

IN THE MATTER OF THE \* BEFORE THE ALCOHOLIC  
 APPLICATION OF THOMAS R. \*  
 MCGUIRE JR., KASEY C. TURNER, \* BEVERAGE HEARING BOARD  
 AND JUSTIN W. BONNER ON BEHALF \*  
 OF JAILBREAK BREWING COMPANY, \* FOR  
 LLC, t/a JAILBREAK BREWING \*  
 COMPANY, FOR A NEW CLASS D \* HOWARD COUNTY, MARYLAND  
 BEER 7-DAY ON SALE LICENSE \*

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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 December 17, 2013 and February 25, 2014, the Hearing Board heard the application of Thomas R. McGuire Jr., Kasey C. Turner, and Justin W. Bonner ("Applicants"), on behalf of Jailbreak Brewing Company, LLC, t/a Jailbreak Brewing Company, ("Jailbreak Brewing Company, LLC"), for a new Class D Beer 7-day on-sale license<sup>1</sup> and on-site consumption permit for a 3,200 square foot tavern located at 9445 Washington Boulevard, Laurel, Maryland 20723. 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 are incorporated in the record by reference. These include the following: a letter dated October 18, 2013, from the Applicants' attorney enclosing the application; a copy of the floor plan; a copy of the Articles of Organization of Jailbreak Brewing Company, LLC; a copy of the certification of approval of the Articles of Organization of Jailbreak Brewing Company, LLC; the background investigation questionnaire from Thomas R. McGuire Jr.; a copy of the Maryland Motor Vehicle Administration driving record of Mr. McGuire Jr.; the background investigation questionnaire from Kasey C. Turner; a copy of the

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<sup>1</sup> Although the Applicants initially submitted an application for a Class D Beer and Light Wine license, Art 2B § 2-206 of the Maryland Annotated Code does not authorize the Board of License Commissioners to issue such a license to a Class 5 Production Brewery. Consequently, the application was amended to accord with State law.

Maryland Motor Vehicle Administration driving record of Mr. Turner; the background investigation from Justin W. Bonner; a copy of the Maryland Motor Vehicle Administration driving record of Justin W. Bonner; a memorandum dated November 22, 2013, 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 investigations for the Applicants from the Alcoholic Beverage Inspector dated November 22, 2013; an e-mail dated November 26, 2013, from the Department of Inspections, Licenses and Permits; a memorandum dated November 27, 2013, from the Department of Planning and Zoning; a memorandum dated December 9, 2013, from the Office of the Fire Marshal; a letter dated November 22, 2013, to the Department of Finance; a letter dated November 27, 2013, from the Department of Finance; a letter dated November 22, 2013, to the Comptroller of Maryland; a letter dated December 10, 2013, from the Comptroller of Maryland; a fax transmission to the Applicants' attorney transmitting a letter dated November 15, 2013, with notification of the hearing date and the necessity to advertise; an email dated November 22, 2013, from the Alcoholic Beverage Inspector stating the premises had been posted; and a letter dated December 9, 2013, from the Applicants' attorney enclosing the certificates of notices from the Howard County Times and the Baltimore Sun; and a notice posted on the Hearing Room door, that the Alcoholic Beverage Hearing Board hearing for the night of December 10, 2013, was rescheduled due to inclement weather.

#### SUMMARY OF TESTIMONY

Kasey C. Turner, 45% owner of Jailbreak Brewing Company, LLC, was sworn and testified that their business concept is a Class 5 Production Brewery, which will also offer tours, and a tap room. Mr. Turner testified that they plan to emphasize the sale of beer to restaurants and distributors, and will try to build a brand name beer. The Class 5 license is issued by the Comptroller of Maryland, and they are limited to the sale of 500 barrels of beer per year for on-sale consumption.

Mr. Turner testified that the total building is 10,200 square feet, which includes a 3,200 square foot tap room. Mr. Turner testified that they are applying for the Class D Beer 7-day on-sale beer license for the tap room. Mr. Turner testified that the tap room is surrounded by plate glass windows that oversee the brewery. They have a U shaped bar, which has a nice view of the production area. The hours of operation for the tap room will be Thursdays, 4:00 P.M. until 8:00 P.M., Fridays, 4:00 P.M. until 10:00 P.M., Saturdays, 12:00 noon until 10:00 P.M., and Sundays,

12:00 noon until 6:00 P.M. There will be 82 seats, which include 20 seats at the bar and the remainder of the seats at tables. Mr. Turner testified that they will allow persons under the age of 21 to go into the tap room if they are escorted by an adult, but they will not be allowed to sit at the bar. Mr. Turner testified that someone can come into the tap room without going on a tour. Mr. Turner testified that food will be available to customers through food trucks that will be on premises during operating hours.

