

IN THE MATTER OF	*	BEFORE THE ALCOHOLIC
THE APPLICATION OF STEVEN CARL	*	
MCCLUNE AND JOSEPH JOHN REESE	*	BEVERAGE HEARING BOARD
ON BEHALF OF BARE BONES OF	*	
HOWARD COUNTY, INC., t/a BARE	*	FOR
BONES GRILL AND BREWERY FOR A	*	
RESIDENT AGENT/OFFICER CHANGE	*	HOWARD COUNTY, MARYLAND
AND A REFILLABLE CONTAINER	*	
PERMIT ON A CLASS B BEER, WINE,	*	
AND LIQUOR 7-DAY ON-SALE	*	Case No.: 16-04
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 January 12, 2016, the Hearing Board heard the application of Steven Carl McClune and Joseph John Reese (the “Applicants”), on behalf of Bare Bones of Howard County, Inc., t/a Bare Bones Grill and Brewery (“Bare Bones of Howard County, Inc.”), for a resident agent/officer change and a refillable container permit on the Class B Beer, Wine, and Liquor, 7-day on-sale license for a 4,300 square foot restaurant located at 9150 Baltimore National Pike, Ellicott City, Maryland 21042. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Preston Pairo, III, 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: the application for a resident agent change; the application for a refillable container permit; the background investigation questionnaires for the Applicants; copies of the Certificates of Birth for the Applicants; copies of the Maryland Driver's Licenses for the Applicants; copies of receipts from CJIS Central Repository acknowledging the Applicants' applications; copies of the Alcohol Awareness Certifications for the Applicants; a letter dated January 4, 2016, from the attorney for the Applicants; a memorandum dated December 1, 2015, 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 investigations of the Applicants by the Alcohol Beverage Inspector, dated December 10, 2015; a memorandum dated December 17, 2015, from the Bureau of Environmental Health; a letter dated December 15, 2015, from the Office of the Fire Marshal; a letter dated December 1, 2015, to the Department of Finance; a letter from the Department of Finance; a letter dated December 1, 2015, to the Comptroller of the Treasury; a letter dated December 8, 2015, from the Comptroller of the Treasury; a fax transmission to the attorney for the Applicants enclosing a letter dated December 14, 2015, with notification of the hearing date and the necessity to advertise; a copy of the certification of advertisement from the Baltimore Sun and Patuxent Publishing; and an e-mail dated December 18, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted.

### **SUMMARY OF TESTIMONY**

Steve Carl McClune, Vice President and 25% shareholder for Bare Bones of Howard County, Inc., t/a Bare Bones Grill and Brewery, was sworn and testified that he has resided in Howard County for 10 years, is a registered voter, and is alcohol awareness certified. Mr.

McClune testified that he has worked at Bare Bones Grill and Brewery for 27 years, and during that time, they have not had any violations. Mr. McClune testified that he is at the restaurant approximately 25 to 30 hours per week. Mr. McClune testified that he is familiar with the Liquor Board's Rules and Regulations.

Mr. McClune testified that Mr. Rigger has agreed to sell his 10% of shares to Joseph Reese contingent on the outcome of the application for a change of resident agent. Mr. McClune testified that they currently have five managers who are alcohol awareness certified. Their policy is to ask for identification from anyone appearing to be under the age of 40.

Regarding the refillable container permit, Mr. McClune testified that they previously had a federal ATF license for growlers, which allowed them to make their beer, and sell it. Mr. McClune testified that they now have their recipes being produced by an independent brewery. Mr. McClune testified that he is familiar with the rules and regulations regarding the sale of growlers, and that they have eight beers available to sell.

Mr. McClune testified that they are asking for the growler permit, to accommodate their customers, and keep up with competition.

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.

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 Steven Carl McClune and Joseph John Reese on behalf of Bare Bones of Howard County, Inc., t/a Bare Bones Grill and Brewery, have applied for

a resident agent/officer change from James Rigger and Steven Carl McClune to Steven Carl McClune and Joseph John Reese, and have applied for a refillable container permit on the Class B Beer, Wine, and Liquor 7-day on-sale license for a 4,300 square foot restaurant located at 9150 Baltimore National Pike, Ellicott City, Maryland 21042.

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 Steven Carl McClune has been a Howard County resident for more than two years, is a registered voter, and a 25% shareholder of Bare Bones of Howard County, Inc., t/a Bare Bones Grill and Brewery.

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 Steven Carl McClune and Joseph John Reese on behalf of Bare Bones of Howard County, Inc., t/a Bare Bones Grill and Brewery, have applied for a resident agent/officer change from James Rigger and Steven Carl McClune to Steven Carl McClune and Joseph John Reese, and have applied for a refillable container permit on the Class B Beer, Wine, and Liquor 7-day on-sale license for a 4,300 square foot restaurant located at 9150 Baltimore National Pike, Ellicott City, Maryland 21042.

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 Steven Carl McClune 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 24<sup>th</sup> day of February, 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Steven Carl McClune and Joseph John Reese on behalf of Bare Bones of Howard County, Inc., t/a Bare Bones Grill and Brewery, for a resident agent/officer change from James Rigger and Steven Carl McClune to Steven Carl McClune and Joseph John Reese, and for a refillable container permit on the Class B Beer, Wine, and Liquor 7-day on-sale license for a 4,300 square foot restaurant located at 9150 Baltimore National Pike, Ellicott City, Maryland 21042, be and the same is hereby **GRANTED**, subject to the following conditions:

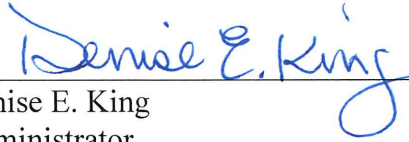
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicants obtain the license and comply with the following conditions:

(a) That the Applicants comply with all State and County Rules and Regulations; and

(b) Failure to comply with these conditions and obtain the license by March 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

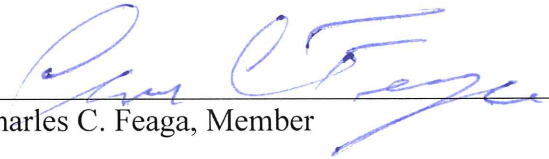


Mary Bird, Chairperson

ABSENT

Harry Evans, III, Vice-Chairperson

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



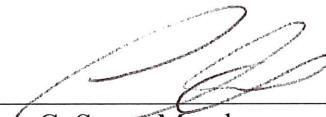
Charles C. Feaga, Member

ABSENT

Heather Gaetano, Member



Lewis Taylor, Esquire  
Assistant County Solicitor



Charley C. Sung, Member