

# MINUTES OF THE ALCOHOL CONTROL BOARD

The Alcohol Control Board met in a regular meeting on Wednesday, March 10, 2021 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, Jennifer Smith, Cortney Hultman, David Holt, Richard Kollhoff

Absent: Dan Heilman

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

## **APPROVAL OF MINUTES**

### **1. Approval of minutes of the February 10, 2021 meeting minutes.**

Motion to approve the February 10, 2021 meeting minutes was made by Board Member Hultman and seconded by Board Member Smith. Motion carried unanimously. Vote: 5-0.

## **TEXT AMENDMENTS**

### **2. Amendment to Festival Zone Ordinance**

Chairman Napps called for the next item.

Keith Lovell, Assistant City Attorney, gave an overview of the amendment stating this amendment is to clarify the use of Downtown Entertainment Zone cups in the Festival Zone.

Motion to approve the amendment to the Festival Zone Ordinance was made by Board Member Hultman and seconded by Board Member Holt. Motion carried unanimously. Vote: 5-0

## **NEW APPLICATION**

### **3. Review of Beer/Wine Package Alcohol License by Tanveer Javed for Great Eastern Company located at 2472 US-411. New Owner/Application.**

Chairman Napps called for the next item.

Applicant was not present for the hearing and review of the new Alcohol Application.

Motion to table the application was made by Board Member Kollhoff and seconded by Board Member Smith. Motion carried unanimously: 5-0.

**4. Review of Pouring (Beer/Wine/Distilled Spirits/Sunday Sales) License Application for Johnny Archer's Place located at 138 Tennessee Street.**

Chairman Napps called for the next item.

Mr. Johnny Archer came forward to represent the application and answer questions from the Board. Board Member Hultman stated that the application was incomplete due to the Affidavit not being completed and no lease agreement being included.

Motion to table the application until application can be completed was made by Board Member Hultman and seconded by Board Member Holt. Motion carried unanimously: 5-0.

**VIOLATIONS**

Mr. Lovell stated the City of Cartersville Police Department conducted a sting operation; this operation is still ongoing, 21 out of 53 establishments served to an undercover minor. This includes 14 package and 7 pouring establishments. First time offenders were sent a notice that included a prepared consent order pleading no contest, resulting in \$1,000 fine, 3-year probation, and waiving their right to an appeal. Each first-time offender was given the opportunity to submit their signed consent order and fee to the City Clerk's Office no later than Friday, March, 5<sup>th</sup> at 4:30 P.M. The following establishments submitted their signed consent order and paid their fines.

Jefferson's located at 28 W. Main Street. Ate Track Bar & Grill located at 25 N. Wall Street. Amerimart located at 1153 A Burnt Hickory Rd. Texaco located at 2472 Hwy 411. Circle K located at 501 N. Tennessee Street. El Dorado located at 910 Joe Frank Harris Parkway. Tarasco's Tacos and Wings located at 1350 Joe Frank Harris Parkway Suite 115. Sunoco located at 2471 Hwy 411. Sunaco Stop 'n Shop located at 700 Joe Frank Harris Parkway. Travel Center Shell located at 1340 E. Main Street. Cartersville Beverage located at 831 West Avenue.

Mr. Lovell recommended the Alcohol Control Board to accept the signed consent orders.

Motion to approve all listed signed consent orders was made by Board Member Holt and seconded by Board Member Hultman. Motion carried unanimously. Vote: 5-0

Mr. Lovell proceeded by explaining that the remaining violators have the right to appeal their case to City Council. Appeal must be made within 14 days; otherwise, the fine is due within 14 days. All violations go with the establishment.

**5. Applebee's: 185 Cherokee Place: 2<sup>nd</sup> violation**

Mr. Lovell gave an overview of the violation stating this is Applebee's 2<sup>nd</sup> Violation. Applebee's is being charged with the following:

Section 4-13. – Licensees to keep copy of article on-premises; employees to be familiar with terms; responsibility of licensee for violations, subject to \$1,000 fine and 3-years' probation

and Section 4-21. – Purchase by or sales to underaged persons subject to \$1,000 fine and 3-years' probation.

Mr. Lovell sworn in Steven Gonzalez, representative for Applebee's. Employee that sold to underage person was also cited and will be heard before City Court.

Mr. Gonzalez stated he would like to plead guilty on both violations and stated that he, nor Applebee's, takes these violations lightly. Furthermore, he stated that the employee had been terminated and the manager had been reprimanded.

Board Member Hultman made a motion to evoke a \$2,000 fine, 30 day Alcohol License suspension, and an additional 3 year probation, for a total of 5 years. Board Member Smith seconded the motion. Motion carried unanimously. Vote: 5-0

Mr. Lovell stated the alcohol does not need to be removed from the premises; however, signage must be posted stating "No Alcohol Sales for 30 Days".

