

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF BRIAN PATRICK	*	BEVERAGE HEARING BOARD
HEINZ AND DARIN HARPER ON	*	FOR
BEHALF OF MAIN EVENT MARYLAND,	*	HOWARD COUNTY, MARYLAND
LLC, t/a MAIN EVENT, FOR A NEW	*	
CLASS B BEER, WINE, AND LIQUOR	*	Case No.: 18-20
7-DAY ON-SALE LICENSE	*	

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 May 22, 2018, the Hearing Board heard the application of Brian Patrick Heinz and Darin Harper (“Applicants”), on behalf of Main Event Maryland, LLC, t/a Main Event (“Main Event”), for a new Class B Beer, Wine, and Liquor, 7-day on-sale license for a 51,134-square foot restaurant with a 765-square foot outside patio, located at 10300 Little Patuxent Parkway, Space 2520, Columbia, Maryland 21044. The hearing was properly advertised and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicants were represented by Linda Carter, Esquire. There were no protestants who appeared in opposition to the application.

SUMMARY OF TESTIMONY

Alex Garza, District Manager for Main Event Maryland, LLC, was sworn and testified that he has been working at the Columbia location for the last six months. He submitted Applicants’ Exhibit No. 1, a book prepared as a representation of the Main Event’s website, and Applicants’ Exhibit No. 2, two menus for Main Event. Mr. Garza testified that the Main

Event is a family-friendly restaurant and can be described as a combination of Chuck E Cheese's and Dave and Buster's. He described Main Event as a venue with games for kids, teenagers, and adults including bowling with state-of-the-art lanes, 119 video games, and laser tag. Mr. Garza testified that the official opening of the Main Event will be on May 8, 2018 and there has been a great positive public response.

Mr. Garza testified that Main Event is located on the top floor of the old Sears location at The Mall in Columbia and is a nationwide chain with 40 locations in 16 states. Mr. Garza described the restaurant component as two eateries within the establishment – one a full-service dining area with American fare and the other a fast food eatery with canned beverages, coffees, and pizza. He stated that the alcohol component is only a portion of the total revenues, however, he takes alcohol service very seriously. Mr. Garza testified that there are nine managers at this location and they are all alcohol awareness certified.

Mr. Garza testified that they expect to eventually have between 130-135 employees. He said that the size of this restaurant is over 51,000 square feet, which is a typical size for a Main Event establishment. The proposed hours of operation are Sunday 11 a.m. to midnight; Monday 11 a.m. to 2 a.m.; Tuesday-Thursday 11 a.m. to midnight; Friday 11 a.m. to 2 a.m. and Saturday 9 a.m. to 2 a.m. The kitchen will close one hour prior to closing. Mr. Garza testified that by 2 a.m., everyone will be out of the establishment. Mr. Garza testified that the establishment may offer after-prom parties where no alcohol will be served and that they would notify the Board if they do such an event.

Mr. Garza testified that they have a comprehensive program regarding the sale of alcohol. He stated that vertical IDs will not be accepted and that employees that violate any rules related to alcohol will be terminated. Mr. Garza described the training of team members

and managers and their responsibility for certain sections of the restaurant. Mr. Garza stated that only one drink can be ordered at a time, everyone will be carded regardless of age and they have their own alcohol compliance program similar to using a “secret shopper” to make sure all policies are enforced. Mr. Garza stated that managers are designated to watch certain areas of the center at all times. He testified that anyone that serves alcohol will be alcohol awareness certified and the goal is to have all employees certified.

Mr. Garza testified that the venue will be a complement to The Mall and to the community and believes this facility will be fun for the entire family and will offer a service that has not been offered previously in this area of Maryland. There will be parking available in a nearby parking garage and valet parking will be offered as well. Mr. Garza submitted Exhibit No. 3, a letter dated May 7, 2018 from Barbara Nicklas, Senior General Manager of The Mall in Columbia and landlord for Main Event, in support of this application.

Mr. Garza testified that he has been in the food and beverage industry for twenty years and with Main Event for two years and has hired the general manager and the entire management team. Mr. Garza estimated that there may be 2,000 people in the establishment at a time and that there will be a minimum of three managers on the floor at all times with six on the weekends in addition to other employees.

