

# MINUTES OF THE ALCOHOL CONTROL BOARD

The Alcohol Control Board met in a Regular Called meeting on Wednesday, April 17, 2024, 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, Matt Terry, Patti Rogers, Dan Heilman and Melissa Bell

Absent: Richard Kollhoff and Christine Brown

Staff Present: Julia Drake

## **APPROVAL OF MINUTES**

### **1. March 13, 2024**

Board Member Rogers made a motion to approve the minutes from March 13, 2024. Board Member Terry seconded the motion. Motion carried unanimously. Vote: 4-0

## **NEW APPLICATION**

### **2. AMSH2320, LLC (Package: Beer/Wine)**

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

Imran Shaikh, the applicant, came forward to represent the application and stated he took over ownership of this establishment last year and he does all the training of employees on-site.

Board Member Rogers made a motion to approve the application. Board Member Heilman seconded the motion. Motion carried unanimously. Vote: 4-0

### **3. CSG Felton, LLC dba Adams BBQ (Pouring: Beer/Wine/Distilled Spirits/Sunday Sales)**

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

Chong Kwan, applicant, came forward to represent the application and stated she plans to send all employees to proper training for serving alcohol.

Board Member Rogers made a motion to approve the application. Board Member Heilman seconded the motion. Motion carried unanimously. Vote: 4-0

### **4. Layan Investments Inc dba Chevron Express (Package: Beer/Wine)**

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

Shahid Aziz, applicant, came forward to represent the application and stated he has other locations in Gwinnett County and Dekalb County with no history of violations. Additionally, he stated he had no relationship with the previous owner, Dong Zheng.

Board Member Rogers explained the history of violations that are attached to this location.

Board Member Terry expressed the importance of having the employees properly trained. plans to send all employees to proper training for serving alcohol.

Board Member Heilman made a motion to approve the application. Board Member Bell seconded the motion. Motion carried unanimously. Vote: 4-0

## **VIOLATIONS**

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

Mr. Lovell stated Sunaco, located at 2471 Hwy 411 NE, had obtained legal counsel, and requested to be moved to the May 2024 Alcohol Control Board Meeting due to scheduling conflicts. This date would need to be voted on by the Board Members.

In closing, he stated that both Aldi and Aatco Spirits violators had sincerely apologized to the judge for the violation.

### **5. Aatco Spirits – 263 Cassville Rd.**

Mr. Lovell gave an overview of the charges as Dinesh Patel, the license holder, came forward. Mr. Patel was sworn in. This is a first violation for Aatco Spirits. The employee that was charged with the violation pled guilty in Municipal Court on Monday, April 15, 2024.

Mr. Patel stated that he would like to plead guilty and continued by stating that the employee had been with him for five years.

Board Member Rogers made a motion to impose a \$250 fine and six (6) months' probation. Board Member Terry seconded the motion. Motion carried unanimously. Vote: 4-0

Mr. Lovell stated that all cases have a right to appeal against the decision to the City Council.

**6. Aldi – 500 Rowland Springs Dr.**

Mr. Lovell gave an overview of the charges as Kevin Leff, Sard and Leff, legal representation came forward. This is the second violation for Aldi. The employee that was charged with the violation pled guilty in Municipal Court on Monday, April 15, 2024.

Mr. Leff explained that his firm had made several suggestions to the establishment to prevent this type of violation from happening in the future.

Board Member Terry made a motion to impose a \$1,000 fine and twelve (12) months' probation. Board Member Rogers seconded the motion. Motion carried unanimously. Vote: 4-0

**7. Appalachian Grill – 14 E. Church St.**

Mr. Lovell gave an overview of the charges as Andrea Wallace, the license holder, came forward. This is the first violation for Appalachian Grill since they opened 23 years ago. The employee that was charged with the violation pled no contest in Municipal Court on Monday, April 15, 2024. Ms. Wallace was sworn in.

Ms. Wallace stated that they have a four-drink maximum and wished to plead no contest as well. Continuing, she stated that the officer stated the charge was serving an individual with a vertical license and would like clarification.

Captain Grep Sparacio was sworn in and stated that the customer was not 21 years old.

Discussion commenced.

Julia Drake, City Clerk, asked for clarification regarding selling alcohol to an individual with a vertical license.

Mr. Lovell stated that an establishment can sell alcohol to an individual if their license is vertical but not if the license is expired.

Board Member Terry made a motion to impose a \$250.00 fine and 90-day probation. Board Member Rogers seconded the motion. Motion carried unanimously. Vote: 4-0

**8. Buffalo's Café – 117 E. Felton Rd.**

Mr. Lovell gave an overview of the charges as Martin Hernandez, the license holder, came forward. This is the first violation for Buffalo's Cafe since 2013. The employee that was charged with the violation pled guilty in Municipal Court on Monday, April 15, 2024. Mr. Hernandez was sworn in.

Mr. Hernandez stated that they have a four-drink maximum and explained the employee that failed to ID was terminated.