#### **6. The Local Bar and Grill: 120 S. Erwin St.: 1<sup>st</sup> violation**

Mr. Taff Wren, 128 W. Cherokee Ave, came forward as legal representation for The Local Bar & Grill. Mr. Wren stated that as a Council Member for The City of Cartersville, he will be recusing himself from all future hearings/appeals pertaining to this violation.

Board Member Kollhoff recused himself as well considering Council Member Wren appointed Board Member Kolhoff.

Mr. Lovell gave an overview of the violation stating this is The Local Bar & Grill's first violation. The Local Bar & Grill is being charged with the following:

Section 4-13. – Licensees to keep copy of article on-premises; employees to be familiar with terms; responsibility of licensee for violations, subject to \$1,000 fine and 3-years' probation and Section 4-21. – Purchase by or sales to underage persons subject to \$1,000 fine and 3-years' probation.

Mr. Wren stated that he wanted to please no contest to the charges and recommended the Board give a warning to the establishment considering this is a first offense in 10+ years of business. Furthermore, he stated that, from this point forward, all servers will be given a server packet (see Exhibit M) to review and must sign an acknowledgement of said package. The server that was charged with the violation has been terminated. Mr. Wren has provided The Local Bar & Grill with a binder that included all of the alcohol ordinances and stated that all employees have received the server packet, reviewed and signed the acknowledgment.

Board Member Brown inquired if proper training is supplied to all employees upon employment to which Mr. Wren replied 'only if they have no experience'. Board Member Brown asked why everyone is not fully trained, despite their experience. Mr. Wren stated the manager does assist those that are hired with experience to ensure rules are followed.

Motion was made to evoke \$1,000 fine and 3 years' probation by Board Member Holt and seconded by Board Member Hultman. Motion carried unanimously. Vote: 4-0-1

**7. The Page aka Corona's: 212 Tennessee St.: 1<sup>st</sup> violation**

Mr. Lovell sworn in William Watkins, co-owner of establishment. Mr. Lovell gave an overview of the violation stating this is The Page aka Corona's first violation. The Local Bar & Grill is being charged with the following:

Section 4-13. – Licensees to keep copy of article on-premises; employees to be familiar with terms; responsibility of licensee for violations, subject to \$1,000 fine and 3-years' probation and Section 4-21. – Purchase by or sales to underage persons subject to \$1,000 fine and 3-years' probation.

Mr. Watkins stated that the employee that sold to underage person was also cited and will be heard before City Court. Both the employee and manager was terminated. Two employees were cited as one server took the order and the other server delivered the drink and cashed the patron out. Only one server was terminated as the other employee was the owner's wife. Mr. Watkins continued to add that signage had been added stating "ID REQUIRED" and has also hired staff to monitor the entrance and check identification prior to entrance into the establishment.

Motion was made to evoke \$1,000 fine and 3 years' probation by Board Member Kollhoff and seconded by Board Member Brown. Motion carried unanimously. Vote: 5-0

Mr. Watkins stated he is looking to sell the establishment to which Mr. Lovell explained that the violation goes with the establishment.

**8. El Nopal: 540 Old Mill Rd.: 1<sup>st</sup> violation**

Neither the Licensee, nor representative of, appeared on behalf of El Nopal regarding the following charges:

Section 4-13. – Licensees to keep copy of article on-premises; employees to be familiar with terms; responsibility of licensee for violations, subject to \$1,000 fine and 3-years' probation and Section 4-21. – Purchase by or sales to underaged persons subject to \$1,000 fine and 3-years' probation.

After Mr. Lovell gave an overview of the violations and charges, a motion was made by Board Member Holt and seconded by Board Member Smith to find the Licensee and establishment guilty of the charges resulting in evoking \$1,000 fine and 3 years' probation. Motion carried unanimously. Vote: 5-0

**9. Short Trip-Easy Trip No.2: 165 Cassville Rd.: 1<sup>st</sup> violation**

Neither the Licensee, nor representative of, appeared on behalf of Short Trip-Easy Trip No.2 regarding the following charges:

Section 4-13. – Licensees to keep copy of article on-premises; employees to be familiar with terms; responsibility of licensee for violations, subject to \$1,000 fine and 3-years’ probation and Section 4-21. – Purchase by or sales to underaged persons subject to \$1,000 fine and 3-years’ probation.

After Mr. Lovell gave an overview of the violations and charges, a motion was made by Board Member Holt and seconded by Board Member Kollhoff to find the Licensee and establishment guilty of the charges resulting in evoking \$1,000 fine and 3 years’ probation. Motion carried unanimously. Vote: 5-0

Board Member Holt leaves Council Chambers.

A motion was made to remove new Alcohol Application for Great Eastern Company from the table. Motion was made by Board Member Kollhoff and seconded by Board Member Smith. Motion carried unanimously. Vote: 4-0

**10. Review of Beer/Wine Package Alcohol License by Tanveer Javed for Great Eastern Company located at 2472 US-411. New Owner/Application.**

Mr. and Mrs. Javed came forward to speak for their application. Board Member Hultman explained that this establishment is currently under violation and has a 3 year probation. Mr. and Mrs. Javed stated that they were made aware of the violation by the current owner and understands the probation term.

