

MINUTES OF THE ALCOHOL CONTROL BOARD

The Alcohol Control Board met in a Regular Called meeting on Wednesday, May 8, 2024, at 10:00 A.M. in the Council Chambers, 3rd Floor, City Hall.

CALL TO ORDER at 10:01 AM

ROLL CALL

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

Absent: Dan Heilman

Staff Present: Julia Drake

APPROVAL OF MINUTES

1. April 17, 2024

Board Member Rogers made a motion to amend the minutes. Item number four (4) was incorrectly named and recommended it be changed to Layan Investments Inc dba Citgo Express. Board Member Bell seconded the motion for the amendment. Motion carried unanimously. Vote: 5-0

Board Member Rogers made a motion to approve the amended minutes from April 17, 2024. Board Member Bell seconded the motion. Motion carried unanimously. Vote: 4-0

NEW APPLICATION

2. El Tikal Convenience, LLC (Package: Beer/Wine) and El Tikal Food Mart, LLC (Pouring: Beer/Wine)

Chairman Napps called the next item and asked if anyone was present to represent this application.

Samir Samnani, the applicant, came forward to represent the application.

Keith Lovell, City Attorney, asked if the opening between the establishments had been closed, to which Mr. Samnani stated no. At that time, Mr. Lovell explained that the Board Members could not consider this application until one of two things were completed.

Mr. Samnani had the opportunity to remove his application for pouring, or he would need to close the opening between the two establishments.

Board Member Kollhoff made a motion to table these items for up to two (2) meetings to allow the owner to decide which route he wanted to take. Board Member Brown seconded the motion. Motion carried unanimously. Vote: 5-0

VIOLATIONS

3. Sunaco – 2471 Hwy 411 NE

Keith Lovell, City Attorney, stated the City of Cartersville Police Department (CPD) performs license checks and State Law compliance randomly. In the most recent operation, there were 11 establishments that failed the operation by selling to a minor. All establishments are charged with the following violations which could be charged up to \$1,000 and three-year probation per violation:

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 stated Sunaco, located at 2471 Hwy 411 NE, had obtained legal counsel, and Taff Wren was in attendance to represent the case.

Taff Wren, 201A Stonewall St., came forward and stated his client is aware that this is a third violation and that since the last violation in December 2021, the owner had installed a Point-of-Sale system that required the keying in of a customer's date of birth prior to transaction being completed. However, the individual that was in violation had undergone significant training, signed an acknowledgement statement indicating she understood the requirements, yet, still chose to enter her own date of birth for this particular purchase.

Mr. Wren continued stating that the individual had been terminated and the owner has since upgraded the Point-of-Sale system requiring the scanning of photo identification. In closing, he asked the Board to consider not revoking the alcohol license as it would be detrimental to the success of this establishment.

Mohammed Alam, owner, came forward and was sworn in by Mr. Lovell. Mr. Alam stated that the employee was working, on average, 32 hours per week and that the employee had been trained for a minimum of two (2) weeks by Mr. Alam.

Greg Sparacio, Police Captain, came forward and was sworn in by Mr. Lovell. Captain Sparacio stated that the Cartersville Police Department is automatically done and is not generated by complaints or other criminal activity.

Mr. Lovell stated the individual pled guilty in Municipal Court.

Board Member Terry made a motion to impose a \$2,000 fine (\$1,000 fine per offense), 45-day suspension, and an additional 3-year probation to be added to the existing probation. Board Member Kollhoff seconded the motion. Motion carried unanimously. Vote: 5-0

Mr. Lovell explained to Mr. Wren that they have 14 days to appeal the decision to the City Council.

With no other business to discuss, Board Member Brown made a motion to adjourn. Board Member Rogers seconded the motion. Motion carried unanimously.

The meeting was adjourned at 10:50 A.M.

June 12, 2024

/s/ 
Chairman

/s/ 
Secretary