

TALBOT COUNTY, MARYLAND
BOARD OF LIQUOR LICENSE COMMISSIONERS

Minutes of Public Meeting
September 9, 2024

The meeting of the Talbot County Board of Liquor License Commissioners was called to order at 10:00 a.m. on Monday, September 9, 2024. Present were Chairman Jack M. Gottschalk, Commissioner Edward M. Bridges, Jr. Commissioner David A. Fike, and Board Secretary Victoria E. Bradley.

OLD BUSINESS

- Upon motion by Commissioner Fike, seconded by Commissioner Bridges, the minutes of the meeting of August 12, 2024, were unanimously approved.

NEW BUSINESS

Genesis Pizza & Mexican Grill, LLC – Violation Hearing

All those in attendance to testify in the matter were sworn in (Alex Perez and his attorney Zachary Smith, Maryland State Police Master Trooper Class K. Myers.)

The Chairman gave a brief description about how the violation hearing will take place. The Chairman testified the violation hearing was set in at the request of the Talbot County Liquor Inspector and Master Trooper K. Myers with the Maryland State Police who conducted the alcohol compliance check for violations of Talbot County Code, Chapter 11, “Alcoholic Beverages” § 11-14(A)(1)(c), “Failure to comply with any local, county, or state law, rule or regulation”, and § 11-13(C)(1), “Sales to minors and intoxicated persons”.

At this point, the Chairman called Master Trooper K. Myers, Maryland State Police to present. Master Trooper Myers read the narrative from his Incident Report dated 12/22/2023, which details the alleged violation.

Master Trooper Myers testified that on December 22, 2023, the Maryland State Police conducted an Alcohol Compliance Check of Genesis Pizza & Mexican Grill located at 8305 Ocean Gateway, MD 21601 along with two cadets.

Master Trooper testified that at approximately 1800 hours, Cadet Cross and Cadet Jones entered Genesis Pizza and Mexican Grill Restaurant at 8305 Ocean Gateway Easton, Maryland 21601. At this location, Cadet Cross and Cadet Jones walked in and sat at a table. The hostess brought menus and chips and salsa at the table and explained that their waitress would be just over. The waitress

(later identified by her Maryland driver's license as Estefany C Cabrera Giron) asked for their drink order. Cadet Cross ordered a bottle of Modelo and Cadet Jones ordered a bottle of Bud Light. The waitress did not ask for any identification from either cadet. The waitress retrieved their drink order and returned with uncapped bottles to both cadets. MIT R. McMasters and Master Trooper Myers remained in a vehicle outside the establishment and were able to observe the cadets in the restaurant sitting at a table against an exterior window (northwest side of the building). The shades at the window were open where we were able to see the cadets and others in the restaurant. Cadet Cross contacted Master Trooper Myers by cellular phone, and he entered the establishment. With Master Trooper Myers BWC (body worn camera) activated he went to where both Cadet Cross and Cadet Jones were sitting and directed Master Trooper Myers to the waitress who was next to their table, rearranging some other tables and chairs in the restaurant. I met with the waitress and identified himself. Master Trooper Myers asked for her identification which she provided, so he could complete the civil citation paperwork number 0246670652. There was a slight language barrier during the conversation he was having with Cabrera Giron. Another waitress and her manager had translated some of the information that he had told Cabrera Giron. Cabrera Giron signed the civil citation, and a copy was issued to her.

Master Trooper Myers further testified that a violation of Maryland Law § 10-117. (“furnishing for or allowing underage consumption”) and a violation of the Talbot County Code Chapter 11, Section 14 (A)(1)(C) were both observed during his compliance check.

The Chairman asked about one of the documents that was submitted, a civil citation docket showing that it was dismissed due to improperly issued, incorrect statutory citation. Master Trooper Myers testified that the citation was dismissed in district court because he was unaware that the citation used had changed since his last compliance check.

Mr. Smith gave opening statements that the facts detailed by Master Trooper Myers in his report were accurate and they do not dispute that a violation occurred. Mr. Smith further testified that Mr. Perez deeply regrets the incident that occurred, and that Mr. Perez has been holding licenses for over 5 years with only two violations.

