

PETITION TO FINE, SUSPEND, OR	*	BEFORE THE ALCOHOLIC
REVOKE THE ALCOHOLIC	*	
BEVERAGE LICENSE OF OZGUN	*	BEVERAGE HEARING BOARD
CAGLAR DENIZ ON BEHALF OF	*	
9400 SNOWDEN RIVER, LLC t/a	*	FOR
HOMESLYCE PIZZA	*	
	*	HOWARD COUNTY, MARYLAND
	*	
	*	Case No.:18-28-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 June 5, 2018, 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 of Ozgun Caglar Deniz (“Licensee”), held on behalf of 9400 Snowden River, LLC, t/a HomeSlyce Pizza, located at 9400 Snowden River Parkway, Columbia, Maryland 21045. The Licensee was represented by Abraham Hurdle, 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 of the allegations of the Petition, including the following:

1. Detective Mark Baxter, 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 laws relating to alcoholic beverages.
3. On or before May 1, 2017, the Licensee applied for and received a Class B, Beer, Wine, and Liquor, 7-Day, On-Sale License for 9400 Snowden River, LLC, t/a HomeSlyce Pizza, at 9400 Snowden River Parkway, Columbia, Maryland 21045. HomeSlyce Pizza 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, the Licensee was responsible for the operation of HomeSlyce Pizza, and was 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 January 10, 2018, an underage male cadet as well as two additional

volunteers, a 20-year-old male and 19-year-old female, were sent into HomeSlyce Pizza to attempt to purchase alcoholic beverages.

6. After being seated at a table together in the dining room, the volunteers were greeted by an employee identified by the male cadet as Murat, the manager of the establishment.

7. After providing the volunteers with water, Murat described some of the more popular foods and drinks, including alcoholic ones, since the volunteers indicated it was their first time at the establishment. Murat then left while the volunteers looked over the menu.

8. A short time later the server, Joe, arrived to take the volunteers' order. Joe was later identified as Joseph Michael Tannenbaum. At this time, the volunteers only ordered food and did not attempt to purchase any alcoholic beverages.

9. Joe submitted their order and returned to the table a couple minutes later with a clear pint glass full of an unknown dark lager. After setting the pint down on the table, Joe stated to the volunteers "Since this is your guys' first time here, this one is on the house." The volunteer cadet thanked Joe for the gesture.

10. The volunteer cadet advised that Joe returned to their table about five minutes later with another pint glass of an unknown light-colored lager for the 20-year-old male volunteer and a glass of red wine for the 19-year-old female volunteer. Joe advised that when he observed their reaction to providing the male cadet volunteer with a drink on the house, he decided to bring another one for the 20-year-old male volunteer and some wine "for the lady."

11. Up until this point, none of the volunteers had been asked for identification nor had they attempted to order any alcoholic beverages.

12. The volunteers advised that the beverages were indeed alcoholic beverages based upon their odor and appearance.

13. The volunteers took photos of the beverages with one of their phones, and each with the beverage they were provided by Joe.

14. The photos were immediately forwarded to Detective Baxter via text message who confirmed their appearance, based on presentation and substance, as alcoholic beverages.

15. After the food arrived at their table and they began eating, Joe returned to check on the volunteers. The cadet volunteer advised Joe that he did not like the beer he gave him and ordered a Miller Lite bottle.

16. Joe left to retrieve the order and subsequently returned to the table with a pint glass of pale ale and stated, "Since you didn't like the other one, try this and see if you like it." The cadet volunteer then asked Joe again if he could just have a bottle of Miller Lite.

17. Joe left to retrieve the bottle of Miller Lite and brought it to the cadet volunteer.

18. According to the cadet volunteer, Murat came back a couple of times throughout the night and talked to them about how they enjoyed their visit.

19. At no time during their time at the establishment were any of the volunteers asked for identification to verify their age.

20. The Respondents have committed the following violations:

1. Liquor Board Rule 4.04 - Compliance with Laws and Regulations;
2. Liquor Board Rule 5.02 - Sales to Minors; and
3. Liquor Board Rule 5.08 - Acts Contrary to Law.

21. The Respondent has allowed HomeSlyce Pizza to be used for acts which are contrary to local ordinances and against the public peace, safety, health or welfare.

SUMMARY OF TESTIMONY

Abraham Hurdle, attorney for the Licensee, proffered that the License is not contesting the allegations and that his client has made significant changes at the business.

Ozgun Deniz, owner and licensee, was sworn and testified as follows:

Mr. Deniz testified that there have been significant changes at the location and that now each employee is required to sign a safe service agreement. He also stated that HomeSlyce has installed an ID scanner, namely Intellicheck, which is supposed to be 99.9 percent accurate. He testified that the server who was at the restaurant the night the violation occurred is no longer working there and Mr. Deniz is committed to ensuring that there will be no further violations.

Under questioning from David Moore, Mr. Deniz testified that there are five HomeSlyce locations in Maryland but he is only associated with this location. He stated that he is unaware of any other HomeSlyce location having a violation of the liquor laws.

