

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF HO RAK PARK	*	
ON BEHALF OF NIKO, INC. T/A	*	BEVERAGE HEARING BOARD
NIKO JAPANESE RESTAURANT	*	
FOR A RESIDENT AGENT CHANGE	*	FOR HOWARD COUNTY,
MARYLAND		
ON A CLASS B BEER, WINE &	*	
LIQUOR 7-DAY ON SALE LICENSE	*	Case No.: 21-07

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 9, 2021, the Hearing Board heard the application of Ho Rak Park (the “Applicant”) on behalf of Niko, Inc. t/a Niko Japanese Restaurant (“Niko Japanese Restaurant”) for a resident agent change, replacing Timothy Joseph Mayotte on a Class B, Beer, Wine and Liquor 7-day on sale license for an 2,825 square-foot restaurant located at 3570 St. Johns Lane, #102, 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 was represented by counsel, Christopher DeCarlo, and there were no protestants who appeared in opposition to the application.

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

The Applicant waived his right to appeal.

SUMMARY OF TESTIMONY

Ho Rak Park, proposed resident agent and current licensee for Niko's Japanese Restaurant, was sworn and testified before the Board.

Mr. Park testified that he is a current licensee and the 100% owner of Niko, Inc.

Mr. Park testified that he appeared before the Board for a new license at this location in 2016 and again in 2017 for an extension of premises, both of which were approved by the Board.

Mr. Park testified he is a Howard County Resident and a registered voter and is TAMS certified. Mr. Park stated that he works at Niko Japanese Restaurant every day and understands and has complied with the Howard County Rules and Regulations.

Mr. Park testified that he was a licensee at a different location from 2000 to 2016 and since 2016 at this location and has never received a violation.

Mr. Park testified that although he received DUIs in 2000 and 2014, he now totally abstains from drinking alcohol.

FINDINGS OF FACT

1. The Hearing Board finds that Ho Rak Park, on behalf of Niko, Inc. t/a Niko Japanese Restaurant, has applied for a resident agent change replacing Timothy Joseph Mayotte on a Class B, Beer, Wine and Liquor 7-day on sale license for an 2,825 square-foot restaurant located at 3570 St. Johns Lane, #102, Ellicott City, MD 21042.

2. The Hearing Board finds that the Applicant is a fit and proper person to serve as a resident agent on an alcoholic beverage license.

3. The Hearing Board finds that Ho Rak Park is a Howard County resident and is a registered voter.

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 Ho Rak Park, on behalf of Niko, Inc. t/a Niko Japanese Restaurant has applied for a resident agent change replacing Timothy Joseph Mayotte on a Class B, Beer, Wine and Liquor 7-day on sale license for an 2,825 square-foot restaurant located at 3570 St. Johns Lane, #102, Ellicott City, MD 21042

2. The Hearing Board concludes that the Applicant is a fit and proper person to serve as a resident agent on an alcoholic beverage license.

3. The Hearing Board concludes that Ho Rak Park 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 3rd day of May, 2021, by the Alcoholic Beverage Hearing Board of Howard County, **ORDERED** that the application of Ho Rak Park, on behalf of Niko, Inc. t/a Niko Japanese Restaurant, for a resident agent change replacing Timothy Joseph Mayotte on a Class B, Beer, Wine and Liquor 7-day on sale license for an 2,825 square-foot restaurant located at 3570 St. Johns Lane, #102, Ellicott City, MD 21042, be and the same is hereby **GRANTED**, subject to the following conditions:

- (a) That the Applicant complies with all State and County Rules; and Regulations; and
- (b) That the Applicant satisfy any requirements necessary to obtain the license by July 30, 2021, unless that deadline is extended by the Board upon good cause shown; and
- (c) Failure to comply with these conditions shall render this Proposed Decision and Order null and void

ATTEST:

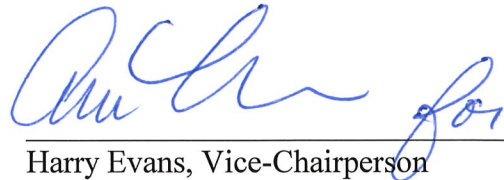
**ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND**



Robin Regner
Board Administrator

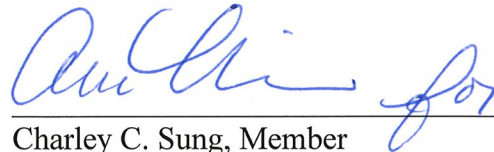


Mary Bird, Chairperson



Harry Evans, Vice-Chairperson

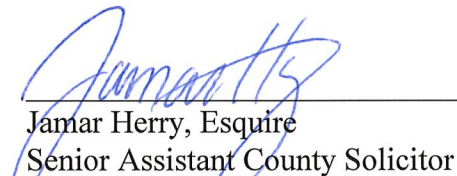
**REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR**



Charley C. Sung, Member



Steven Chen, Member



Jamar Herry, Esquire
Senior Assistant County Solicitor



Claire Kim, Member