Lane DeYoung, Vice President and general counsel for Main Event since January 2017, was sworn and testified that he is an experienced attorney in the hospitality field and previously worked for Dave and Buster’s and the Frisco Group for twenty years. Mr. DeYoung explained the structure of the entity established for this location, which includes three members – the two applicants and the Main Event LP. He requested that the application be amended to reflect Darin Harper as a managing member and authorized person, Brian

Patrick Heinz to remain as an authorized person and Main Event Entertainment LP as a third member but not a managing member. Mr. DeYoung stated that the operating agreement will be amended regarding authorized persons and will comply with Maryland State law.

Darin Harper, proposed licensee and Chief Financial Officer of Main Event LP, was sworn and testified that he has worked in the restaurant and hospitality field for a number of years, including working for Chuck E. Cheese's and On the Border, and has been with the Main Event since March, 2017. Mr. Harper testified that he was on the liquor license for On the Border and that there were no alcohol violations during the time he was on the license. He stated that this information may not have been reflected on part of the liquor license application and asked to verbally amend the application to reflect that he worked at On the Border from 2014 through 2017. He stated that this omission was not intentional and that he has not personally been involved in any violations or incidences at any establishment. Mr. Harper testified that with the exception of this issue, all information on his application is correct and true.

Mr. Harper testified that he is familiar with the Liquor Board Rules and Regulations and will abide by them. He stated that he will come to the premises from time to time as needed and will have frequent contact with the General Manager. Mr. Harper testified that he understands that as a licensee, should a violation occur, the Board will hold him responsible and require him to appear before them. He stated that he has confidence in the District Manager and that the Main Event will abide by all rules and regulations.

Mr. Harper stated that all 40 Main Event locations have liquor licenses and the average food/alcohol ratio is approximately 65/35 percent, and that he expects more sale of beer than liquor. Mr. Harper testified that he is associated with the overall hiring and training processes

for this establishment. He stated that since he has been with Main Event, there was one violation in Knoxville, TN for not carding a guest. Linda Carter proffered that in reviewing national records, there have only been two total violations attributed to Main Event.

Adam Conrad, General Manager of Main Event at the Mall in Columbia, was sworn and testified that he will be the full-time manager at this location and expects to work 6 days a week for 60-65 hours per week. Mr. Conrad testified that he has had 16 years of experience in the hospitality industry and has worked as an operator, manager, and crew member and will ensure a safe environment at this establishment. He stated that he is responsible for all areas of the facility and employees will use headsets and cameras located throughout the center to assist in securing each zone. Mr. Conrad testified that he has never been involved in any violation during his career. He will spend 90% of his time on the floor of the facility and he will be on call 24/7. He stated that there will be constant communication with staff using e-mail and group messages.

Mr. Conrad testified that all bartenders will be at least 21 years of age and employees bussing tables will be at least 18 years of age. He stated that he will hold a meeting with managers every Wednesday to review the past week and to address all issues with employees and make adjustments. Mr. Conrad stressed the importance of reminding staff daily about alcohol sales and identification procedures. He indicated that there is a meeting with staff daily at 5:30 p.m. as part of the training process to give direction. Mr. Conrad testified that this establishment is necessary to accommodate customers and provide a place where families can go and drink responsibly while their children play. He stated that upper management is available 24/7. He also testified that he is familiar with the Liquor Board Rules and Regulations, including recordkeeping responsibilities.

Mr. Conrad testified that the outdoor area can be accessed through a glass garage door that will open. He testified that an employee will be dedicated to this area whenever it is operational. The outdoor area will be gated off with a stone wall, however, there is an emergency egress from the patio. In response to Board question about staffing of the patio, the applicants consented through counsel to always have an employee present on the patio whenever alcohol is present.

Mr. Conrad testified that last call is a half hour prior to closing and multiple announcements will be made about last call. He stated that law enforcement will be in the establishment to assist on weekends to clear people out of the facility. Mr. Conrad stated that off-duty law enforcement personnel are hired to assist in security and to keep an eye on operations during peak times and that unruly customers will be asked to leave the facility. The security will use headsets on a designated channel. Mr. Conrad testified that the Main Event also has the full support of The Mall management team.

