

PETITION TO FINE, SUSPEND, OR	*	BEFORE THE ALCOHOLIC
REVOKE THE ALCOHOLIC	*	
BEVERAGE LICENSE OF RONALD	*	BEVERAGE HEARING BOARD
CRAIG GREEN, JEFFREY IRA	*	
NEWMAN AND ROBERT BLAISE	*	FOR
GARNER ON BEHALF OF GLORY	*	
DAYS GRILL OF ELLICOTT CITY, LLC	*	HOWARD COUNTY, MARYLAND
T/A GLORY DAYS GRILL	*	
	*	Case No.: 20-14
	*	

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 March 10, 2020, the Hearing Board heard the Petition of Howard County, Maryland and Detective Mark Baxter, the Alcoholic Beverage Inspector (collectively “Petitioners”), to Fine, Suspend, or Revoke the Class B, Beer, Wine, and Liquor 7-day on/off-sale license of Ronald Craig Green, Jeffrey Ira Newman and Robert Blaise Garner (“Licensees”), held on behalf of Glory Days Grill of Ellicott City, LLC t/a Glory Days Grill (“Glory Days Grill”) located at 10035 Baltimore National Pike, Ellicott City, MD 21042. The Licensees were represented by Leanne Schrecengost, Esquire. The Alcoholic Beverage Inspector was represented by Tsega Girma, Esquire.

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

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

STIPULATIONS

The parties agreed to stipulate to all the allegations of the Petition, including the following:

1. Detective Mark Baxter, Petitioner, at the time of the Petition, was a sworn Howard County Police Officer, specially assigned and designated, pursuant to the applicable laws, as the Alcoholic Beverage Inspector for Howard County. In this capacity, Detective Baxter has the obligation, duty, and responsibility to investigate any licensed liquor establishment for any violations of the applicable liquor or other laws which may occur in the licensed establishment.

2. Howard County, Maryland, is a chartered county, organized pursuant to law, and has the authority, through the exercise of its police power, to enforce the laws relating to alcoholic beverages.

3. On or before May 1, 2019, Respondents applied for and received a Class B, Beer, Wine and Liquor, 7-Day, On-Sale License for Glory Days Grill of Ellicott City, LLC, t/a Glory Days Grill located at 10035 Baltimore National Pike, Ellicott City, Maryland 21042. Glory Days Grill is located in Howard County and is subject to the jurisdiction of the Board of License Commissioners for Howard County.

4. At all times relevant to these proceedings, Respondents were responsible for the operation of Glory Days Grill and were responsible for ensuring compliance with all local and State laws concerning the distribution, sale, and transfer of alcoholic beverages to members of the public.

5. On December 4, 2019, two underage male cadets were sent into Glory Days Grill to purchase an alcoholic beverage.

6. The underage cadets entered the establishment and were seated at a table.

7. The server for the cadets, later identified as Jonathan Peter Hulbert, took the food and drink orders for the cadets.

8. Cadet #1 ordered a bottle of Coors Light Beer, an alcoholic beverage. The server, Jonathan Peter Hulbert, requested identification, but the cadet informed him that he did not have any. The server then asked Cadet #2 if he could “vouch” for Cadet #1 being 21 or older to which Cadet #2 responded that he could.

9. The server, Jonathan Peter Hulbert, returned with the alcoholic beverage which he placed in front of Cadet #1. The cadets took a photo of the beer on the table and sent it to Detective Baxter via cell phone.

10. The cadets subsequently finished their meals, paid their check and exited the establishment.

11. Detective Baxter went into the establishment and notified the manager, Kyle Webb, and server, Jonathan Peter Hulbert, of the incident. Mr. Hulbert advised that the individual did not have his ID on him.

12. Detective Baxter asked the manager, Mr. Webb, to retrieve Mr. Hulbert’s employee file so Detective Baxter could obtain his information. Mr. Webb advised that due to “company policy” he could not show Detective Baxter any employee files. Detective Baxter asked for the file again, at which time Mr. Webb advised that he wasn’t even sure where they were located.

13. The Respondents have committed the following violations:

1. Liquor Board Rule 3.03 – Cooperation by License Holders
2. Liquor Board Rule 4.01(D) – Records
3. Liquor Board Rule 4.04 – Compliance with Laws and Regulations

4. Liquor Board Rule 5.02(A) – Sales to Minors; and
5. Liquor Board Rule 5.08 – Acts Contrary to Law.

14. The Respondents have allowed Glory Days Grill to be used for acts which are contrary to local ordinances and against the public peace, safety, health or welfare.

