

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF ROBERT BARRY, JR.,	*	BEVERAGE HEARING BOARD
CHARLES BLACKWELL AND JAMIE	*	FOR
BELL, ON BEHALF OF LOST ARK	*	HOWARD COUNTY, MARYLAND
DISTILLING COMPANY, LLC T/A	*	
LOST ARK DISTILLING COMPANY	*	Case No: 20-18
FOR AN ON-SITE CONSUMPTION	*	
PERMIT FOR A CLASS 1 DISTILLERY	*	

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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 July 14, 2020, the Hearing Board heard the application of Robert J. Barry, Jr., Charles Blackwell and Jamie Beall (the “Applicants”) on behalf of Lost Ark Distilling Company, LLC t/a Lost Ark Distilling Company (“Lost Ark Distilling”) for an On-site Consumption Permit for a Class 1 Distillery for a 5,015 square foot distillery located at 9570 Berger Road, Suite L, Columbia, MD 21046.

The hearing was properly advertised, and the property was posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicants were not represented by counsel and there were no protestants who appeared in opposition to the application.

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

SUMMARY OF TESTIMONY

Robert Barry, Jr., managing member of Lost Ark Distilling, was sworn in and testified that he has been in business with Jamie Beall and Brad Blackwell, the two other managing members, since 2015. Mr. Barry testified that they have had no alcohol violations since 2015. Mr. Barry testified that he has been a Howard County resident for 25 years and plans to hire Howard County residents to work at the distillery.

Mr. Barry stated that he has experience as a licensee as he has operated an alcoholic beverage license with the Greene Turtle location in Columbia, Maryland. Mr. Barry testified that they currently hold a Class 1 distillery license for Lost Ark Distilling through the State of Maryland. Mr. Barry testified that they are requesting an On-site Consumption Permit from the Hearing Board. Mr. Barry referenced the drawing of the distillery that they submitted with their application showing the areas where on-site consumption will be permitted by customers. Mr. Barry testified that Lost Ark Distilling's seating capacity is for 30 people.

Mr. Barry testified that all three managing members are active in the distillery and are alcohol awareness certified. Mr. Barry stated that Lost Ark Distilling will have a small staff and that anyone serving alcohol will have alcohol awareness training. Mr. Barry stated that Lost Ark Distilling is currently not open for tours or tastings due to COVID-19; however, if they receive this on-site consumption permit, they plan to open the first week of August.

Mr. Barry testified that under the State Class 1 Distillery License, people who take the tour can purchase alcohol and 80% of those who take the tour do a small tasting and usually purchase a bottle for off-site consumption. Mr. Barry testified that the On-site Consumption Permit would allow customers to consume mixed beverages on-site. Mr. Barry also stated that the plan is to provide a complete experience for the customers, by giving them a tour of

the distillery, educating them about the distilling and bottling process, and giving them a history of the distillery. Mr. Barry testified that they currently produce flavored rums, corn whiskey and bourbons. Mr. Barry testified that since the COVID-19 pandemic, Lost Ark Distilling makes hand sanitizer for Howard County, Government and other businesses in Howard County Maryland to be used for cleaning and sanitizing. Additionally, Lost Ark Distilling delivered hand sanitizers to every restaurant participating in Howard County Restaurant Week.

Mr. Barry testified that Lost Ark Distilling does not operate a kitchen; however, often, during hours of operation, there are food trucks available to customers outside the establishment. Mr. Barry stated that Lost Ark Distilling offers music playing inside on weekends during the day. Mr. Barry testified that the hours of operation are 4 p.m. to 8 p.m. during the week and from 12 p.m. to 6 p.m. on weekends. Mr. Barry stated that there is a maximum of six employees, including warehouse personnel and distillers.