Commissioner Bridges asked if the waitress was TIPS certified at the time of this incident. Mr. Perez testified that she was certified and that all his servers are certified.

Commissioner Fike asked if there have been similar violations or incidents by this individual or at any of Mr. Perez’s other establishments. Mr. Smith and Mr. Perez testified that there have not been any other incidents for this individual or any of Mr. Perez’s other locations. Mr. Perez further testified that he has given more training to his staff and has changed policies at his locations to prevent this from happening again.

The Chairman asked what procedures are in place to remind employees to check ID’s and the cutoff date for ages. Mr. Perez testified that there is the 21-year cutoff date calendar on the front counter for all employees to see.

The Chairman asked what actions Mr. Perez took when he discovered this incident took place. Mr. Perez testified that he sat down with the employee and discussed the incident and worked with her to better understand the serious matter. Mr. Perez further testified

that he has provided more training for all of his staff and has important alcohol awareness reminders posted throughout his establishments.

The Chairman discussed the importance of license holders adhering to the laws to ensure the safety of the community.

The Board discussed the facts and testimony presented. Mr. Smith and Mr. Perez admitted to a violation occurring. The Board agreed based on the testimony given that a violation did occur.

- Motion made by Commissioner Bridges, seconded by Commissioner Fike to state that a violation did occur on December 22, 2023 at the Genesis Pizza & Mexican Grill located at 8305 Ocean Gateway, Easton, MD 21601. Motion passed unanimously.

The Board discussed their options on punishment for the violation that occurred such as a fine, suspension, revocation or a combination of those options.

Mr. Smith asked if he could address the Board before they decide what punishment will be imposed. Mr. Smith testified that Mr. Perez has held an alcohol license in Talbot County for many years at various establishments and has always been in compliance. Mr. Smith further testified that this is the first violation of this nature in all of his time being a license holder. Mr. Smith testified that he has made changes at all of his establishments to make sure this incident will not occur again.

Commissioner Bridges stated that he understands this is Mr. Perez first violation of this kind however serving underage is a very serious violation and should be treated as such. Commissioner Bridges noted he did not want to set a small punishment in fear of setting a president with the Board and therefore suggest a 15-day suspension of the license.

The Board discussed that in the past the Board has taken each violation hearing on a case-by-case base because every situation is unique. The Chairman stated he doesn't see this incident as a systemic problem and the Board should take that into consideration. Commissioner Fike asked if there have been similar cases the Board has reviewed in the past and if a 15-day suspension would be appropriate. Commissioner Fike also agreed with Commissioner Bridges that this could set a president, and the Board needs to take that into consideration.

The Chairman stated that in his history with the Board that they have suspended the license but only when it was seen as a systemic issue with the establishment and in other cases the Board has only applied a fine. The Chairman testified that the server in this case acted carelessly however he did not see a systemic issue therefore he is reluctant to suspend the license in this case.

The Board discussed the maximum fine they are allowed to impose, and this would be one thousand dollars (\$1000). Commissioner Bridges stated he feels a one-week suspension would be appropriate and would send a powerful message. The Chairman asked if the Board would consider a higher monetary fine and in lieu of the suspension. Commissioner Fike stated a fine between five hundred (\$500) and seven hundred fifty dollars (\$750) would be appropriate. Commissioner Bridges agreed that a fine of seven hundred and fifty dollars (\$750) in lieu of a suspension would be appropriate.

The Board agreed that a fine is the appropriate penalty in this case instead of suspension of the alcohol license. The Board agreed to a fine of seven hundred and fifty dollars (\$750).

- Motion made by Commissioner Fike, seconded by Commissioner Bridges to impose a fine of seven hundred and fifty dollars (\$750) in lieu of a seven-day suspension on Genesis Pizza & Mexican Grill, LLC for their violation of furnishing for or allowing underage consumption. Motion passed unanimously.

Old Business

There being no further business to discuss, the Board moved to adjourn.

- Upon motion by Commissioner Bridges, seconded by Commissioner Fike, there being no further business to discuss, the Board voted unanimously to close the meeting at 11:03 a.m.