

IN THE MATTER OF	*	BEFORE THE ALCOHOLIC
THE APPLICATION OF BRIAN JAMES	*	
GAYLOR ON BEHALF OF BLACK FLAG	*	BEVERAGE HEARING BOARD
BREWING COMPANY, LLC, t/a BLACK	*	
FLAG BREWING COMPANY, FOR A	*	FOR
CLASS D BEER 7-DAY ON-SALE	*	
LICENSE, A REFILLABLE CONTAINER	*	HOWARD COUNTY, MARYLAND
PERMIT, AND AN ON-SITE	*	
CONSUMPTION PERMIT	*	Case No.: 16-18
	*	

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 March 22, 2016, the Hearing Board heard the application of Brian James Gaylor (the “Applicant”), on behalf of Black Flag Brewing Company, LLC, t/a Black Flag Brewing Company (“Black Flag Brewing Company, LLC”), for a new Class D Beer 7-day on-sale license, a refillable container permit, and an on-site consumption permit for a 2,494 square foot tavern located at 9315 Snowden River Parkway, Suites C/D, Columbia, Maryland 21046. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicant was not represented by an attorney. 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: the application for a new tavern license; an application for a refillable container

permit and an on-site consumption permit; a copy of the floor plan; a copy of the Corporate Charter Approval Sheet for Black Flag Brewing Company, LLC; a copy of the Articles of Organization for Black Flag Brewing Company, LLC; a copy of the background investigation questionnaire for the Applicant; a copy of the fingerprinting receipt from the Department of Public Safety and Correctional Services, Criminal Justice Information System - Central Repository for the Applicant; a copy of the criminal history record check from the Department of Public Safety and Correctional Services, Criminal Justice Information System - Central Repository for the Applicant; a copy of the driving record for the Applicant from the Maryland Motor Vehicle Administration; a copy of the TAM certification for Brian J. Gaylor; a memorandum dated January 12, 2016, from the Liquor Board to the Alcohol 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; the background investigation of the Applicant by the Alcohol Beverage Inspector, dated December 22, 2015; a letter dated December 15, 2015, from the Office of the Fire Marshal; a memorandum dated February 1, 2016, from the Department of Planning and Zoning; an e-mail dated January 15, 2016, from the Department of Inspections, Licenses and Permits; a memorandum dated March 1, 2016, from the Bureau of Environmental Health; a letter dated January 12, 2016, to the Department of Finance; a letter from the Department of Finance; a letter dated January 5, 2016, to the Comptroller of the Treasury; a letter dated January 21, 2016, from the Comptroller of the Treasury; an e-mail dated February 10, 2016, from the Applicant to the Administrator to the Liquor Board changing the requested square footage to 2,494 square feet, and submitting a new floor plan; a facsimile dated February 10, 2016, from the

Administrator of the Liquor Board to the Applicant, enclosing a letter dated February 9, 2016, with notification of the hearing date and the necessity to advertise; an e-mail dated February 24, 2016, from the Alcoholic Beverage Inspector stating the premises had been posted; and an e-mail dated March 16, 2016, from the Applicant, enclosing the legal advertisements from The Baltimore Sun and Patuxent Publishing.

SUMMARY OF TESTIMONY

Brian James Gaylor, President and 63.74% shareholder of Black Flag Brewing Company, LLC, t/a Black Flag Brewing Company, was sworn and testified that he has lived in Howard County for more than two years, is a registered voter, and is alcohol awareness certified.

Mr. Gaylor testified that he is employed with Price Waterhouse Coopers as a Senior Associate Project Manager of information technology for government projects. Mr. Gaylor testified that his position at Price Waterhouse Coopers requires him to excel in memorization of rules, which will assist him in complying with liquor laws. Mr. Gaylor testified that his hobby has been making beer, which is what inspired him to open a brewery.

Mr. Gaylor testified that they will have a total of 8,600 square feet at their location, but are only asking for a 2,494 square foot area to be licensed for a tap room. Mr. Gaylor testified that their beers are made from scratch. Mr. Gaylor testified that they will not have prepared food, because they are prohibited from doing so. However, they will have food trucks, and will provide snacks. Mr. Gaylor testified that they plan to have ten taps inside, and hope to eventually be able to sell cans.

Mr. Gaylor testified that they will provide tours of the brewery, and that the customers

will then be allowed to go into the tap room to enjoy the beer and watch sports games on television. Mr. Gaylor testified that they will serve flights, which will include four beers served in four ounce glasses. They will serve the beer in pints, and ten ounce glasses for the stronger beers. Mr. Gaylor testified that they will also have 64 ounce growlers.

Mr. Gaylor testified that the hours of operation will be Wednesday and Thursday, 4:00 P.M. to 10:00 P.M., Friday, 4:00 P.M. to 11:00 P.M., Saturday, 11:00 A.M. to 11:00 P.M., and Sunday 11:00 A.M. to 6:00 P.M. They are closed to the public on Mondays and Tuesdays. Mr. Gaylor testified that they will have three employees in the back of the house, and four to five employees as the tap room staff.

Mr. Gaylor testified that they hope to be ready to open at the end of April.

The following Applicant's Exhibit was entered into the record:

Exhibit #1 - a packet including a Google map showing the location of Black Flag Brewing Company; a copy of the floor plan of the entire Black Flag Brewery; a copy of the floor plan of the requested area to be licensed; a copy of the Maryland Motor Vehicle Administration driving record for Brian Gaylor; a copy of the TAM certification for Brian J. Gaylor

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 Brian James Gaylor on behalf of Black Flag Brewing Company, LLC, t/a Black Flag Brewing Company, has applied for a new Class D Beer 7-day on-sale license, a refillable container permit, and an on-site consumption permit for a 2,494 square foot tavern located at 9315 Snowden River Parkway, Suites C/D, Columbia,

Maryland 21046.

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 Brian James Gaylor has been a Howard County resident for more than two years, is a registered voter, and a 63.74% shareholder of Black Flag Brewing Company, LLC, t/a Black Flag Brewing Company.

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 of the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Brian James Gaylor on behalf of Black Flag Brewing Company, LLC, t/a Black Flag Brewing Company, has applied for a new Class D Beer 7-day on-sale license, a refillable container permit, and an on-site consumption permit for a 2,494 square foot tavern located at 9315 Snowden River Parkway, Suites C/D, Columbia, Maryland 21046.

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 Brian James Gaylor 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 this application would not unduly disturb the peace and safety of the neighborhood.

ORDER

For the foregoing reasons, it is this 10th day of May, 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Brian James Gaylor on behalf of Black Flag Brewing Company, LLC, t/a Black Flag Brewing Company, for a new Class D Beer 7-day on-sale license, a refillable container permit, and an on-site consumption permit for a 2,494 square foot tavern located at 9315 Snowden River Parkway, Suites C/D, Columbia, Maryland 21046, be and the same is hereby **GRANTED**, subject to the following conditions:

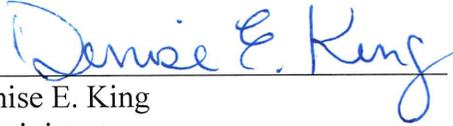
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicant obtains the license and complies with the following conditions:

(a) That the Applicant complies with all State and County Rules and Regulations; and

(b) Failure to comply with these conditions and obtain the license by September 30, 2016, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator



Mary Bird, Chairperson

ABSENT

Harry Evans, III, Vice-Chairperson

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



Charles C. Feaga, Member



Heather Gaetano, Member



Lewis Taylor, Esquire
Assistant County Solicitor

Charley C. Sung, Member