Jamie Beall and Brad Blackwell were both sworn in and all three licensees testified that concerning question 13 on the application, they agree that no manufacturer, brewer, distiller, distributor, or wholesaler, directly, or indirectly, has any financial interest in the premises or business of the Applicants, and that no Applicant will convey or grant to any such manufacturer, brewer, distiller, or wholesaler any such interest, except as otherwise permitted by law; and that the Applicants have, at the time of making the application, no indebtedness or other financial obligations, directly or indirectly, to any manufacturer, brewer, distiller, or wholesaler other than for the purchase of alcoholic beverages.

Mr. Beall testified that he made an error on the background questionnaire he submitted with the liquor license application as he misunderstood the question. Mr. Beall explained that

he erroneously listed someone on the application as having a financial interest in the distillery, however, Mr. Beall testified that Mr. Barry and Mr. Blackwell are the only other people, other than him that have a financial interest in their distillery, and he wishes to amend his application to correct this error.

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 Robert J. Barry, Jr., Charles Blackwell and Jamie Beall, on behalf of Lost Ark Distilling Company, LLC t/a Lost Ark Distilling Company, have applied for an On-site Consumption Permit for a Class 1 Distillery for a 5,015 square foot distillery located at 9570 Berger Road, Suite L, Columbia, MD 21046.
2. The Hearing Board finds that Robert Barry, Jr., is a Howard County resident, is a registered voter, and has a 15% financial interest in Lost Ark Distilling.
3. The Hearing Board finds that the Applicants are fit and proper persons to hold an alcoholic beverage license.
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 Robert J. Barry, Jr., Charles Blackwell and Jamie Beall, on behalf of Lost Ark Distilling Company, LLC t/a Lost Ark Distilling Company, have applied for an On-site Consumption Permit for a Class 1 Distillery for a 5,015 square foot distillery located at 9570 Berger Road, Suite L, Columbia, MD 21046.
2. The Hearing Board concludes that Robert Barry, Jr., meets the requirements of the Liquor Board Rules and Regulations concerning resident agent qualifications.
3. The Hearing Board concludes that the Applicants are fit and proper persons to hold an alcoholic beverage license.
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 5 day of August, 2020, by the Alcoholic Beverage Hearing Board of Howard County, **ORDERED** that the application of Robert J. Barry, Jr., Charles Blackwell and Jamie Beall, on behalf of Lost Ark Distilling Company, LLC t/a Lost Ark Distilling Company, for an On-site Consumption Permit for a Class 1 Distillery for a 5,015 square foot distillery located at 9570 Berger Road, Suite L, Columbia, MD 21046, be and the same is hereby **GRANTED**, subject to the following conditions:


- (a) That the Applicants comply with all State and County Rules and Regulations;
and
- (b) That the Applicants satisfy any requirements necessary to obtain the license by

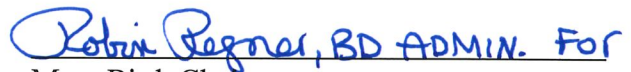
October 1, 2020, unless that deadline is extended by the Board upon good cause shown; and

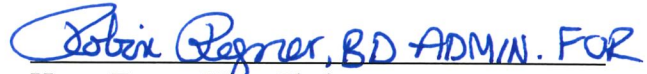
- (c) Failure to comply with these conditions shall render this Proposed Decision and Order null and void.

ATTEST:

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

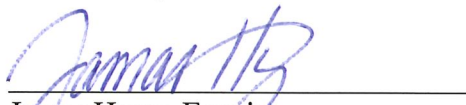

Robin Regner
Board Administrator

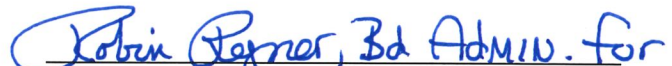

Mary Bird, Chairperson


Harry Evans, Vice Chairperson

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

(absent)
Charley C. Sung, Member


Jamar Herry, Esquire
Senior Assistant County Solicitor


Steven Chen, Member

ABSENT AT TIME OF SIGNING
Claire Kim, Member