



**CARTERSVILLE
CITY COUNCIL MEETING**
Council Chambers, Third Floor of City Hall
Thursday, April 15, 2021 at 7:00 PM

AGENDA

COUNCILPERSONS:

Matt Santini – Mayor
Calvin Cooley – Mayor Pro Tem
Gary Fox
Kari Hodge
Cary Roth
Jayce Stepp
Taff Wren

CITY MANAGER:

Dan Porta

CITY ATTORNEY:

David Archer

CITY CLERK:

Julia Drake

Work Session - 6:00 PM

Regular Meeting - 7:00 PM

OPENING OF MEETING

Invocation

Pledge of Allegiance

Roll Call

APPOINTMENTS

1. Appointment of Gas System Superintendent

COUNCIL MEETING MINUTES

2. April 1, 2021

PUBLIC HEARING - 1ST READING OF ZONING/ANNEXATION REQUESTS

3. ZMA21-01 Annual Zoning Map Amendment

FIRST READING OF ORDINANCES

4. Wastewater Discharge Surcharge

RESOLUTIONS

5. Defined Benefit Pension Trust Company
6. US Bank/Georgia Fund 1 Resolution

- [7.](#) BB&T dba Truist Bank Resolution

MONTHLY FINANCIAL STATEMENT

- [8.](#) February 2021 Financial Report

ALCOHOL LICENSES

- [9.](#) El Nopal
- [10.](#) Short Trip/Easy Trip No2
- [11.](#) The Local Bar and Grill
- [12.](#) The Page AKA Corona's

ADJOURNMENT

Persons with disabilities needing assistance to participate in any of these proceedings should contact the human resources office, ADA coordinator, 48 hours in advance of the meeting at 770-387-5616.

P.O Box 1390 – 10 N. Public Square – Cartersville, Georgia 30120
Telephone: 770-387-5616 – Fax 770-386-5841 – www.cityofcartersville.org



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	April 15, 2021
SUBCATEGORY:	Appointments
DEPARTMENT NAME:	Administration
AGENDA ITEM TITLE:	Appointment of Gas System Superintendent
DEPARTMENT SUMMARY RECOMMENDATION:	<p>Michael Hill, our current Gas System Superintendent, is retiring at the end of this month from the City of Cartersville after 22 years of service.</p> <p>We would like to appoint Michael Dickson as the new Cartersville Gas System Superintendent, effective May 1, 2021.</p>
LEGAL:	N/A



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	April 15, 2021
SUBCATEGORY:	City Council Minutes
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	April 1, 2021
DEPARTMENT SUMMARY RECOMMENDATION:	The minutes from the April 1, 2021 City Council Meeting have been uploaded for your review and approval.
LEGAL:	N/A

City Council Meeting
10 N. Public Square
April 1, 2021
6:00 P.M. – Work Session
7:00 P.M. – Council Meeting

WORK SESSION

Mayor Matthew Santini opened Work Session at 6:00 P.M. Council Members discussed each item from the agenda with corresponding Staff Members.

A motion was made by Council Member Wren to enter into Executive Session for the reasons of Personnel and Litigation. The motion was seconded by Council Member Fox.

Mayor Santini closed Work Session at 6:55 P.M.

OPENING MEETING

Mayor Santini called the Council Meeting to order at 7:00 PM.

Invocation by Council Member Roth.

Pledge of Allegiance led by Council Member Fox.

The City Council met in Regular Session with Matthew Santini, Mayor presiding and the following present: Kari Hodge, Council Member Ward One; Cary Roth, Council Member Ward Three; Calvin Cooley, Council Member Ward Four; Gary Fox, Council Member Ward Five; Taff Wren, Council Member Ward Six participated via phone; Dan Porta, City Manager; Samantha Fincher, Deputy City Clerk and Keith Lovell, Assistant City Attorney.

