

MINUTES OF THE ALCOHOL CONTROL BOARD

The Alcohol Control Board met in a Special Called meeting on Tuesday, December 20, 2022, at 10:00 A.M. in the Council Chambers, 3rd Floor, City Hall.

CALL TO ORDER at 10:00 AM

ROLL CALL

Present: Rick Napps, David Holt, Richard Kollhoff, Patti Rogers, and Matt Terry

Absent: Dan Heilman and Christine Brown

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

VIOLATIONS

1. Johnny Archers Place

Keith Lovell, Assistant City Attorney, gave an overview of the purchase for the Special Called Meeting explaining that Johnny Archer's Place was facing several violations:

- 3% Mixed Drink Excise Tax – This report is due by the 10th of every month. Johnny Archers Place opened in October 2021 and has never turned in this report.
- 3rd Quarter Report – Code of ordinance requires any restaurant to adhere to 55% food sales, 45% alcohol sales.
- If a Sunday Sales license is obtained, then the establishment must adhere to 50% food sales, 50% alcohol sales throughout the entire week. According to Johnny Archers Place 3rd Quarter Report and Point of Sale Reports provided, the sales are at 86% alcohol sales and 14% food sales.

Julia Drake, City Clerk, stated that all 3% Mixed Drink Excise Taxes were paid on December 19, 2022.

Chairman Napps called the license holder forward.

Johnny Archer, license holder, and Brittany Fairbanks, bar manager came forward to explain the reasoning for the violations. Mr. Archer stated that they have had issues with the kitchen staff, which has been ran by a third party, and several staffing issues. To resolve this matter, he has hired Ms. Fairbanks to be the bar manager and run the kitchen.

Ms. Fairbanks reiterated what Mr. Archer had said and also added that now she is running the bar and kitchen, staffing issues have been resolved and new hours are being set and both the both the bar and kitchen will be run simultaneously.

Discussion commenced among Board Members to come to a resolution.

Board Member Rogers made a motion to issue a \$1,000 fine for the 3% Mixed Drink Tax violation and a \$1,000 fine for the 3rd Quarter Report violation, 3-year probation, quarterly reports provided with monthly food purchases breakdown for all of 2023 and 2024 and returning to only 3rd quarter report in 2025.

Board Member Holt seconded the motion with an amendment to reduce the fine to only \$1,000 fine with 18-month probation with quarterly reports.

Board Member Terry seconded the motion on the amendment. Motion carried unanimously. Vote: 4-0

Main motion carried unanimously. Vote: 4-0


Mrs. Drake stated that Super Mercado provided their 3rd Quarter Report once we bridged the language barrier.

Board Members discussed the need to change the requirements for the 3rd Quarter Report to require a Certified Public Accountant. This is to be discussed further at the January 11, 2023, meeting.

With no other business to be handled, Board Member Kollhoff made a motion to adjourn. Board Member Terry seconded the motion. Motion carried unanimously. Vote: 4-0

Meeting adjourned at 10:52 A.M.

January 11, 2023

/s/ 
Chairman

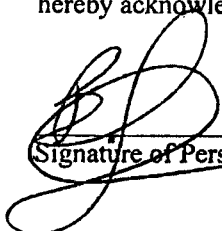
/s/ 
Secretary

BEFORE THE ALCOHOL CONTROL BOARD
CITY OF CARTERSVILLE

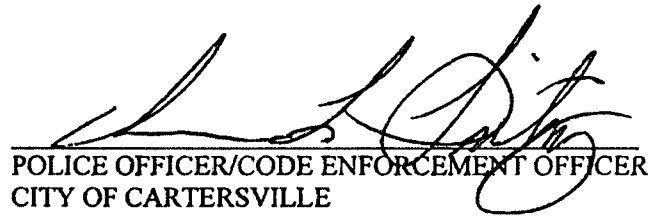
CITY OF CARTERSVILLE, GEORGIA) CARTERSVILLE ALCOHOL
Licensor,) CONTROL BOARD
v.) VIOLATION HEARING NO: 22-002
JOHNNY ARCHER'S PLACE, LLC /) HEARING DATE: 12/20/2022
JOHNNY ARCHER,)
Licensee.)
Establishment: Johnny Archer's Place)
Address: 138 S. Tennessee St)
Cartersville, GA)
Pouring: Beer, Wine, Distilled Spirits &)
Sunday Sales)
Alcohol License Certificate Number:)
LL202100790)

