

PETITION TO FINE, SUSPEND, OR * BEFORE THE ALCOHOLIC
 REVOKE THE ALCOHOLIC * BEVERAGE HEARING BOARD
 BEVERAGE LICENSE OF BRIAN * FOR
 PATRICK HEINZ AND DARIN HARPER * HOWARD COUNTY, MARYLAND
 ON BEHALF OF MAIN EVENT *
 MARYLAND, LLC T/A MAIN EVENT * CASE NO.: 19- 21 -V

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 April 16, 2019, 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-sale license held by Brian Patrick Heinz and Darin Harper (“Licensees”), held on behalf of Main Event Maryland, LLC, t/a Main Event (“Main Event”), located at 10300 Little Patuxent Parkway, #2520, Columbia, Maryland 21044. The licensees were represented by Linda Carter, 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 Licensees agreed to stipulate to all of 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, he 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 all of the laws relating to alcoholic beverages.

3. On or before May 1, 2018, Respondents applied for and received a Class B, Beer, Wine, and Liquor, 7-Day, On-Sale License for Main Event Maryland, LLC t/a Main Event, 10300 Little Patuxent Parkway, #2520, Columbia, Maryland 21044. Main Event 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 Main Event, 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 19, 2018, two female and two male cadets, all under the age of

twenty-one, went into Main Event and sat down together at a table in the bar area.

6. The server, who was later identified as James Narvell Kennedy, Jr., took the food and drink orders for the cadets. One of the male cadets ordered a bottle of Bud Light beer, an alcoholic beverage.

7. Mr. Kennedy did not request to see identification from the male cadet and soon returned with the alcoholic beverage and placed it in front of the male cadet.

8. Approximately fifteen minutes later, Mr. Kennedy returned to the table to check on the cadets. At that time, one of the female cadets ordered a bottle of Corona Extra, an alcoholic beverage.

9. Mr. Kennedy, again, did not request to see identification and soon returned with the alcoholic beverage and placed it in front of the female cadet.

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

11. Thereafter, Detective Baxter went into the establishment and notified the manager, Mario Ordonez, of the incident.

12. At no time were any of the cadets asked for identification to verify their age while in the establishment.

13. The Respondents have committed the following violations:

- a. Liquor Board Rule 4.04 - Compliance with Laws and Regulations;
- b. Liquor Board Rule 5.02 - Sales to Minors; and
- c. Liquor Board Rule 5.08 - Acts Contrary to Law.

14. The Respondents and their agents have allowed Main Event to be used for acts which are contrary to local ordinances and against the public peace, safety, health, or welfare.

SUMMARY OF TESTIMONY

Alex Garza, District Manager for Main Event was sworn and testified that he transferred from the Columbia Main Event District to another District the day before the violation. He stated that Kyle Maxam was the General Manager of the Columbia Main Event beginning on December 7, 2018. He testified that previous to that, Adam Conrad was the General Manager of the Columbia Main Event. Mr. Garza stated that he appeared at the original hearing for this establishment and had discussed policies and procedures for training of employees that both he and Mr. Conrad were responsible for.

Mr. Garza testified that every employee hired that is involved with the handling, distribution, or sale of alcohol is alcohol awareness certified. Main Event has a very comprehensive training program for employees both on-line and in-house. Mr. Garza identified and Ms. Carter introduced *Respondent's Exhibit 1 - Academy Training for Responsible Alcohol Service* into the record. He testified that this manual is part of the on-line training program and every employee at Main Event has to take this course on-line before they sell or serve alcohol.

At the original hearing, Mr. Garza testified that the Columbia Main Event would be participating in the BARS program, a program that Main Event contracts with, and that this program would verify and confirm that Main Event is using best practices and proper procedures in the use of alcohol. Mr. Garza described the program, which evaluates how

employees are performing in the sale of alcohol, whereby a drink is ordered and depending if identification is requested or not, employees receive either a red or green card - a red card means the employee did not ask for identification and a green card means the employee did ask for identification. Mr. Garza testified that a green card prompts praise of the staff and manager during shift meetings and that through the BARS program, the Columbia Main Event received 19 total green cards and zero red cards. The following exhibit was introduced and accepted into the record: *Respondent's Exhibit 2 – Report from The BARS Program from 12/1/17 thru 4/5/19.*

Mr. Garza testified that the in-house training for employees is on-going and during their training, the trainer utilizes best practices and procedures. He stated that the in-house training program is five days and the on-line program is five parts and unless someone successfully completes all in-house and on-line training, they cannot sell alcohol. Mr. Garza stated that a customer can only order one drink at a time and the person that takes their order is the same person that delivers the alcohol to that customer.