Absent: Jayce Stepp, Council Member Ward Two

REGULAR AGENDA

COUNCIL MEETING MINUTES

1. March 18, 2021 Council Meeting Minutes and March 23, 2021 Special Called Council Meeting Minutes

A motion to approve the March 18, 2021 Council Meeting Minutes and the March 23, 2021 Special Called Council Meeting Minutes was made by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

TABLED ITEMS

2. Gymnastics Program Provider – Sting Rays

A motion was made to remove the tabled item Gymnastics Program Provider – Sting Rays. The motion was made by Council Member Hodge and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

Dan Porta, City Manager, gave an overview of the item and stated that he had met with the Booster Club and understood that the Booster Club would be willing to help find a solution to the financial losses of the program.

A motion was made to deny the contract with the Sting Rays by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

Mayor Santini sincerely thanked the parents and children for their participation and their feedback pertaining to this matter. He further explained it was great to see the participation from the young citizens of the City and explained that this is how government is supposed to operate. They are to listen to the public, hear their wishes and concerns, and vote accordingly. In closing, the Mayor stated that the Council Members only want what is best for the community and this was never about the professionalism or quality of the program and that the City and the Booster Club will move forward together to find a solution.

PUBLIC HEARING – 2nd READING OF ZONING/ANNEXATION REQUESTS

3. AZ21-03: 112 Euharlee Rd.

Randy Mannino, Planning and Development Department Head, stated the annexation and zoning request is to annex property located at 112 Euharlee Road. The lot contains approximately 0.61 acres with one single-family house on the property. The owner wishes to annex into the city for the school system. Current zoning: A1 (County). Proposed zoning: R-20. Planning Commission recommended approval, 4-0.

Public hearing for the Zoning portion of AZ21-03 was opened.

MaKevia Crosby, 112 Euharlee Rd, came forward to thank the Mayor and Council Members for taking the time to hear her case and for making this process easier than expected.

With no one else to come forward, the public hearing for the Zoning portion closed.

Public hearing for the Annexation portion of AZ21-03 was opened.

With no one to come forward, the public hearing for the Annexation portion closed.

A motion was made to approve the annexation portion of AZ21-03 by Council Member Cooley and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

A motion was made to approve the zoning portion of AZ21-03 by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

Meeting: March 18, 2021 Item 1

 **qPublic.net™** Bartow County, GA



Parcel ID	0054B-0002-002	Alternate ID	10892	Owner Address	HHP HOMES LLC
Sec/Twp/Rng	n/a	Class	Residential	25 LIBERTY DRIVE	
Property Address	112 EUHARLEE RD	Acres	0.61	CARTERSVILLE, GA 30121	
District	Bartow County				
Brief Tax Description	LL 636 D 4 LOT 26 SHAW				
	<i>(Note: Not to be used on legal documents)</i>				