SUMMARY OF TESTIMONY

Robert Garner, co-founder and CEO of Glory Days Grill and licensee, was sworn and testified as follows:

Mr. Garner testified that he is on the Executive Board of the Restaurant Association of Maryland. He introduced other people associated with Glory Days Grill who attended the hearing including Jeff Newman, co-founder; Richard Danker, co-founder; Gary Cohen, Executive Vice President of Operations and Executive Board Member for the Restaurant Association of Virginia; Chrisa Francis, Director of Training; Justin Sweet, District Manager for stores in Maryland; and Ron Green, Resident Agent.

Mr. Garner testified as to the organization, Washington Regional Alcohol Program (WRAP) that Mr. Cohen is currently serving as the Chairman. WRAP focuses on the responsible service of alcohol. Mr. Cohen noted that WRAP created the Sober Ride program for the Holidays and other training and learning programs for people and organizations. He testified that Glory Days Grill has received several awards from WRAP to include Community Sponsor award for community involvement regarding alcohol awareness and a Corporate Sponsor Award.

He testified that Glory Days Grill has received the McCormick Cornerstone and Restaurant Neighbor Award many times which is awarded to the companies that do the most philanthropically and are otherwise investing in the community. Mr. Garner testified that Glory Days Grill has given approximately \$1.2 million over the past year to the community through

different programs including cash donations and fundraising.

Mr. Garner testified that Glory Days Grill has an online system of Alcohol Awareness Training Programs which includes employee signatures for every step of the system. Mr. Garner testified that new employees are required to review the employee handbook with a manager which includes descriptions of their responsibilities. Mr. Garner stated that employee training includes five days of classes with a certified trainer on the floor as well as alcohol classes which are an abbreviated version of TIPS training. He testified that all managers and bartenders are TIPS certified before being allowed to work in the bar and they try to certify as many servers as they can.

Mr. Garner testified as to the ongoing training provided by Glory Days Grill which happens at least once a month and includes a class specifically on checking IDs. Mr. Garner testified that all managers and bartenders must be certified before they are on the job. Mr. Garner testified that the company employs secret shoppers that go out twice a quarter to evaluate alcohol and food sales and provide feedback as to their experience to include whether IDs are checked. The company also utilizes the BARS Program at least once a month, which issues a green card if the Server checked ID and a red card for a violation to identify that an ID was not checked. Mr. Garner testified that the general rule in the stores is that if someone looks forty years old or younger, they are to be carded. Mr. Garner testified that the Ellicott City location never received a red card violation through the BARS program. Mr. Garner additionally testified that because of the violation in Ellicott City, everyone is carded at that location. The company also conducted an audit of the Ellicott City location and conducted a TIPS training class for the Ellicott City location as a result of the violation.

Mr. Garner testified that at each terminal in the restaurant there is a date calendar to

remind servers and bartenders of the date for purposes of checking IDs. Mr. Garner testified that twice a day there is a pre-shift meeting with all servers and bartenders in which they describe the specials and group reservations for the day and in which they also discuss proper carding. Mr. Garner testified that each server uses an order pad to transfer the order to the kitchen and the bar and that the order pad prompts the servers to check off whether they checked the ID of any person who orders alcohol.

Mr. Garner testified that the employee involved in this violation, Jonathon Hulbert, went through all the company's training and e-signed each time he was trained. Mr. Garner testified that although the policy is no ID, no service, on the day of the violation Mr. Hulbert asked the cadet for ID, the cadet did not show an ID and Mr. Hulbert served him against company policy. Mr. Garner testified that Mr. Hulbert abandoned his job after this incident. Mr. Garner said if Mr. Hulbert had not abandoned his job he would have likely been terminated. Mr. Garner testified that due to the random selection of the BARS program, Mr. Hulbert was not one of the servers that was tested through the BARS program.