Brian Patrick Heinz, proposed resident agent and 10% shareholder, was sworn and testified that he has been a Howard County resident for 19-20 years, is a U.S. citizen, a registered voter, and is familiar with the Liquor Board Rules and Regulations. Mr. Heinz testified that he understands that if anything goes wrong, the Board will look to him. He stated that he has visited the establishment and finds it to be a family-friendly facility and feels that alcohol sales at this facility will be a good addition to the community. Mr. Heinz testified that if he sees anything questionable at this facility, he would approach the General Manager and discuss the issues, however, is comfortable that this establishment will be operated according to law. Mr. Heinz indicated that he understands his responsibilities, and plans to visit the facility more often than one time per month. Mr. Heinz stated that he has

never worked at a restaurant before and is not currently alcohol awareness certified but plans to be certified in the near future.

In response to questions for the Board, the Applicants consented through counsel to using special glassware to distinguish alcoholic beverages, except for beer, from non-alcoholic beverages to aid enforcement of alcohol service rules.

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 Brian Patrick Heinz and Darin Harper, on behalf of Main Event Maryland, LLC, t/a Main Event, have applied for a new Class B Beer, Wine, and Liquor, 7-day on-sale license for a 51,134-square foot restaurant with a 765-square foot outside patio, located at 10300 Little Patuxent Parkway, Space 2520, Columbia, Maryland 21044.
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 Brian Patrick Heinz has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Main Event.
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, under the conditions provided for herein, will not unduly disturb the peace and safety of the residents of

the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Brian Patrick Heinz and Darin Harper, on behalf of Main Event Maryland, LLC, t/a Main Event, have applied for a new Class B Beer, Wine, and Liquor, 7-day on-sale license for a 51,134-square foot restaurant with a 765-square foot outside patio, located at 10300 Little Patuxent Parkway, Space 2520, Columbia, Maryland 21044.

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 Brian Patrick Heinz 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, under the conditions provided for herein, will not unduly disturb the peace and safety of the neighborhood.

ORDER

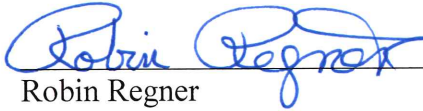
For the foregoing reasons, it is this 5th day of June, 2018, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Brian Patrick Heinz and Darin Harper, on behalf of Main Event Maryland, LLC, t/a Main Event, for a new Class B Beer, Wine, and Liquor, 7-day on-sale license for a 51,134-square foot restaurant with a 765-square foot outside patio, located at 10300 Little Patuxent Parkway, Space 2520,

Columbia, Maryland 21044, 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 Brian Patrick Heinz provide certification of alcohol awareness training; and
- (c) That Darin Harper provide a detailed list of all establishments that he is involved with that served alcohol, both as a licensee and not as a licensee, and provide an updated application and background questionnaire; and
- (d) That the Operating Agreement be amended so that State law requirements are met; and
- (e) That a staff member who is alcohol awareness certified be physically present on the patio when alcohol is served or is present on the patio area; and
- (f) That glassware used to serve alcohol (other than beer) be different from glassware used to serve a non-alcoholic beverage; and
- (g) That the Applicants satisfy any requirements necessary to obtain the license by September 5, 2018, unless that deadline is extended by the Board upon good cause shown; and
- (h) 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

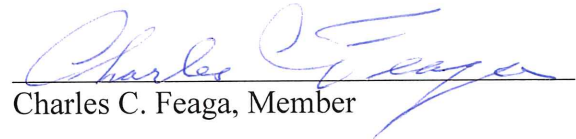


Heather Gaetano, Chairperson


ABSENT AT TIME OF SIGNING

Mary Bird, Vice-Chairperson

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



Charles C. Feaga, Member



Gene Ryan, Member



Lewis Taylor, Esquire
Senior Assistant County Solicitor

ABSENT

Charley C. Sung, Member