

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF SPENCER PHILLIP	*	BEVERAGE HEARING BOARD
LOVE, MICHAEL O'BRIEN TONSMEIRE,	*	FOR
AND SCOTT MICHAEL JANISH ON	*	HOWARD COUNTY, MARYLAND
BEHALF OF SAPWOOD CELLARS, LLC	*	
FOR A NEW CLASS D BEER, 7-DAY	*	Case No.:18-39
ON-SALE LICENSE AND ON-SITE	*	
CONSUMPTION PERMIT	*	

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 10, 2018, the Hearing Board heard the application of Spencer Phillip Love, Michael O'Brien Tonsmeire, and Scott Michael Janish ("Applicants"), on behalf of Sapwood Cellars, LLC, for a new Class D Beer 7-day on sale license with an On-site Consumption Permit for a 7,200-square foot brewery and taproom, located at 8980 Route 108, Suite MNO, Columbia, MD 21045.

The hearing was properly advertised and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. 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

Michael O'Brien Tonsmeire, 45% owner of Sapwood Cellars, LLC, was sworn and testified that he is an enthusiastic home brewer, write columns and books on brewing, is a

consultant for a dozen breweries and has had previous experience working in breweries and taprooms. He stated that he is currently employed by the federal government in the Bureau of Labor Statistics.

Mr. Tonsmeire testified that the brewery is located in an office park and that most construction is already completed. He stated that Sapwood Cellars has already received their Class 5 Manufacturer's license from the State of Maryland and their federal alcohol manufacturing license. Mr. Tonsmeire stated that they already have equipment to produce 10 barrels of beer in each batch, that each barrel is 31 gallons, and that they hope to produce a thousand barrels in their first year.

Mr. Tonsmeire testified that the premises is 7,200 square feet, of which 3,000 square feet is the tasting room with approximately 140 seats. He testified that the hours of operation are 4 p.m. to 10 p.m. on Thursday and Friday, noon to 10 p.m. on Saturday and Sunday and that pursuant to Maryland law, they must close by 10 p.m. Mr. Tonsmeire testified that they hope to expand their hours in the future.

Mr. Tonsmeire testified that all three proposed licensees are TAM certified and one of them will always be on-site. He stated that 99.9% of the time drinking will occur in the tasting room, however, they may hold events where patrons are taken to see the barrels and so they request that the entire facility be licensed.

Mr. Tonsmeire testified that the State Comptroller prohibits the sale of food for licensees with a Class 5 license, so they will only be permitted to serve small snacks, however, there will be food trucks available for customers.

Mr. Tonsmeire testified that the zoning for this property permits this use, however, the proposed 7,200-square foot brewery and taproom are not approved on Site Development Plan

SDP-79-119 and a revision to the site development plan is required. Mr. Tonsmeire stated that they are currently waiting for proposals from an engineering firm and anticipates this to be resolved in about 6 weeks.

Mr. Tonsmeire testified that they hope to partner with local farms for their ingredients, and waste grain will be given to local farms to be used as feed for cattle. He testified that 100% of what is sold to customers will be made on the premises. He stated that they will have eight taps and that they have also applied for a Class 7 wholesale license. They will only have three employees at first, but may have up to 10 employees, including bartenders and other help. He testified that all employees will be alcohol awareness certified and they already have a written alcohol policy.

Spencer Phillip Love, proposed resident agent and full-time tasting room manager, was sworn and testified that he has lived in Howard County for 20 years and has been a registered voter for 10 years. He testified that he has previous experience as a bartender and as a general manager for a grill. He was formerly the general manager at River Hill Grille and currently works at Hudson Coastal and has never had an alcohol violation.

The following exhibits were introduced and accepted into the record:

Applicant Exhibit #1 – Alcohol Service Policy

Applicant Exhibit #2 – Employee Handbook

Mr. Love testified that there is no table service in the tasting room and that all patrons must approach the bar for service. He stated that he has an account with Uber in case a patron is intoxicated and not able to drive. Mr. Love testified that he is currently working with a new Point of Sale system to check IDs and their policy is to ID anyone who appears under the age of 35.

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 Spencer Phillip Love, Michael O'Brien Tonsmeire, and Scott Michael Janish on behalf of Sapwood Cellars, LLC, have applied for a new Class D Beer 7-day on sale license with an On-site Consumption Permit for a 7,200-square foot brewery and taproom, located at 8980 Route 108, Suite MNO, Columbia, MD 21045.

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 Spencer Phillip Love has been a Howard County resident for more than two years, is a registered voter, and a full-time manager of Sapwood Cellars.

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 Spencer Phillip Love, Michael O'Brien Tonsmeire, and Scott Michael Janish on behalf of Sapwood Cellars, LLC, have applied for a new Class D Beer 7-day on sale license with an On-site Consumption Permit for a 7,200-

square foot brewery and taproom, located at 8980 Route 108, Suite MNO, Columbia, MD 21045.

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 Spencer Phillip Love 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 will not unduly disturb the peace and safety of the neighborhood.

ORDER

For the foregoing reasons, it is this 7th day of November 2018, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Spencer Phillip Love, Michael O'Brien Tonsmeire, and Scott Michael Janish on behalf of Sapwood Cellars, LLC, for a new Class D Beer 7-day on sale license with an On-site Consumption Permit for a 7,200-square foot brewery and taproom located at 8980 Route 108, Suite MNO, Columbia, MD 21045, be and the same is hereby **GRANTED**, subject to the following conditions:

- (a) That the Applicants comply with all State and County laws and regulations; and
- (b) That the Applicants receive approval from the Department of Planning and Zoning for the required revisions to their Site Development Plan; and
- (c) That the Applicants satisfy any requirements necessary to obtain the license by

February 11, 2019, unless that deadline is extended by the Board upon good cause shown; and

(d) 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



Heather Gaetano, Chairperson

ABSENT

Mary Bird, Vice-Chairperson

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

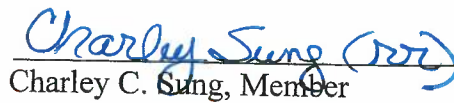


Charles C. Feaga, Member

ABSENT AT TIME OF SIGNING
Gene Ryan, Member



Lewis Taylor, Esquire
Senior Assistant County Solicitor



Charley C. Sung, Member