4. SU21-01: 807 West Ave.

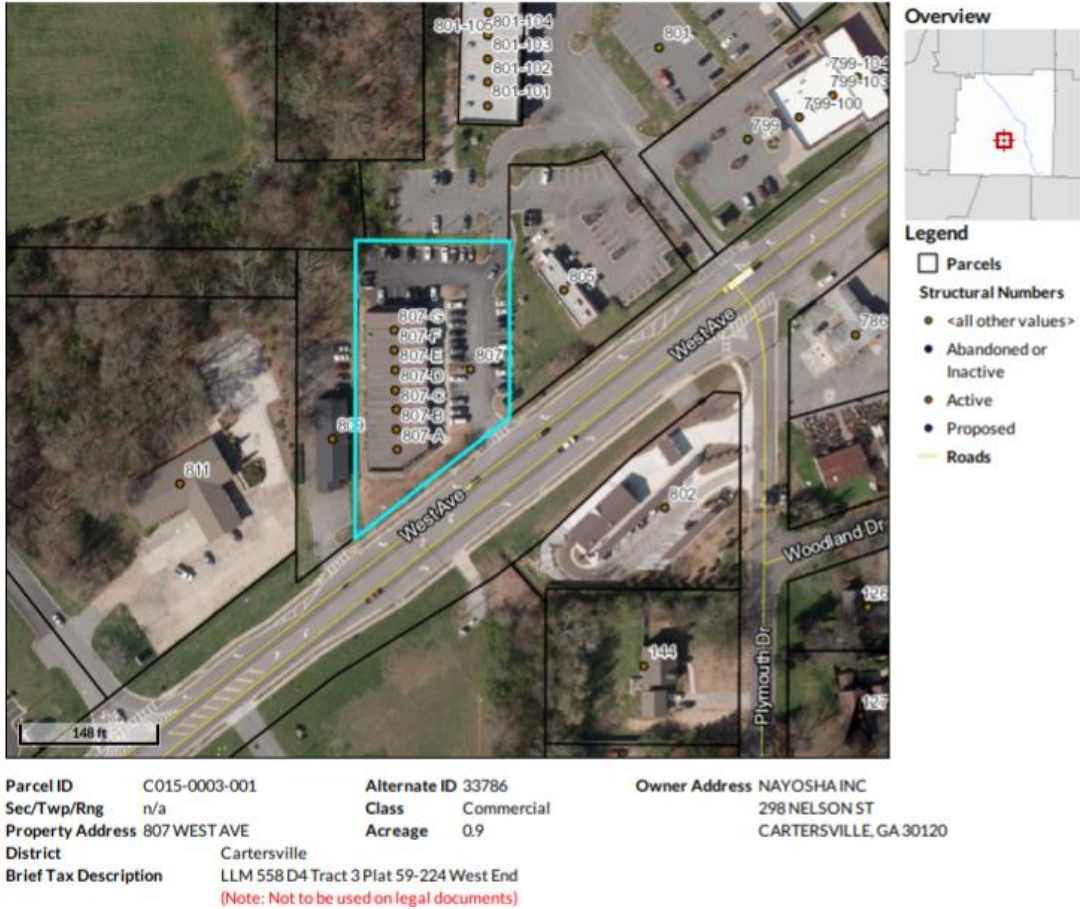
Mr. Mannino stated the applicant wishes to operate a church at 807 West Avenue. The City allows this use, Religious Institution, with a Special Use Permit approval in the OC (Office Commercial) zoning district. Comments had been provided by the Building and Fire Departments that different Building and Fire Codes will have to be met for the suite due to the suite converting from a commercial to an assembly use. Planning Commission recommended approval. 4-0

Public hearing opened for SU21-01.

James Brown, 36 Frances Way, came forward to speak for the item.

With no one else to come forward, the Public hearing closed.

A motion was made to approve SU21-01 by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0