RETURN OF SERVICE OF ALCOHOL CONTROL BOARD ORDER

.....
The attached Order from the Alcohol Control Board, City of Cartersville, was served upon Brittany Fairbanks at Johnny Archer's Place on the 20 day of December, 2022 by the undersigned Police/Officer/Code Enforcement Officer and service is hereby acknowledged.



Signature of Person Served



POLICE OFFICER/CODE ENFORCEMENT OFFICER
CITY OF CARTERSVILLE

BEFORE THE ALCOHOL CONTROL BOARD
CITY OF CARTERSVILLE

CITY OF CARTERSVILLE, GEORGIA) CARTERSVILLE ALCOHOL
Licensor,) CONTROL BOARD
v.) VIOLATION HEARING NO: 22-002
JOHNNY ARCHER'S PLACE, LLC /) HEARING DATE: 12/20/2022
JOHNNY ARCHER,)
Licensee.)
Establishment: Johnny Archer's Place)
Address: 138 S. Tennessee St)
Cartersville, GA)
Pouring: Beer, Wine, Distilled Spirits &)
Sunday Sales)
Alcohol License Certificate Number:)
LL202100790)

ORDER

On December 20, 2022, the Cartersville Alcohol Board held a hearing on alleged violations of the City of Cartersville Code of Ordinances, specifically Section City Code Sections 4-25, 4-35 and 4-59(a)(7) as stated in the Notice Letters dated December 14, 2022.

Licensee appeared before this Board for the current charges. After hearing the evidence of the case, consideration, and on motion, the Board unanimously recommends the following, and imposes the following fines and penalties:

1. Licensee pled guilty to all three (3) charges;
2. Licensee shall pay a fine of \$1,000.00 for all three (3) charges. (It is noted that Licensee brought current his payments for distilled spirits excise tax payments prior to the hearing);

3. Licensee is sentenced to eighteen (18) months' probation from December 20, 2022 through and including June 20, 2024;
4. Licensee is required to file quarterly sales reports for the entire length of probation (December 20, 2022 – June 20, 2024), with said reports detailing each months' sales; and
5. Licensee is to provide with his quarterly sales reports for the entire length of probation (December 20, 2022 – June 20, 2024), monthly reports of all food purchases.

Payment of the fine is to be made at the City of Cartersville Community Development Department Office located at 10 North Public Square 2nd Floor, P.O. Box 1390 Cartersville Georgia 30120, and is due by Tuesday, January 3, 2023, at 3:00 p.m.

Additionally, pursuant to the City of Cartersville Code Section 4-14(e)(1)(2) and (3), the Licensee has the right to appeal this Order to the Mayor and City Council. If no appeal is filed by January 3, 2023, at 3:00 p.m., this Order becomes final. If an appeal is filed, the probation and fine are stayed until said appeal is heard.

Appeals shall be filed at the City Manager's office by mail to: City of Cartersville, Attn: Dan Porta, P.O. Box 1390, Cartersville, GA 30120.

BE IT AND IT IS ORDERED, as of this 20th day of December, 2022.

RIC NAPPS

Ric Napps, Chairman for the
Cartersville Alcohol Control Board

CERTIFICATE OF SERVICE

This is to certify I have this day caused to be served the above Licensee by regular U.S. mail with adequate postage affixed thereon, and via hand delivery to the licensed premises, this 20th day of December, 2022.

E. Keith Lovell

E. Keith Lovell, Assistant City Attorney
City of Cartersville

P. O. Box 1024
Cartersville, Georgia 30120
(770) 386-1116