Mr. Garner testified as to the records violation. He stated that the manager, Kyle Webb, and District Manager confused confidentiality of employee file with the compliance with Alcohol Beverage Inspector requests regarding the employee's records. Mr. Garner testified that the policy that was in place at the time of violation was not clear on what records should be provided to the Alcohol Beverage Inspector upon request. The policy that was in existence at the time of the violation stated, "never let an investigation take place without calling the Vice President of Operations or Human Resources first." Mr. Garner testified that this policy was in violation of the Liquor Board Rules. Mr. Garner testified that the company policy has not been changed in writing as of yet but has verbally been clarified to its Managers and that employee records are

different than confidential employee files and must be provided to an Alcohol Beverage Inspector upon request. Mr. Garner testified that he believes the employee record requirement is consistent across the jurisdictions in Maryland in which Glory Days, serving alcoholic beverages, are located.

The following exhibits were submitted into the record:

- *Respondent Exhibit #1 – Awards received by Glory Days Grill*
- *Respondent Exhibit #2 – Awards received by Glory Days Grill*
- *Respondent Exhibit #3 – Alcohol Awareness Training and Systems*
- *Respondent Exhibit #4 – BARS red card/green card program*
- *Respondent Exhibit #5 – Summary of alcohol training policies*
- *Respondent Exhibit #6 – Documents e-signed by Jonathon Hulbert*
- *Respondent Exhibit #7 – Glory Days Grill policies for checking IDs e-signed by Jonathon Hulbert*

FINDINGS OF FACT

1. The Hearing Board finds that Ronald Craig Green, Jeffrey Ira Newman and Robert Blaise Garner are the licensees on behalf of Glory Days Grill of Ellicott City, LLC t/a Glory Days Grill, a Class B, Beer, Wine, and Liquor 7-day on-sale license located at 10035 Baltimore National Pike, Ellicott City, Maryland 21042.

2. Detective Mark Baxter, Petitioner, at the time of the Petition, was a sworn Howard County Police Officer, specially assigned and designated, pursuant to the applicable laws, as the Alcoholic Beverage Inspector for Howard County. In this capacity, Detective Baxter has the obligation, duty, and responsibility to investigate any licensed liquor establishment for any

violations of the applicable liquor or other laws which may occur in the licensed establishment.

3. Howard County, Maryland, is a chartered county, organized pursuant to law, and has the authority, through the exercise of its police power, to enforce the laws relating to alcoholic beverages.

4. On or before May 1, 2019, Respondents applied for and received a Class B, Beer, Wine and Liquor, 7-Day, On-Sale License for Glory Days Grill of Ellicott City, LLC, t/a Glory Days Grill located at 10035 Baltimore National Pike, Ellicott City, Maryland 21042. Glory Days Grill located in Howard County and is subject to the jurisdiction of the Board of License Commissioners for Howard County.

5. At all times relevant to these proceedings, Respondents were responsible for the operation of Glory Days Grill and were responsible for ensuring compliance with all local and State laws concerning the distribution, sale, and transfer of alcoholic beverages to members of the public.

6. On December 4, 2019, two underage male cadets were sent into Glory Days Grill to purchase an alcoholic beverage.

7. The underage cadets entered the establishment and were seated at a table.

8. The server for the cadets, later identified as Jonathan Peter Hulbert, took the food and drink orders for the cadets.

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10. The server, Jonathan Peter Hulbert, returned with the alcoholic beverage which he

placed in front of Cadet #1. The cadets took a photo of the beer on the table and sent it to Detective Baxter via cell phone.

11. The cadets subsequently finished their meal, paid their check and exited the establishment.

12. Detective Baxter went into the establishment and notified the manager, Kyle Webb, and server, Jonathan Peter Hulbert, of the incident. Mr. Hulbert advised that the individual did not have his ID on him.

13. Detective Baxter asked the manager, Mr. Webb, to retrieve Mr. Hulbert's employee file so Detective Baxter could obtain his information. Mr. Webb advised that due to "company policy" he could not show Detective Baxter any employee files. Detective Baxter asked for the file again, at which time Mr. Webb advised that he wasn't even sure where they were located.

14. The Respondents have committed the following violations:

1. Liquor Board Rule 3.03 – Cooperation by License Holders
2. Liquor Board Rule 4.01(D) – Records
3. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
4. Liquor Board Rule 5.02(A) – Sales to Minors; and
5. Liquor Board Rule 5.08 – Acts Contrary to Law.

15. The Respondents have allowed Glory Days Grill to be used for acts which are contrary to local ordinances and against the public peace, safety, health or welfare.