5. SU21-02: 215 West Ave.

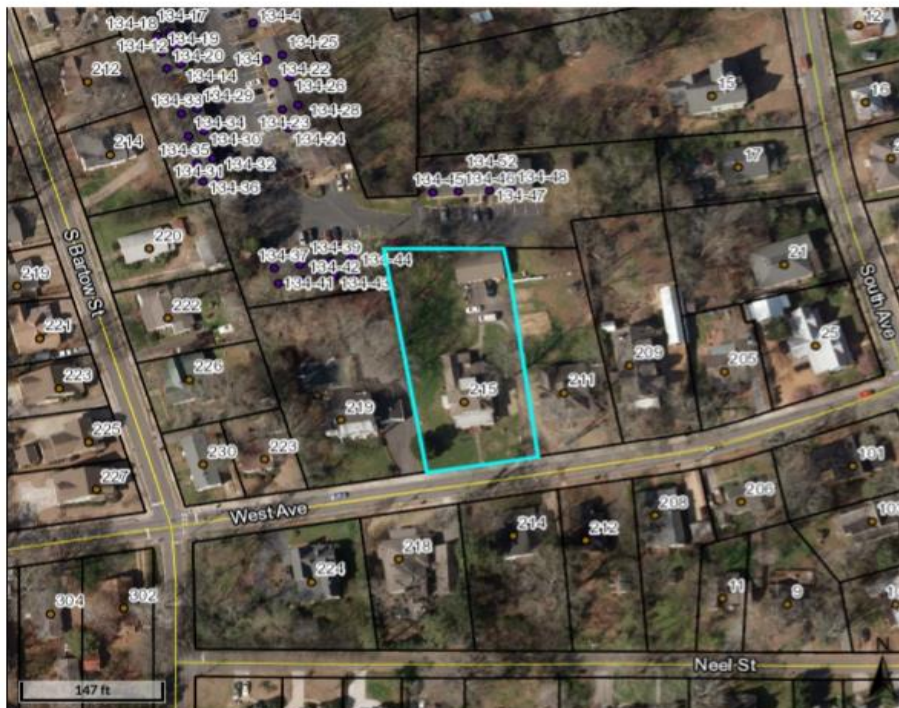
Mr. Mannino stated the applicant wishes to remodel an existing garage to be an accessory apartment. The applicant intends to live in the accessory apartment until the remodeling is complete for the primary structure, which is his house. The garage is 40 x 24, and was built in 1985. The interior remodel of the garage will include 1 bedroom, 1 living space/office, 1 kitchen and 1 bathroom. The exterior scope will be to remove 1 garage door, and add 1 single residential door, and 3 windows. The single residential door, and 3 windows will be added to the front of the garage. Siding will be added to match existing. Planning Commission recommended approval 4-0 and Historic Preservation Committee recommended approval 4-0.

Public hearing opened for SU21-02.

Boyd Morris, 125 Postelle Rd., came forward to speak for the item.

With no one else to come forward, the Public hearing closed.

A motion was made to approve SU21-02 by Council Member Hodge and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0



Parcel ID	C016-0006-007	Alternate ID	33993	Owner Address	PAULK KEVIN
Sec/Twp/Rng	n/a	Class	Residential		215 WEST AVE
Property Address	215 WEST AVE	Acreage	0.64		CARTERSVILLE, G
District	Cartersville				
Brief Tax Description	LL 527 DIST 4				

6. T21-01: Text Revision – Fences and walls, Zoning Sec 4.16

Mr. Mannino states the purpose of this text amendment is to clarify the location and appropriateness of the use of chain link fences for properties within the city limits. The Planning and Development Department has received numerous calls and requests for clarification on the use of chain link fences in side and rear yards. The current ordinance language is vague and suggests chain link fences may only be approved with a variance.

Public hearing was opened for T21-01.

With no one to come forward, the Public hearing closed.

A motion was made to approve T21-01 by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

SECOND READING OF ORDINANCES

7. Amendment to Festival Zone Ordinance

Keith Lovell, Assistant City Attorney stated this proposed amendment is to allow cups used in the Downtown Entertainment Zone to be used for festivals. The Alcohol Control Board approved March 10, 2021.

A motion to approve the Amendment to the Festival Zone Ordinance was made by Council Member Cooley and seconded by Council Member Wren. Motion carried unanimously. Vote: 5-0

Ordinance no. 08-21

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES, CHAPTER 15 – PARKS AND RECREATION, ARTICLE III - FESTIVALS, SEC. 15-57. -- DESIGNATION AND MANAGEMENT OF CONTROLLED ZONE is hereby amended by adding a new paragraph (a)(7) as follows:

1.

Sec. 15-57. - - Designation and management of controlled zone.

(a) (7) *Downtown Entertainment Zone*. If a Festival is held during the hours of operation of the Downtown Entertainment Zone, it may designate in whole or part the Downtown Entertainment Zone as its Controlled Festival Zone. If said designation is made, then all Festival Vendors and/or adjacent businesses providing Alcohol for consumption in the said Controlled Festival Zone shall use the cups required by Sec.4-106(f)(3), said cups are to be provided by the Cartersville Downtown Development Authority in the same manner as provided for in paragraph (a)(4) and the Cartersville Downtown Development Authority may assess a fee therefore.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention and any ordinance or part thereof not amended shall remain in effect and be unchanged.

