

# MINUTES OF THE ALCOHOL CONTROL BOARD

The Alcohol Control Board met in a Regular Called meeting on Wednesday, May 10, 2023, at 10:00 A.M. in the Council Chambers, 3<sup>rd</sup> Floor, City Hall.

**CALL TO ORDER** at 10:01 AM

## **ROLL CALL**

Present: Rick Napps, Christine Brown, Matt Terry, Patti Rogers, and Richard Kollhoff

Absent: David Holt and Dan Heilman\*

Staff Present: Randy Mannino, Julia Drake, and Keith Lovell

## **APPROVAL OF MINUTES**

### **1. April 12, 2023**

Board Member Terry made a motion to approve the minutes from April 12, 2023. Board Member Kollhoff seconded the motion. Motion carried unanimously. Vote: 4-0

## **TEXT AMENDMENTS**

### **2. 3<sup>rd</sup> Quarter Reporting Text Amendment**

Keith Lovell, Assistant City Attorney, stated this text amendment was the result of a previous conversation by Board Members to change the ordinance to require 3<sup>rd</sup> Quarter Reporting to include the fourth quarter. Currently, 3<sup>rd</sup> Quarter Reports reflect establishments numbers from January 1 through September 30. This text amendment would change the requirements to allow the numbers to reflect October 1 through September 30.

Board Member Kollhoff made a motion to approve the proposed text amendment. Board Member Brown seconded the motion. Vote: 4-0

\*Board Member Heilman joined the meeting at 10:08 AM.

## **NEW APPLICATION**

### **3. 1139 Moonshine Inc: Package Beer/Wine**

Chairman Napps called applicant to the podium. The applicant was not in attendance.

Board Member Kollhoff made a motion to table this item until the next meeting which would be June 14, 2023. Board Member Terry seconded the motion. Motion carried unanimously. Vote: 5-0

#### **4. ABC Liquor Wine and Beer: Package Beer/Wine/Distilled Spirits**

Chairman Napps called the applicant to the podium.

Kamlesh Kumar Patel, applicant, came forward to represent the application.

Mr. Lovell stated that this location is under probation until March 18, 2024, due to a prior violation of Sales to a Minor. Mr. Patel stated he understood.

Board Member Rogers made a motion to approve the application. Board Member Terry seconded the motion. Motion carried unanimously. Vote: 5-0

#### **VIOLATIONS**

Mr. Lovell stated the City of Cartersville Police Department (CPD) performs license checks and State Law compliance randomly. In the most recent operation, there were 13 establishments that failed the operation by selling to a minor. All establishments are charged with the following violations:

Section 4-13: Licensees to keep copy of article on premises; employees to be familiar with terms; responsibility of licensee for violations;

Section 4-21: Purchase by or sales to underage persons

Mr. Lovell further stated that he had spoken with each representative, and they would all be pleading no contest or guilty.

In closing, Mr. Lovell stated the Shell Travel Center located at 1304 E Main St. and Texaco located at 2472 Hwy 411 had obtained legal counsel and requested to be moved to a later date due to scheduling conflicts. This date would need to be set and voted on by the Board Members.

#### **5. Kroger – 125 Main Street Marketplace**

Mr. Lovell stated this was Kroger's first offense.

Kyle Baker, 1600 Parkwood Circle, Atlanta, came forward to represent the licensee as their legal counsel.

Michael Burkett, 960 Red Belt Rd., Chickamauga, Ga., licensee, came forward as well.

Mr. Baker handed out to all Board Members a copy of Kroger's policy and stated the employee who sold alcohol to a minor had been suspended. It is Kroger policy to initially suspend the violator and if no grievance is filed within 30 days, the suspension results in termination.

Board Member Rogers made a motion to impose a \$1,000 fine with no probation. Board Member Heilman seconded the motion. Motion carried unanimously. Vote: 5-0

**6. Okinawa – 1010 N. Tennessee St.**

Mr. Lovell stated Okinawa has not had any violations in 13 years and swore in Yap Chan Seng, licensee, Candice Wall, manager, and Officer Greg Sparaco.

Mr. Seng asked for a discount on the violation fine due to the violator did ask for ID and simply calculated incorrectly.

Officer Sparaco confirmed that the ID was checked.

Board Member Heilman made a motion to impose a \$1,000 fine with no probation. Board Member Kollhoff seconded the motion. Motion carried unanimously. Vote: 5-0

**7. Circle K – 1325 E Main St.**

Mr. Lovell stated that this location had never received a violation.

Kevin Leff, attorney with Sard & Leff, came forward to represent the licensee and stated he would be representing all the Circle K cases. Continuing, he stated Circle K has a national training program for all employees and imposes all the requirements listed in the city ordinance. As a result of this violation, Circle K will no longer sell to an individual that possesses a vertical identification. Additionally, his legal advice to the establishment is to invest in new identification readers.

Board Member Terry made a motion to impose a \$1,000 fine with no probation. Board Member Kollhoff seconded the motion. Motion carried unanimously. Vote: 5-0

**8. Circle K – 501 N Tennessee St.**

Mr. Lovell stated this was the 2nd violation of this establishment. The first offense from March 2021 resulted in a \$1,000 fine and 3-year probation. The probation period is set to end on March 4, 2024.