A motion was made to approve the Package Beer/Wine Alcohol License for Great Eastern Company by Board Member Kollhoff and seconded by Board Member Brown. Motion carried unanimously. Vote: 4-0

Board Member Holt returns to the Council Chambers.

**11. ABC Liquor: 330 Cherokee Place: 1<sup>st</sup> Violation**

Mr. Lovell sworn in Kenny Shah, license holder for the establishment. Mr. Lovell gave an overview of the violation stating this is ABC Liquor’s first violation. ABC Liquor is being charged with the following:

Section 4-13. – Licensees to keep copy of article on-premises; employees to be familiar with terms; responsibility of licensee for violations, subject to \$1,000 fine and 3-years’ probation and Section 4-21. – Purchase by or sales to underaged persons subject to \$1,000 fine and 3-years’ probation.

Kenny Shah came forward and stated he would like to plead guilty to all charges. He stated it was his father who sold to an underage patron and had previously been skipping the identification check. However, Mr. Shah has installed a program onto the cash register that now requires the date of birth to be entered into the register prior to any sale being completed.

Officer Ashley Payne was asked to come forward and sworn in by Mr. Lovell. The video was played that reflected the vertical (Under 21) identification was shown and the sale still commenced.

A motion was made to evoke \$1,000 fine and 3 years' probation by Board Member Kollhoff and seconded by Board Member Holt. Motion carried unanimously. Vote: 5-0

**12. IMP Fuel/Gas N Go: 301 S. Erwin St.: 1<sup>st</sup> Violation**

Mr. Lovell sworn in Chetan Patel, license holder for the establishment. Mr. Lovell gave an overview of the violation stating this is IMP Fuel/Gas N Go's first violation. IMP Fuel/Gas N Go is being charged with the following:

Section 4-13. – Licensees to keep copy of article on-premises; employees to be familiar with terms; responsibility of licensee for violations, subject to \$1,000 fine and 3-years' probation and Section 4-21. – Purchase by or sales to underaged persons subject to \$1,000 fine and 3-years' probation.

Mr. Patel came forward and stated he would like to plead guilty to the charges and stated he had worked very long hours and was very exhausted which led to not asking for proper identification.

A motion was made to evoke \$1,000 fine and 3 years' probation by Board Member Holt and seconded by Board Member Kollhoff. Motion carried unanimously. Vote: 5-0

**13. BP Foodmart: 263 Cassville Rd.: 1<sup>st</sup> Violation**

Mr. Lovell sworn in Sanjaykumar Rameshbhai Patel, license holder for the establishment. Mr. Lovell gave an overview of the violation stating this is BP Foodmart's first violation. BP Foodmart is being charged with the following:

Section 4-13. – Licensees to keep copy of article on-premises; employees to be familiar with terms; responsibility of licensee for violations, subject to \$1,000 fine and 3-years' probation and Section 4-21. – Purchase by or sales to underaged persons subject to \$1,000 fine and 3-years' probation.

Mr. Patel came forward and stated he would like to plead guilty to the charges.

A motion was made to evoke \$1,000 fine and 3 years' probation by Board Member Holt and seconded by Board Member Smith. Motion carried unanimously. Vote: 5-0

Mr. Lovell stated that two cases have sought legal counsel and have requested an extension due to conflict of scheduling. These two cases will be heard at a Special Called Alcohol Control Board Meeting scheduled for Wednesday, March 24, 2021 at 10:00 A.M. at City Hall, 3<sup>rd</sup> Floor, Council Chambers. These two cases are Citgo Express located at 1144 N. Tennessee Street and Mack's Marathon located at 1139 N. Tennessee Street.

Frank McCann, Chief of Police, came forward to give accolades to the individuals that organized and executed this successful sting operation.

Board Member Hultman suggested to require servers licensing for retail establishments that serve alcohol. Mr. Lovell stated it is possible and that is something that can be looked at further.

Board Member Holt asked about training provided by the City for servers prior to obtaining their servers license. Chief McCann stated he would look into an automated testing program. It was also suggested by Board Member Hultman to require the ServSafe certificate prior to obtaining servers license as a viable option as well.

Mr. Lovell called Randy Mannino, Planning and Development Director, up to inquire about JZ's Taste of Georgia having a Sunday Sales license despite the fact that they do not meet the local or state requirements. Julia Drake, City Clerk, stated that they do currently hold a Sunday Sales license. Mr. Lovell stated that the Sunday Sales portion of their alcohol license must be revoked and a refund issued for the issuance of said license for 2021.

A motion was made to adjourn by Board Member Holt at 11:30 A.M. Board Member Smith seconded the motion.

Meeting adjourned.

3/24/2021  
Date Approved

/s/   
Chairman

/s/   
Secretary