16. The Hearing Board finds that it is not necessary to revoke the License, but in order to ensure compliance with the law and Rules and Regulations, and protect the public health and safety, it is necessary to impose a one-day suspension of the liquor license and a fee of Two Hundred Seventy Dollars (\$270.00) for the cost of the hearing as provided by Rule 7.05(B).

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Ronald Craig Green, Jeffrey Ira Newman and Robert Blaise Garner are the licensees on behalf of Glory Days Grill of Ellicott City, LLC t/a Glory Days Grill, a Class B, Beer, Wine, and Liquor 7-day on-sale license located at 10035 Baltimore National Pike, Ellicott City, Maryland 21042.

2. The Hearing Board concludes that the Licensees have violated:

1. Liquor Board Rule 3.03 – Cooperation by License Holders
2. Liquor Board Rule 4.01(D) – Records
3. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
4. Liquor Board Rule 5.02(A) – Sales to Minors; and
5. Liquor Board Rule 5.08 – Acts Contrary to Law.

3. The Hearing Board concludes that it is not necessary to revoke the License, but in order to ensure compliance with the law and Rules and Regulations, and protect the public health and safety, it is necessary to impose a one-day suspension of the liquor license and a fee of Two Hundred Seventy Dollars (\$270.00) for the cost of the hearing as provided by Rule 7.05(B).

ORDER

For the foregoing reasons, and upon finding a violation of Liquor Board Rules 3.03, 4.01(D), 4.04, 5.02(A) and 5.08, it is this 19th day of June, 2020, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED:**

1. That the Class B, Beer, Wine, and Liquor 7-day on-sale license held by Ronald Craig Green, Jeffrey Ira Newman and Robert Blaise Garner on behalf of Glory Days Grill of Ellicott City, LLC t/a Glory Days Grill located at 10035 Baltimore National Pike, Ellicott City, Maryland 21042, be and hereby is **SUSPENDED beginning at 6:00 a.m. on Saturday July 11,**

2020 thru 2:00 a.m. on Sunday July 12, 2020; and

2. That the Licensees shall **DISPLAY the attached SIGN** in color and in a prominent and clear manner, on the front door of the licensed premises beginning at the close of business the day prior to suspension and continuing until reopening for business the day after the suspension; and

3. That a **FEE of Two Hundred Seventy Dollars (\$270.00) is HEREBY IMPOSED** upon Ronald Craig Green, Jeffrey Ira Newman and Robert Blaise Garner and Glory Days Grill of Ellicott City, LLC t/a Glory Days Grill and **SHALL BE PAID NO LATER THAN** July 13, 2020 for the cost of the hearing as provided by Rule 7.05(B).

ATTEST:

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



Robin Regner
Board Administrator



Mary Bird, Chairperson



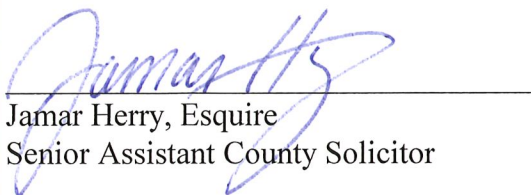
Steven Chen, Member

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



Charley Sung, Member

NOT AVAILABLE AT TIME
Harry Evans, Member OF SIGNING



Jamar Herry, Esquire
Senior Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER MAY APPEAL THE DECISION TO THE LIQUOR BOARD WITHIN TEN DAYS OF THE DATE OF THE DECISION, IN ACCORD WITH RULE 6.14 OF THE RULES AND REGULATIONS OF THE LIQUOR BOARD.

THE HOWARD COUNTY ALCOHOLIC BEVERAGE HEARING BOARD
HAS ORDERED THE LIQUOR LICENSE FOR
GLORY DAYS GRILL

SUSPENDED

No alcoholic beverage may be sold or consumed at this location from:

6:00am on 7/11/20 to 2:00am on 7/12/2020

This licensee was found to have violated:

Liquor Board Rules 3.03, 4.01(D), 4.04, 5.02(A) AND 5.08

THIS SIGN SHALL BE PRINTED IN COLOR & CLEARLY DISPLAYED PROMINANTLY ON THE FRONT DOOR BEGINNING AT CLOSE OF BUSINESS THE DAY PRIOR TO SUSPENSION, AND CAN BE TAKEN DOWN ONLY UPON REOPENING FOR BUSINESS THE DAY AFTER SUSPENSION.

Any questions about this notice should be directed to the Howard County Alcoholic Beverage Administrator at 410-313-2395.