Mr. Garza testified that the server, Mr. Kennedy, who was responsible for the violation, had successfully completed all programs and there was no indication that he was not a responsible employee. He stated that Mr. Kennedy was employed with Main Event for a couple of months and that Mr. Kennedy claimed he was too busy to card the customers that day. Mr. Kennedy was terminated from his job and this was shared with the other staff members.

Mr. Garza testified that a server usually has three to four tables to service on a weekend night. He explained that in order to enter the Main Event after 9 p.m., all customers

must be over the age of 21 unless accompanied by someone 21 or older, and anyone already in the building after 9 p.m. would be carded.

Mr. Garza testified that when this violation occurred, it was a Wednesday night and not very busy. He stated that there were two managers on duty, however, they may not have been in the vicinity as they use zone management and managers are responsible for different zones. Mr. Garza testified that the center is about 51,000 square feet total and employees wear headsets to keep in contact. Mr. Garza testified that police officers are employed by Main Event and there are two officers that work on weekends only and they assist with watching people and behaviors. There was no police officer on duty when this violation occurred.

Mr. Garza testified that since they opened, police have only been called three to four times for disorderly conduct and that no fake identification cards have ever been confiscated. He stated that the hours of operation have been amended since the original application was heard and the liquor board was promptly notified in writing. Mr. Garza stated that alcohol is available for sale when they open at 11:00 a.m.

Kyle Maxam, General Manager of Main Event Columbia since December 7, 2018, testified that he has had experience at other entertainment venues including Dave and Busters and Disney World. Mr. Maxam testified that he was not working the night of the incident, but did review the records and stated that two managers were on duty that evening. He indicated that Mr. Kennedy was working on the dining room side of the building when the violation occurred and based on his review of the records and the incident, Mr. Kennedy was not given more tables than he could handle.

Mr. Maxam testified that since this incident, to ensure it will not happen again, he has implemented some changes that include:

1. Instituting communication among shifts;
2. Reviewing ID books as to what is acceptable and not acceptable;
3. Having every bartender and server that serves alcohol sign off that they acknowledge the Howard County liquor laws;
4. Reviewing the company policies of what is allowed to be used for identification;
5. Creating heightened awareness for identification; and
6. Retaining the services of Martin Johnson, former Howard County Liquor Inspector, to assist in reviewing the alcohol policies for the establishment and implement the changes he has suggested.

Mr. Maxam testified that most weekends there are two officers on the premises, however, there are now four officers on Fridays and Saturdays. The following exhibit was submitted and accepted into the record: *Respondent's Exhibit No. 3 – Current Schedule of Officers.*

Mr. Maxam testified that changes have been made to their computerized register system so that when an alcoholic beverage is selected, it prompts a question on whether the customer was asked for identification and it shows the minimum month, day, and year for someone to be 21 years of age or older on a given day. The following exhibit was submitted and accepted into the record: *Respondent's Exhibit No. 4 – Screen Shots of Computer System Prompting Question about Identification.* Mr. Maxam explained that the computer

will not permit an alcohol order to be placed without answering the prompted questions.

Concerning the BARS program, Mr. Maxam testified that if an employee gets a red card, they are terminated. He explained that the manager on duty is given a write up and if there is a second incident, the manager would be terminated and that the General Manager is given a written warning for the first and second offense and if there is a third offense, they would also be terminated.

Mr. Maxam testified that all employees involved in the service of alcohol have been alcohol awareness certified. The following exhibit was submitted and accepted into the record: *Respondent's Exhibit No. 5 - Sign-off Sheet - that Employee has been Provided a Copy of the Howard Country Liquor Laws & Valid ID Criteria.*

Mr. Maxam testified about the use of police in terms of intervening in the case of a fake ID or an unruly patron, i.e., asking police to remove an intoxicated person that may be unruly. Mr. Maxam testified that 100% of customers are required to provide identification pursuant to company policy. Mr. Maxam testified that staff is instructed to check identification for the expiration date, date of birth, signs it may be fake, the photograph, and to review both the front and back of the identification.

Steven Swift, District Manager for Main Event Entertainment, was sworn and testified that he is in charge of Main Event facilities in Columbia, Delaware, Pittsburgh, and Louisville, Kentucky. Mr. Swift testified that he frequents the Columbia location eight to ten times per month and stays for an eight to ten-hour shift. He stated that he is readily available to all managers via cell phone, 24/7. Mr. Swift testified that he has 25 years of experience in the hospitality industry and has been with Main Event for four years. Mr. Swift feels that

based on his experience, the security currently at Main Event is sufficient and in January security was increased to four officers on the weekends. He stated that only Howard County police are utilized and the facility has many cameras.

Robert Viveros, Chief Operations Officer for Main Event as of December 2018, was sworn and testified that he has previous experience as CEO of a restaurant group in Dallas, Texas and prior to that was Executive Senior Vice President of Operations for Darden Restaurant for twenty years. Mr. Viveros testified that he is responsible for overall operations in hiring, training, and career development. He indicated that he is very disappointed about this incident.

