, 2014 from the State Department of Assessments and Taxation confirming acceptance of the Articles of Incorporation of Katana Sushi of Clarksville, Inc.; an email from Applicants' attorney attaching the management agreement for Katana Sushi of Clarksville; a copy of the floor plan; a copy of the Articles of Incorporation of Katana Sushi of Clarksville, Inc.; a copy of the background investigation questionnaires for the Applicants; a memorandum dated April 15, 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 Applicants by the Alcoholic Beverage Inspector dated May 6, 2015; an email dated April 7, 2015, from the Office of the Fire Marshall; an email dated March 20, 2015, from the Department of Inspections, Licenses and Permits; an email dated May 6, 2015 from the Department of Planning and Zoning; a memorandum dated May 4, 2015, from the Bureau of Environmental Health; a letter dated May 8, 2015, from the Office of the Fire Marshal; a letter dated March 18, 2015, to the Department of Finance; a letter dated April 17, 2015, from the Department of Finance; an email dated April 2, 2015, from the Department of Finance; a letter dated April 15, 2015, to the Comptroller of Maryland; a fax transmission to the Applicants' attorney enclosing a letter dated April 15, 2015, with notification of the hearing date and the necessity to advertise; the certification of advertisement from the Howard County Times and the Baltimore Sun; and an email dated April 28, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted.

#### SUMMARY OF TESTIMONY

Jason Chang, 10% shareholder of Katana Sushi of Clarksville, Inc., t/a Katana Sushi, was sworn and testified that he has lived in Howard County since 2010, and that he is a registered voter. Mr. Chang has worked in the kitchen at Katana Sushi since 2006. Mr. Chang testified that his parents are the owners of the restaurant, and that over the years have given him more responsibility. Mr. Chang testified that his parents have opened a new restaurant in Baltimore City.

Mr. Chang testified that he has been operating the restaurant under a management agreement since January 2015, and that there have never been any violations at the restaurant. Mr. Chang testified that he will not be at the restaurant full time, but will visit two to three days per month.

Hung Ngan Cheung, President/Director and 30% shareholder of Katana Sushi of Clarksville, Inc., t/a Katana Sushi, was sworn and testified that he has been working at the restaurant since January 2015, under a management agreement, and that he is alcohol awareness certified. Mr. Cheung testified that he has prior restaurant experience in New York. Mr. Cheung testified that he is familiar with the rules and regulations governing the sale of alcoholic beverages.

Mr. Cheung testified that he plans to have all employees alcohol awareness certified.

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

#### FINDINGS OF FACT

1. The Hearing Board finds that Jason Chang and Hung Ngan Cheung, on behalf of Katana Sushi of Clarksville, Inc., t/a Katana Sushi, have applied for a transfer of the Class B Beer, Wine, and Liquor 7-day on-sale license, currently held by Li Mei Chang and Jason Chang on behalf of New Katana Sushi, Inc., t/a Katana Sushi, for a 3,895 square foot restaurant located at 6343 Ten Oaks Road, Clarksville, Maryland 21029.

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 Jason Chang has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Katana Sushi of Clarksville, Inc., t/a Katana Sushi.

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 Jason Chang and Hung Ngan Cheung, on behalf of Katana Sushi of Clarksville, Inc., t/a Katana Sushi, have applied for a transfer of the Class B Beer, Wine, and Liquor 7-day on-sale license, currently held by Li Mei Chang and Jason Chang on behalf of New Katana Sushi, Inc., t/a Katana Sushi, for a 3,895 square foot restaurant located at 6343 Ten Oaks Road, Clarksville, Maryland 21029.

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 Jason Chang 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.

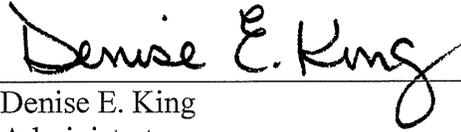
**ORDER**

For the foregoing reasons, it is this 23<sup>rd</sup> day of June, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Jason Chang and Hung Ngan Cheung, on behalf of Katana Sushi of Clarksville, Inc., t/a Katana Sushi, for a transfer of the Class B Beer, Wine, and Liquor 7-day on-sale license, currently held by Li Mei Chang and Jason Chang on behalf of New Katana Sushi, Inc., t/a Katana Sushi, for a 3,895 square foot restaurant located at 6343 Ten Oaks Road, Clarksville, Maryland 21029, 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) The Applicants comply with all State and County rules and regulations; and
  - (b) Failure to comply with these conditions and obtain the license by July 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

ABSENT

Mary Bird, Chairperson



Harry Evans, III, Vice-Chairperson

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

ABSENT

Charles C. Feaga, Member



Heather Gaetano, Member



Lewis Taylor, Esquire  
Assistant County Solicitor



Charley C. Sung, Member