BE IT AND IT IS HEREBY ORDAINED.

FIRST READING: March 18, 2021
SECOND READING: April 1, 2021


MATTHEW J. SANTINI, MAYOR

ATTEST: 
JULIA DRAKE, CITY CLERK

Samantha Fincher, Deputy City Clerk



A motion was made to add an item to the agenda by Council Member Hodge and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

ENGINEERING SERVICES

8. HSP Electrical Switchgear Upgrade Engineering

Sidney Forsyth, Water Department Director, stated within the last 4 years, the electrical switchgear and starters for #1 and #2 high service pumps had been replaced.

The #3 and #4 high service pump starters and switchgear were installed in 1991 and are nearing the end of their service life. They were serviced in February 2019 by ABB. There were significant mechanical adjustments necessary at that time to make the starters operate properly. GE no longer makes these starters and replacement and repair parts are becoming more difficult to obtain.

The proposed Engineering Services Agreement is for Wiedeman and Singleton, Inc. to design, bid and provide construction management services to replace this equipment to maintain the reliability of the water treatment plants pumping capacity.

Approval for Wiedeman and Singleton, Inc. to provide engineering services for this project at a cost of \$65,000 was recommended. This budgeted item will be paid from account #505-3310-54-2338.

A motion to approve the HSP Electrical Switchgear Upgrade Engineering was made by Council Member Roth and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

9. Main Street Life Station Pump Rebuild

Mr. Forsyth stated the high-pressure portion of the City’s water distribution system provides water service to most of East Main Street to East of I-75, and Center Road from Wansley Drive East. Additionally, a major Bartow County Water purchase point is supplied by this line, which serves County customers from Center Road to Highway 20/I-75 interchange, to the Cherokee County line.

This system was supplied by a single booster pump station on Center Road. This pump station has seen significant run time over the past two to three years with increasing demand on this portion of the system, with very little downtime.

The City is proposing to rebuild and upsize the significantly undersized pump station on East Main Street to improve the reliability of continued water service to this portion of the system.

The attached Engineering Service Proposal is for Wiedeman and Singleton, Inc. to evaluate and propose preliminary design options and an opinion of costs for those options at a cost of \$9,500.

Approval was recommended for this budgeted item to be paid from account #505-3320-54-3407.

A motion to approve the Main Street Life Station Pump Rebuild was made by Council Member Roth and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

BID AWARD/PURCHASES

10. Atlanta Regional Commission Payment

Mr. Forsyth stated on August 2, 2018 the City entered into a Memorandum of Agreement (MOA) with the Atlanta Regional Commission (ARC) in order to be included in attorney client privileged meetings and discussions regarding water supply allocation by the Corps of Engineers in Lake Allatoona.

The original MOA stated the annual costs would be \$200,000 annually, split evenly between the City and Bartow County. The MOA language was subsequently modified on January 2, 2020 to allow annual payments “up to” \$200,000.

The Water User Group currently has a positive fund balance allowing for reduced invoice amounts. The City’s portion of the 2021 invoice is \$25,000.

Approval was recommended to pay invoice #2156 to the Atlanta Regional Commission in the amount of \$25,000. This budgeted item will be paid from account 505-3310-54-2336.

A motion to approve the Atlanta Regional Commission Payment was made by Council Member Hodge and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

ADDED ITEM

11. 36 inch Sewer Line Emergency Repair

Mr. Forsyth stated the exposed portion of the 36-inch interceptor sewer located in the drainage ditch behind 473 Waterford Drive has an open breach in the concrete pipe to ductile iron pipe joint, just at the edge of the ditch. No sewage has spilled into the ditch and the flow has not been affected. The Water Department has applied a quick cure mastic to prevent leakage of liquid and gases.