Mr. Leff stated the employee had been properly trained and due to the violation, the employee had been terminated.

Board Member Terry made a motion to impose a \$1,000 fine and 3-year probation to run concurrently with the existing probation. Board Member Rogers seconded the motion. Motion carried unanimously. Vote: 5-0

**9. Circle K – 902 Joe Frank Harris Pkwy.**

Mr. Lovell stated the last violation this establishment received was in 2017 which resulted in a \$1,000 fine and two (2) years' probation. That probation period ended March 8, 2019. Since, there have not been any violations.

Mr. Leff stated his client would like to plead guilty and the employee that completed the transaction simply did not check the ID and has since been terminated.

Board Member Terry made a motion to impose a \$1,000 fine with 3-year probation. Board Member Kollhoff seconded the motion. Motion carried unanimously. Vote: 5-0

#### **10. BP – 496 E Main St.**

Mr. Lovell stated this was the 2nd violation of this establishment. The first offense from March 2021 resulted in a \$1,000 fine and 3-year probation. The probation period ended March 29, 2023.

Mr. Lovell swore in Shams Jooma, licensee for the establishment.

Mr. Jooma stated the previous violation was under different ownership but understood that the violations go with the establishment. The employee was suspended and would be terminated once a replacement is hired. Continuing, Mr. Jooma stated he has already implemented the requirement for inputting the customer's date of birth into the point-of-sale system prior to being able to scan any alcoholic beverage. Additionally, he is planning to input identification readers on the register.

Board Member Terry made a motion to impose a \$1,000 fine with no probation. Board Member Rogers seconded the motion. Motion carried unanimously. Vote: 5-0

Chairman Napps called for a 5-minute break at 11:05 AM.

The meeting resumed at 11:08 AM.

#### **11. Chevron – 1401 West Ave.**

Mr. Lovell stated Jasim Malik, licensee, would like to plead no contest and swore in Mr. Malik.

Mr. Malik stated the employee had been terminated.

Board Member Rogers inquired about the extent of training provided to the employees to which Mr. Malik stated their system required the entering of a date of birth before the scanner could scan any alcoholic beverages, however the system could be bypassed.

Board Member Kollhoff made a motion to impose a \$1,000 fine and 3-year probation. Board Member Terry seconded the motion. Motion carried unanimously. Vote: 5-0

#### **12. Citgo – 445 S. Erwin St.**

Mr. Lovell swore in Chirag Patel, licensee.

Mr. Patel stated their last and first violation was in 2017. At that time, they updated their system to require the entering of a date of birth before the scanner could scan any alcoholic beverages. However, in this case, the employee entered the wrong date.

Video was shown from the store camera footage which depicted that the employee did check the identification but entered the year of birth as 2000 instead of the correct year of birth, which was 2002. This resulted in the allowance for the sale of alcohol.

Additionally, Mr. Patel stated that the State of Georgia performed their own sting operation after CPD performed theirs and provided the Board Members with proof of passing the State operation.

Board Member Kollhoff made a motion to impose a \$1,000 fine and 3-year probation. Board Member Heilman seconded the motion. Motion carried unanimously. Vote: 5-0

### **13. Citgo Express – 1144 N. Tennessee St.**

Dong Zheng, licensee, came forward and asked the Board to allow a continuance to obtain legal counsel.

Board Member Heilman made a motion to move this case to the July 12, 2023, Alcohol Control Board Meeting. Board Member Terry seconded the motion. Motion carried unanimously. Vote: 5-0

### **14. Get N Fly – 786 West Ave.**

Mr. Lovell swore in Hanif Rupani, licensee.

Ms. Rupani stated the employee had been terminated and ID scanners had been installed.

Board Member Kollhoff made a motion to impose a \$1,000 fine and 3-year probation. Board Member Rogers seconded the motion. Motion carried unanimously. Vote: 5-0

### **15. Las Palmas – 140 Main Street Marketplace**

Mr. Lovell swore in Celeste Jaime, Human Resources manager, and Marlene Castillo, store manager.

Ms. Jaime stated that she provided the training for the establishment, provided all employees with a policy manual, and provided ServSafe books. Additionally, the establishment has a digital calendar to indicate the 'OVER 21' date of birth and ID scanners are in place.

In closing, Ms. Jaime stated that the employee has been terminated.

Board Member Kollhoff made a motion to impose a \$1,000 fine and 3-year probation. Board Member Heilman seconded the motion. Motion carried unanimously. Vote: 5-0

### **16. Shell Travel/Texaco**

Board Member Heilman made a motion to move these cases to the July 12, 2023, Alcohol Control Board Meeting. Board Member Rogers seconded the motion. Motion carried unanimously. Vote: 5-0


Randy Mannino, Planning and Development Director stated the Mayor and Council had approved the Attendance Ordinance and was effective immediately.


Mr. Lovell stated that David Holt would be resigning from the Alcohol Control Board.

With no other business to be handled, Board Member Rogers made a motion to adjourn. Board Member Brown seconded the motion. Motion carried unanimously. Vote: 5-0

Meeting adjourned at 11:43 A.M.

June 14, 2023

/s/   
Chairman

/s/   
Secretary