



STATE OF DELAWARE

OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER

CARVEL STATE BUILDING, 3RD FLOOR

820 NORTH FRENCH STREET

WILMINGTON, DELAWARE 19801

TELEPHONE: (302) 5775-ABC (222)

FAX: (302) 577-3204

Hoffman Brewing Company, LLC :
t/a Dew Point Brewing Company :
2878 Creek Road :
Yorklyn, DE 19736 :
License No. 14812 :

CONFORMING ORDER

WHEREAS, a hearing on a protested application for the above-captioned licensed entity was held on September 13, 2018 (“Hearing”) before former Alcoholic Beverage Control Commissioner John Cordrey; and

WHEREAS, a court reporter attended the Hearing and produced a transcript of the Hearing; and

WHEREAS, former Commissioner John Cordrey issued a written Decision and Order regarding the application after the Hearing; and

WHEREAS, members of the public requested a copy of the Decision and Order; and

WHEREAS, the current Commissioner has engaged in a reasonable and diligent search to locate the Decision, including conducting a thorough search of the Office of the Alcoholic Beverage Control Commissioner files, and contacting applicant’s counsel; and

WHEREAS, a copy of the written Decision and Order cannot be located; and

WHEREAS, there is a need to reissue the Decision and Order; and

WHEREAS, it is the intent of this Office to issue this Order that conforms to the record and transcript of the Hearing; and

WHEREAS, the transcript provides, in relevant, part that:

1. The licensee holds a valid microbrewery license that includes Sunday sales, tastings and a patio, the latter being granted to the licensee in 2017.
2. On September 13, 2018, this Office conducted the Hearing to consider the licensee’s application for an expanded patio area, request for a wet bar on the expanded patio, and live entertainment on the expanded patio.
3. The licensee testified that his premise would host fifteen to twenty-five events a year, stating that the premise would not hold an event every weekend, and at most would hold an event once or twice a month during the spring and summer and would more likely have none in the winter.

4. The licensee testified food trucks are permitted on licensee's parking lot on Fridays from 5:00 p.m. to 8:00 p.m. and, when the licensee hosts events, from 5:00 p.m. to 8:00 p.m.
5. The licensee testified that it constructed a table on its patio that was used as a jockey box to serve beer during a special event, but the table did not have water or electric.
6. The licensee testified that live entertainment would not be used after 9:00 p.m.
7. The licensee testified it would fence an area just off the premises, discussed during the Hearing as an unkept area.
8. After listening to the witnesses and considering the exhibits and the record in its entirety, it was and remains the decision of this Office that the application met the requirements of the statute and regulations to expand the patio and for the variances of live entertainment and a wet bar.
9. The licensee agreed live entertainment on the patio would cease by 9:00 p.m.
10. The parties to the Hearing discussed that live entertainment is permitted until 9:00 p.m. on any day that there is entertainment so long as the decibel level of the music does not exceed 65 decibels measured at 100 feet from the premise per section 561(g) of Title 4 of the Delaware Code.
11. The applicant agreed to install a fence along the premise, discussed as the unkept area, to enclose the patio.
12. The hearing adjourned at 7:15 p.m.

NOW THEREFORE, ON THIS 3rd DAY OF May, 2022, in conformance with the Hearing transcript in this matter, IT IS SO ORDERED that:

1. Licensee's application for an extended patio is granted, provided that the patio includes sufficient fencing around the perimeter which includes the unkept area.
2. Licensee's request for variance for a wet bar is granted.
3. Licensee's request for live entertainment on the licensed patio is granted, with the condition that the live entertainment cease by 9:00 p.m.



The Honorable Jacqueline Paradee Mette, Esq.
Commissioner