In response to questions by the Board, Mr. Deniz testified that he came to the restaurant immediately after learning of the violation and had a staff meeting the next morning.

The following Respondent's Exhibit was entered into the record:

Exhibit #1 – HomeSlyce Safe Service Agreement

FINDINGS OF FACT

1. The Hearing Board finds that Ozgun Caglar Deniz is the Licensee on behalf of 9400 Snowden River, LLC, t/a HomeSlyce Pizza, a Class B, Beer, Wine and Liquor 7-Day On-sale license located at 9400 Snowden River Parkway, Columbia, MD 21045.
2. The Hearing Board finds that the Licensee has stipulated to violating Liquor Board Rule 5.02 – Sales to Minors; Liquor Board Rule 4.04 – Compliance with Laws and Regulations; and Liquor Board Rule 5.08 - Acts Contrary to Law.
3. The Hearing Board finds that the Licensee violated Liquor Board Rule 5.02 – Sales to Minors; Liquor Board Rule 4.04 – Compliance with Laws and Regulations; and Liquor Board Rule 5.08 - Acts Contrary to Law, by providing alcohol to three underage persons.
4. The Hearing Board finds that the Licensee has allowed HomeSlyce Pizza to be used for acts which are contrary to local ordinances and against the public peace, safety, health and welfare.
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 public health and safety, it is necessary to impose a One-day Suspension, a fine of Five Hundred Dollars (\$500.00), 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 Ozgun Caglar Deniz is the Licensee on behalf of 9400 Snowden River, LLC, t/a HomeSlyce Pizza, a Class B, Beer, Wine and Liquor 7-Day On-sale license located at 9400 Snowden River Parkway, Columbia, MD 21045.

2. The Hearing Board concludes that the Licensee has violated Liquor Board Rule 5.02 – Sales to Minors; Liquor Board Rule 4.04 – Compliance with Laws and Regulations; and Liquor Board Rule 5.08 - Acts Contrary to Law, by furnishing alcohol to three underage persons.

3. The Hearing Board concludes that the Licensee has allowed HomeSlyce Pizza to be used for acts which are contrary to local ordinances and against the public peace, safety, health and welfare.

4. Liquor Board Rule 5.02 – Sales to Minors; Liquor Board Rule 4.04 – Compliance with Laws and Regulations; and Liquor Board Rule 5.08 - Acts Contrary to Law, by providing alcohol to three underage persons.

5. The Hearing Board concludes that the Licensee has allowed HomeSlyce Pizza to be used for acts which are contrary to local ordinances and against the public peace, safety, health or welfare.

6. 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 public health and safety, it is necessary to impose a One-day Suspension, a fine of Five

Hundred Dollars (\$500.00), and a fee of Two Hundred Seventy Dollars (\$270.00) for the cost of the hearing as provided by Rule 7.05(B).

ORDER

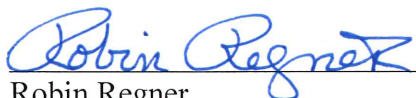
For the foregoing reasons, and upon finding a violation of Liquor Board Rules 4.04, 5.02 and 5.08, it is this 23rd day of August, 2018, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED:**

1. That the Class B, Beer, Wine, and Liquor, 7-Day, On-Sale License held by Ozgun Cagler Deniz on behalf of 9400 Snowden River, LLC, t/a HomeSlyce Pizza, located at 9400 Snowden River Parkway, Columbia, Maryland 21045, be and hereby is **SUSPENDED beginning at 6am on Saturday, September 1, 2018, through 2am on Sunday, September 2, 2018;** and

2. That a **FINE** in the amount of **Five Hundred Dollars, (\$500.00)**, for violation of Rules 4.04, 5.02, and 5.08 of the Liquor Board's Rules and Regulations, and a Fee of **Two Hundred and Seventy Dollars (\$270.00)**, for a total of **Seven Hundred Seventy Dollars (\$770.00)**, are **HEREBY IMPOSED** upon Ozgun Cagler Deniz, Licensee on behalf of 9400 Snowden River, LLC, t/a HomeSlyce Pizza, located at 9400 Snowden River Parkway, Columbia, Maryland 21045, and **SHALL BE PAID NO LATER THAN SEPTEMBER 20, 2018.**

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Robin Regner
Board Administrator

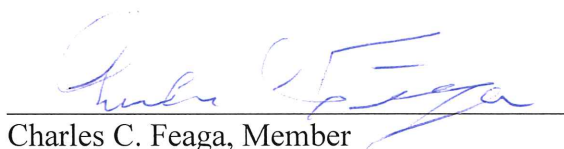


Heather Gaetano, Chairperson

Absent

Mary Bird, Vice-Chairperson

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



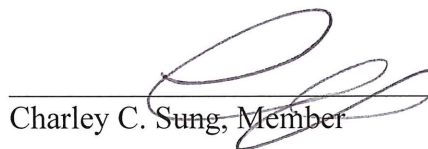
Charles C. Feaga, Member

Absent

Gene Ryan, 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.