

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF RICARDO ALBERTO	*	
VANEGAS AND PURNA BAHADUR	*	BEVERAGE HEARING BOARD
TILIJIA PUN ON BEHALF OF	*	
PASHUPATI NATH, INC., t/a MT.	*	FOR
EVEREST RESTAURANT FOR A	*	
TRANSFER OF A CLASS B BEER,	*	HOWARD COUNTY, MARYLAND
WINE, AND LIQUOR 7-DAY ON-SALE	*	
LICENSE	*	Case No. 16-28

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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 June 14, 2016, the Hearing Board heard the application of Ricardo Alberto Vanegas and Purna Bahadur Tilija Pun (“Applicants”), on behalf of Pashupati Nath, Inc., t/a Mt. Everest Restaurant (“Pashupati Nath, Inc.”), for a transfer from Vacam Enterprises, LLC, t/a El Hidalgo in the names of Mark Regal, Ricardo Vanegas, and Lilia Esmeralda Camacho, for a 1,766 square foot restaurant with a 250 square foot outdoor patio located at 6060 Marshalee Drive, Elkridge, Maryland 21075. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented at the hearing by Thomas 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 April 1, 2016, from the attorney for the Applicants, enclosing the transfer application; a copy of the corporate charter approval sheet for

Pashupati Nath, Inc.; a copy of the Articles of Incorporation for Pashupati Nath, Inc.; the background investigation questionnaires for the Applicants; copies of the criminal history record check of Maryland's Criminal Justice Information System for the Applicants; a copy of a United States of America Permanent Resident Card for Purna Bahadur Tilija Pun; a copy of a Nepalese Passport for Purna Bahadur Tilija Pun; a copy of a Certificate of Naturalization for Ricardo Alberto Vanegas; a memorandum dated May 11, 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; a memorandum dated May 26, 2016, from the Department of Planning and Zoning; the background investigations dated June 2, 2016, from the Alcohol Beverage Inspector; a letter dated May 24, 2016, from the Office of the Fire Marshal; a letter dated May 11, 2016, to the Department of Finance; a letter from the Department of Finance; a letter dated May 11, 2016, to the Comptroller of Maryland; a letter dated May 19, 2016, from the Comptroller of Maryland; a facsimile dated May 12, 2016, from the Liquor Board Administrator to the attorney for the Applicants with notification of the hearing date, and the necessity to advertise; and an email dated May 27, 2016, from the Alcoholic Beverage Inspector stating the premises had been posted.

#### SUMMARY OF TESTIMONY

Purna Bahadur Tilija Pun, President and 90% shareholder of Pashupati Nath, Inc., t/a Mt. Everest Restaurant, was sworn and testified he has ten years of experience in the restaurant business, and that he has been operating this restaurant under a management agreement since January 2016. Mr. Pun testified that he is scheduled to take an alcohol awareness course on June 28, 2016. Mr. Pun testified that he understands the rules and regulations governing alcoholic beverages.

Mr. Pun testified that Mt. Everest Restaurant will offer Nepalese cuisine. Mr. Pun testified that he has a total of eight employees, and that all of his managers will be alcohol awareness certified. Mr. Pun testified that the hours of operation are 11:30 A.M. to 10:30 P.M., seven days per week.

Ricardo Vanegas, Director and 10% shareholder of Pashupati Nath, Inc., t/a Mt. Everest Restaurant, was sworn and testified that he has been a Howard County resident since 2001, that he is a registered voter, and that he is alcohol awareness certified. Mr. Vanegas testified that he held the liquor license at El Hidalgo from 2009 to 2015, without any violations. Mr. Vanegas testified that he understands the responsibilities of being a licensee.

Mr. Vanegas testified that initially he will stop at the restaurant at least once a week. Mr. Vanegas testified that he was not aware of any tax issues, until recently. Mr. Vanegas testified that the tax issue has been taken care of.

Mr. Vanegas testified that he was getting out of the business because he works for the postal service which requires traveling, and that it was too much to run the restaurant, and take care of his family.

The following Exhibit was entered into the record:

Exhibit – Menu for Mt. Everest Restaurant

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 Ricardo Alberto Vanegas and Purna Bahadur Tilija Pun on behalf of Pashupati Nath, Inc., t/a Mt. Everest Restaurant, have applied for a transfer from Vacam Enterprises, LLC, t/a El Hidalgo, in the names of Mark Regal, Ricardo

Vanegas, and Lilia Esmeralda Camacho, for a 1,766 square foot restaurant with a 250 square foot outdoor patio located at 6060 Marshalee Drive, Elkridge, Maryland 21075.

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 Ricardo Vanegas has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Pashupati Nath, Inc., t/a Mt. Everest Restaurant.

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 Ricardo Alberto Vanegas and Purna Bahadur Tilija Pun on behalf of Pashupati Nath, Inc., t/a Mt. Everest Restaurant, have applied for a transfer from Vacam Enterprises, LLC, t/a El Hidalgo, in the names of Mark Regal, Ricardo Venegas and Lilia Esmeralda Camacho, for a 1,766 square foot restaurant with a 250 square foot outdoor patio located at 6060 Marshalee Drive, Elkridge, Maryland 21075.

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 Ricardo Vanegas 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 12<sup>th</sup> day of July, 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Ricardo Alberto Vanegas and Purna Bahadur Tilija Pun on behalf of Pashupati Nath, Inc., t/a Mt. Everest Restaurant, for a transfer from Vacam Enterprises, LLC, t/a El Hidalgo, in the names of Mark Regal, Ricardo Venegas, and Lilia Esmeralda Camacho, for a 1,766 square foot restaurant with a 250 square foot outdoor patio located at 6060 Marshalee Drive, Elkridge, Maryland 21075, 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:

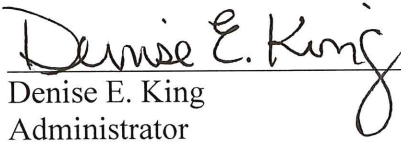
(a) That documentation is submitted to the Board showing that all taxes owed by Vacam Enterprises, LLC, t/a El Hidalgo, are paid in full;

(b) The Applicants comply with all State and County Rules and Regulations; and

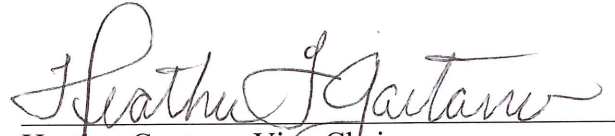
(c) Failure to comply with these conditions and obtain the license by August 31, 2016, shall render this Proposed Decision and Order null and void.

ATTEST:

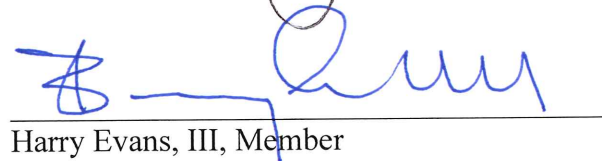
ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND

  
Denise E. King  
Administrator


ABSENT  
Mary Bird, Chairperson

  
Heather Gaetano, Vice-Chairperson

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

  
Harry Evans, III, Member

  
Charles C. Feaga, Member

  
Lewis Taylor, Esquire  
Assistant County Solicitor

ABSENT  
Charley C. Sung, Member