Mr. Turner testified that they will have everyone TAM certified before they open. They have a sophisticated point of sale system, which will indicate the amount of beer that is being consumed. Mr. Turner testified that there is a double door to the brewery that is locked, and can only be opened by staff. Mr. Turner testified that they will have written policies and procedures, which include not serving to anyone who appears to be under the age of 30 without proper identification, and not allowing anyone under 21 to sit at the bar.

Mr. Turner testified that they will give tours of the brewery that will normally take about 15 to 30 minutes. Mr. Turner testified that customers will sign up for the tour, and they will receive a wristband for a nominal fee of five to ten dollars. Their wristbands will be numbered, and the customer will tear off a number for each sample that is allowed to be served to tour participants.

Mr. Turner testified that the owners will be serving in the tap room. Mr. Turner testified that his role will be on-site server, and he will handle the day to day operations of the business. Mr. Turner testified that he will be at the brewery every day.

Thomas R. McGuire Jr., 10% owner of Jailbreak Brewing Company, LLC, was sworn and testified that he has lived in Howard County for five and a half years, and that he is a registered voter. Mr. McGuire testified that his role will be to make sure that all laws are followed. Mr. McGuire testified that he plans to visit the brewery several times per month to do spot checks. Mr. McGuire testified that he is familiar with the rules and regulations governing the sale of alcoholic beverages, and that he will become TAM certified.

Justin W. Bonner, 45% owner of Jailbreak Brewing Company, LLC, was sworn and testified that he will participate in the day-to-day operation of the business. With regards to his motor vehicle driving record, Mr. Bonner testified that he is now the father of two, and has worked on improving his driving habits. The hearing was continued until February 25, 2014 to allow the Board of License Commissioners time to consider regulatory changes related to the issuance of the Class D Beer license to a Class 5 Production Brewery.

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

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

#### FINDINGS OF FACT

1. The Hearing Board finds that Thomas R. McGuire Jr., Kasey C. Turner, and Justin W. Bonner, on behalf of Jailbreak Brewing Company, LLC, t/a Jailbreak Brewing Company, have applied for a new Class D Beer 7-day on-sale license and on-site consumption permit for a 3,200 square foot tavern located at 9445 Washington Boulevard, Laurel, Maryland 20723.

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 Thomas R. McGuire Jr. has been a Howard County resident for more than two years, is a registered voter, and 10% owner of Jailbreak Brewing Company, LLC.

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 in the neighborhood.

#### CONCLUSIONS OF LAW

1. The Hearing Board concludes that Thomas R. McGuire Jr., Kasey C. Turner and Justin W. Bonner on behalf of Jailbreak Brewing Company, LLC, t/a Jailbreak Brewing Company, have applied for a new Class D Beer 7-day on-sale license and on-site consumption permit for a 3,200 square foot tavern located at 9445 Washington Boulevard, Laurel, Maryland 20723.

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 Thomas R. McGuire Jr. meets the requirements of Rules 1.09(S), 1.09(T) and 2.10 of the Rules and Regulations of the Liquor Board 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.

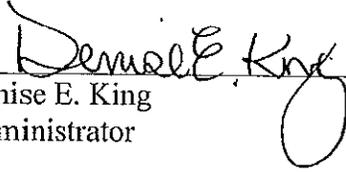
**ORDER**

For the foregoing reasons, by a 4 to 0 vote, it is this 21<sup>st</sup> day of March, 2014, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Thomas R. McGuire Jr., Kasey C. Turner and Justin W. Bonner on behalf of Jailbreak Brewing Company, LLC, t/a Jailbreak Brewing Company, for a new Class D Beer 7-day on-sale license and on-site consumption permit for a 3,200 square foot tavern located at 9445 Washington Boulevard, Laurel, Maryland 20723, be and the same is hereby **GRANTED** subject to the following conditions:

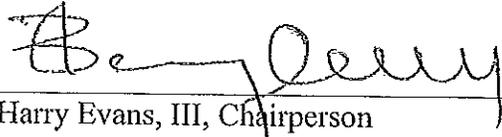
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicants obtain the license and comply with the following conditions:
  - a. That Thomas R. McGuire, Jr., become alcohol awareness certified; and
  - b. That the Applicants comply with all State and County rules and regulations; and
  - c. Failure to comply with these conditions and obtain the license before April 30, 2014, shall render this proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND



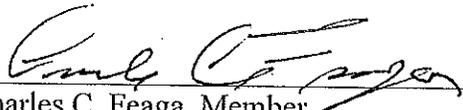
Denise E. King  
Administrator



Harry Evans, III, Chairperson

\_\_\_\_\_  
Mary Bird, Member

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

  
\_\_\_\_\_  
Charles C. Feaga, Member

ABSENT

\_\_\_\_\_  
Lisa Lopez Friedman, Member



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Lewis Taylor, Esquire  
Assistant County Solicitor

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William Neault, Member