Board Member Rogers made a motion to impose a \$250.00 fine and 90-day probation. Board Member Terry seconded the motion. Motion carried unanimously. Vote: 4-0

**9. Ingles #467 – 825 West Ave.**

Mr. Lovell gave an overview of the charges as BJ Hankins, store manager, came forward. This is the first violation for Ingles since 2005. Mr. Hankins was sworn in.

Mr. Hankins stated that the employee had recently signed an acknowledgment stating that he had received training and understood the policy. Since this violation, Ingles had implemented the requirement for scanning all licenses prior to any alcohol sales.

Board Member Rogers made a motion to impose a \$250.00 fine and 90-day probation. Board Member Heilman seconded the motion. Motion carried unanimously. Vote: 4-0

**10. JP Valero – 2290 Highway 411**

Mr. Lovell gave an overview of the charges as Jennifer Simerly, the license holder, came forward. This is the first violation for JP Valero. The employee that was charged with the violation pled guilty in Municipal Court on Monday, April 15, 2024. Ms. Simerly was sworn in.

Ms. Simerly stated that she performs all training on-site and has requested through corporate that they implement the requirement of scanning identifications prior to any sale of alcohol.

Board Member Terry made a motion to impose a \$250.00 fine and six (6) months' probation. Board Member Bell seconded the motion. Motion carried unanimously. Vote: 4-0

**11. Kobe Japanese Steakhouse – 465 Cherokee Pl.**

Mr. Lovell gave an overview of the charges as Alva Edison, the license holder, came forward. This is the first violation for Kobe Japanese Steakhouse since they opened in 2009. Mr. Edison was sworn in.

Mr. Edison stated they do not serve customers with vertical identification.

Board Member Rogers made a motion to impose a \$250.00 fine and 90-day probation. Board Member Heilman seconded the motion. Motion carried unanimously. Vote: 4-0

**12. Maine Street Coastal – 24 W. Main St.**

Mr. Lovell gave an overview of the charges as John Pettinati, the license holder, came forward. This is the first violation for Maine Street Coastal in the 40 years that they have been in business. The employee that was charged with the violation pled guilty in Municipal Court on Monday, April 15, 2024. Mr. Pettinati was sworn in.

Mr. Pettinati stated that the employee was not terminated but was placed on probation.

Board Member Heilman made a motion to impose a \$250.00 fine and 90-days probation. Board Member Rogers seconded the motion. Motion carried unanimously. Vote: 4-0

### 13. Short Trip – 165 Cassville Rd.

Mr. Lovell gave an overview of the charges as Ali Gasham, the store manager, came forward. This is the second violation for Short Trip. This location was still under probation at the time of the violation. The violation took place on February 22, 2024, and the existing probation expired on March 11, 2024. Mr. Gasham was sworn in.

Mr. Gasham stated after the 2021 violation, they implemented a scanning system. However, the scanning system allows scanning of identification, manual entry, and bypassing. The employee that was charged with the violation was terminated.

Board Member Terry made a motion to impose a \$1,000 fine and three (3) year probation. Board Member Rogers seconded the motion. Motion carried unanimously. Vote: 4-0

### 14. Sunaco – 2471 Hwy 411 NW

Board Member Terry made a motion to table this item to the May 2024 Alcohol Control Board meeting. Board Member Bell seconded the motion. Motion carried unanimously. Vote: 4-0

### 15. Table 20 – 20 N. Wall St.

Mr. Lovell gave an overview of the charges as Alexandra Bearden, license holder, and Jason Johnson, legal counsel, came forward. This is the second violation for Table 20 with the previous violation from January 2022 assessing \$1,000 fine with no probation. Ms. Bearden was sworn in.

Mr. Johnson stated that Ms. Bearden had revised the alcohol serving policy in the employee handbook as an additional precaution to prevent this error from occurring in the future and that all employees are required to attend the T.I.P.S. training.

Board Member Rogers made a motion to impose a \$1,000 fine and twelve (12) months' probation. Board Member Terry seconded the motion. Vote: 3-1 with Board Member Heilman in opposition.

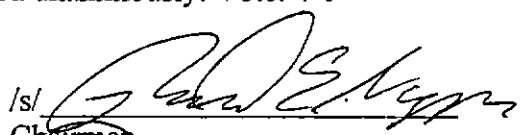
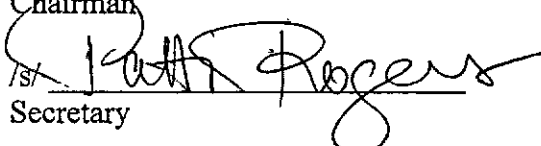
Chairman Napps stated he voted in favor of the motion being made. Final Vote: 4-1 with Board Member Heilman in opposition.

Frank McCann, Police Chief, came forward to discuss the time and effort that goes into these operations and took a moment to thank his Criminal Investigation Division for their tireless efforts.

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

The meeting was adjourned at 11:21 A.M.

May 8, 2024

/s/   
Chairman  
/s/   
Secretary