

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF BYUNG	*	
WOOK JUNG ON BEHALF OF	*	BEVERAGE HEARING BOARD
JCK BROTHERS, INC. T/A	*	
BEST PHO 59 FOR A NEW	*	FOR
CLASS B BEER, WINE &	*	
LIQUOR 7 -DAY LICENSE	*	HOWARD COUNTY, MARYLAND
	*	
	*	Case No.: 22-48
	*	

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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 October 11, 2022, the Hearing Board heard the application of Byung Wook Jung (the “Applicant”) on behalf of JCK Brothers, Inc. t/a Best Pho 59 ("Best Pho 59") for a New Class B, Beer, Wine and Liquor, 7-day license for a 3,236 square foot restaurant located at 10045 Baltimore National Pike, Ellicott City, MD 21042.

The hearing was properly advertised, and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicant hired Martin Johnson as a consultant and there were no protestants who appeared in opposition to the application.

All of the documents on file were incorporated into the record by reference.

**SUMMARY OF TESTIMONY**

Byung Wook Jung, 33% interest holder and proposed resident agent, was sworn in

and testified before the Hearing Board through an interpreter, Chun "Steve" Park.

Mr. Jung testified that he has lived in Howard County for 25 years and that the restaurant has been open since November, 2021. Mr. Jung stated that he knows he will be held accountable for any problems that occur concerning the sale of alcohol. Mr. Jung testified as to the exact location of the restaurant and stated that this is a Vietnamese restaurant selling pho and other cuisines of that region. Mr. Jung stated that he has studied the area to determine the types of customers he will have. Mr. Jung stated that he has operated a beauty supply company in Bowie, Maryland for the past 23 years and that he knows how to operate a business. Mr. Jung stated that even though this is his first restaurant business, he is confident that he will be able to run it properly. Mr. Jung stated that he recently sold the beauty supply company, and that he is at the restaurant 6 days per week. Mr. Jung stated that the name, Best Pho 59, represents 1959, the year the partners were born. Mr. Jung stated that the customers have been requesting that alcoholic beverages be served. Mr. Jung stated that there are currently 8 employees and that they all reside in Howard County. Mr. Jung stated that he has read and is familiar with the Howard County Liquor Board Rules and Regulations. Mr. Jung stated that he is not a registered voter in Howard County.

Chong Choi, stockholder and general manager, was sworn in and testified before the Hearing Board.

Mr. Choi testified that the customers have been requesting that beer, wine and mixed drinks be served, which is why they are applying for a liquor license. Mr. Choi stated that table seating occurs through the main entrance, and that alcohol will be stored and locked in an office. Mr. Choi stated that he will have in-house alcohol service training and that the

staff will be Alcohol Awareness Certified. Mr. Choi stated that customers will have to show photo identification for proof of age, and alcohol will not be served to anyone who has had too much to drink. Mr. Choi stated that he will keep alcohol purchase records and employee records on-site. Mr. Choi stated that he and his partners share management duties, that a partner is always in the restaurant during business hours, and that the other partners will make unannounced visits. Mr. Choi stated that he has 20 years of experience at Frankford Garden Liquors in Baltimore City and that he has no violations. Mr. Choi stated that the restaurant will be open from 11:00 a.m. until 9:00 p.m., 6 days per week, and that it will be closed on Wednesdays. Mr. Choi stated that he tries to hire employees with alcohol service experience and alcohol certifications. Mr. Choi stated that he has previously contacted the Liquor Inspector for input on the sale of alcohol, that he participates in recycling when possible, and that he will support local charities.

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

Based on the evidence presented at the hearing, the Alcoholic Beverage Hearing Board makes the following Findings of Fact and Conclusions of Law:

#### **FINDINGS OF FACT**

1. The Hearing Board finds that Byung Wook Jung (the "Applicant") on behalf of JCK Brothers, Inc. t/a Best Pho 59 ("Best Pho 59") has applied for a New Class B, Beer, Wine and Liquor, 7-day license for a 3,236 square foot restaurant located at 10045 Baltimore National Pike, Ellicott City, MD 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 Byung Wook Jung is a Howard County resident.

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 the application will not unduly disturb the peace and safety of the residents of the neighborhood.

### **CONCLUSIONS OF LAW**

1. The Hearing Board concludes that Byung Wook Jung (the "Applicant") on behalf of JCK Brothers, Inc. t/a Best Pho 59 ("Best Pho 59") has applied for a New Class B, Beer, Wine and Liquor, 7-day license for a 3,236 square foot restaurant located at 10045 Baltimore National Pike, Ellicott City, MD 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 Byung Wook Jung meets the requirements of Rules 1.10(S), 1.10(T), and 2.06 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 this application would not unduly disturb the peace and safety of the neighborhood.

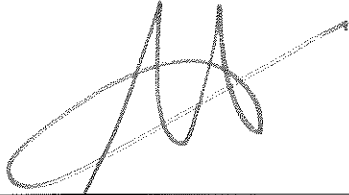
### **ORDER**

For the foregoing reasons, it is this 8<sup>th</sup> day of December, 2022, by the Alcoholic Beverage Hearing Board of Howard County, **ORDERED** that the application of Byung

Wook Jung (the "Applicant") on behalf of JCK Brothers, Inc. t/a Best Pho 59 ("Best Pho 59") for a New Class B, Beer, Wine and Liquor, 7-day license for a 3,236 square foot restaurant located at 10045 Baltimore National Pike, Ellicott City, MD 21042, be and the same is hereby **GRANTED**, subject to the following conditions:

- (a) That the Applicant comply with all State and County Rules and Regulations; and
- (b) That the Applicant satisfy any requirements necessary to obtain the license by April 11, 2023, unless that deadline is extended by the Hearing Board upon good cause shown; and
- (c) Failure to comply with these conditions shall render this Proposed Decision and Order null and void.

**ATTEST:**



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Ashley Aguilar  
Board Administrator

**ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND**

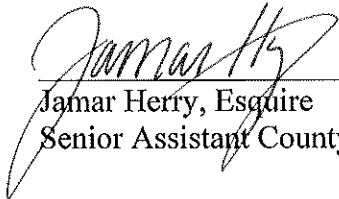
*Kel L. Berg for*  
\_\_\_\_\_  
Mary Bird, Chairperson

*Kel L. Berg for*  
\_\_\_\_\_  
Harry Evans, Vice-Chairperson

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

*Kel L. Berg for*  
\_\_\_\_\_  
Charley Sung, Member

*Kel L. Berg for*  
\_\_\_\_\_  
Steven Chen, Member

  
\_\_\_\_\_  
Jamar Herry, Esquire  
Senior Assistant County Solicitor

*Kel L. Berg for*  
\_\_\_\_\_  
Claire Kim, Member