The following exhibit was submitted and accepted into the record: *Respondent's Exhibit No. 6: Alcohol Beverage Compliance Policy for the Company*. Mr. Viveros testified that after reviewing this incident, the company policy has been taken up a notch. He stated that he rolled his knowledge and experience into the updated policy which is currently dated February 20, 2019.

Mr. Viveros testified that the alcohol to food ratio shows that 20% of sales at this location is for alcohol and that overall, alcohol constitutes 11% of the total revenues at this particular location. Mr. Viveros testified that he is responsible for managers being put on final warnings and possible dismissal.

Martin Johnson, former Liquor Board Inspector for Howard County, was sworn and testified that he had a meeting with Main Event management in January 2019 and has gone through their training program as a potential employee. He testified that the training program before the revisions was adequate and now that they have incorporated changes, it is

improved. Mr. Johnson testified that he took the on-line training and only had four minor suggestions to help employees better understand. He stated that other procedures and practices have been implemented which may be able to prevent future occurrences, however, there is a human factor involved. Mr. Johnson testified that he likes the point of sale system with the prompts. He also feels that anonymous self-testing by the BARS program also keeps employees aware but he would like to see more emphasis on identity document familiarization by staff. He stated that there is 110% turnover annually, however, they do have an in-house TIPS trainer and that is a good program. Mr. Johnson stated that Main Event has changed procedures from checking identification for customers that appear to be under 30 to checking identification for everyone, no matter what age. He plans to continue to work with Main Event to avoid this type of violation occurring in the future.

FINDINGS OF FACT

1. The Hearing Board finds that Brian Patrick Heinz and Darin Harper are licensees on behalf of Main Event Maryland, LLC, t/a Main Event, a Class B Beer, Wine, and Liquor 7-day on-sale license located at 10300 Little Patuxent Parkway, #2520, Columbia, Maryland 21044.
2. The Hearing Board finds that the Licensees have admitted to violating Liquor Board Rule 4.04 – Compliance with Laws and Regulations; Rule 5.02 – Sales to Minors; and Rule 5.08 – Acts Contrary to Law.
3. The Hearing Board finds that the Licensees have acted contrary to the law and failed to comply with the law and regulations by twice selling alcoholic beverages, without requesting identification, to two persons who were under the age of 21.

4. The Hearing Board finds that the Licensees have violated Liquor Board Rule 4.04 – Compliance with Laws and Regulations; Rule 5.02 – Sales to Minors; and Rule 5.08 – Acts Contrary to Law.

5. 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 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 Brian Patrick Heinz and Darin Harper are licensees on behalf of Main Event Maryland, LLC, t/a Main Event, a Class B Beer, Wine, and Liquor 7-day on-sale license located at 10300 Little Patuxent Parkway, #2520, Columbia, Maryland 21044.

2. The Hearing Board concludes that the Licensees have violated Liquor Board Rule 4.04 – Compliance with Laws and Regulations; Rule 5.02 – Sales to Minors; and 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 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 4.04, 5.02, and 5.08, it is this 30th day of May, 2019, by the Alcoholic Beverage Hearing Board

of Howard County **ORDERED:**

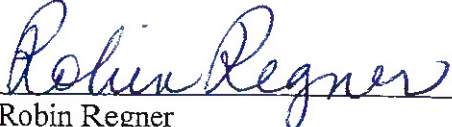
1. That the Class B Beer, Wine, and Liquor 7-day on sale license held by Brian Patrick Heinz and Darin Harper on behalf of Main Event Maryland, LLC, t/a Main Event, located at 10300 Little Patuxent Parkway, #2520, Columbia, Maryland, be and hereby is **SUSPENDED beginning at 6:00 a.m. on Saturday, June 22, 2019 thru 2:00 a.m. on Sunday, June 23, 2019;** and further

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 and Seventy Dollars (\$270.00)** is **HEREBY IMPOSED** upon Brian Patrick Heinz and Darin Harper and Main Event Maryland, LLC, t/a Main Event, and **SHALL BE PAID NO LATER THAN** June 22, 2019.

ATTEST:


ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND


Robin Regner
Board Administrator



Gene Ryan, Chairperson


Mary Bird, Vice-Chairperson

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


Harry Evans, Member


Heather Gaetano, Member


Lewis Taylor, Esquire
Senior Assistant County Solicitor


Charley C. Sung, Member

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
MAIN EVENT

SUSPENDED

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

6:00am on 6/22/2019 to 2:00am on 6/23/2019

This licensee was found to have violated:

.liquor Board Rule 4.04 – Failure to Comply with Laws and Regulations;

.liquor Board Rule 5.02 – Sales to Minors;

.liquor Board Rule 5.08 – Acts Contrary to Law

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.