The Water Department has received a quote from Kirkpatrick and Sons Grading and Pipeline for \$30,210.00 to repair the breached pipe joint, pour a new concrete collar around it, and stabilize the bank of the ditch to prevent further erosion around the pipe.

Additionally, the most reasonable and cost-effective route to access this location is via the driveway and backyard of 473 Waterford Drive. The City will be responsible for

replacing the concrete driveway and sod to the worksite. This additional amount has been estimated at about \$30,000.

The Water Department is requested approval of an amount not to exceed \$65,000 for complete repair of the pipe and restoration of the driveway and yard to at least its current state and condition. This budgeted expense will be paid from the “Maintenance to Sewers” line item, 505-3320-52-2341.

A motion was made to approve the 36-inch Sewer Line Emergency Repair by Council Member Fox and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

12. New World Hardware Update

Steven Grier, Network Administrator, stated this hardware update will replace the original servers that were installed in 2015 for the New World Public Safety Software system that is used by all City and County first responders. The City of Cartersville is responsible for 19.3% of the total cost. Our portion of this hardware refresh is \$55,045. Approval was recommended for this non-budgeted item. It will be paid from the 2020 SPLOST.

A motion was made to approve the New World Hardware Update by Council Member Fox and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

13. Station #4 Driveway Repair/Resurfacing

Scott Carter, Fire Chief, stated in August of 2020, Council approved a repair to the driveway at Station #4 on MLK. The repair was needed due to heavy truck traffic. Ruts have developed in the asphalt as firetrucks entered the building. The work approved in August was to be completed by our public works division. Unfortunately, due to COVID and a very aggressive workload for Public Works, they have not had the time or ability to do this project.

This project was being represented as we are approaching the end of our current approved Fiscal Year. We have sought third party contractors to do this work and have received a low bid that falls within our budget. We respectfully request the Mayor and Council to rescind the project as approved during the August 6th, 2020 council meeting and approve the firm from Taylorsville, Ga, Complete Crete for a construction price of \$12,240.00. This is \$1,760.00 below our budgeted amount.

A motion to rescind the August 6, 2020 approval and approve the amended Station #4 Driveway repair/Resurfacing was made by Council Member Wren and seconded by Council Member Fox. Motion carried unanimously. Vote: 5-0

14. Two Year AED Replacement

Mr. Carter stated that Fire must begin a two-year replacement program of our current department AEDs (automated external defibrillators). Many of these devices are greater than ten years old. Fire was notified by Cardiac Science, who manufactures the current brand of AED, which they will no long be producing the G-3 model and eventually all tech support and parts will be unavailable. After a current review of brands and models, we have elected to stay with the Cardiac Science/Zoll AEDs but use a G-5, the replacement of the G-3. We will replace our entire front line AED’s and hopefully in FY 21/22, we will be able to replace the remainder of our inventory. These AEDs are heavy enough for public safety usage and fall within all guidelines of the American Heart Association Basic Life Support Protocols. Approval was recommended to go with the low quote from Bound Tree Medical of \$8,688.66 for 6 – G5 AEDs, cases and accessories. This is within our budgeted amount.

A motion was made to approve the Two Year AED Replacement by Council Member Roth and seconded by Council Cooley. Motion carried unanimously. Vote: 5-0

15. Fiduciary Insurance Policy Renewal

Mr. Porta stated the city has received an insurance renewal policy with Philadelphia Insurance Companies for fiduciary insurance coverage in the amount of \$14,825.00. This policy was originally requested from the city’s Pension Board and the policy has been in place for several years and covers all city boards. Funding for the insurance policy is budgeted and paid from pension funds. Approval was recommended.

A motion was made to approve the Fiduciary Insurance Policy Renewal by Council Member Wren and seconded by Council Member Cooley. Motion carried unanimously. Vote: 5-0

OTHER

16. Bartow County African American Heritage Coordinator

Mr. Porta stated at the Visioning Session in January, a request was made to help fund a position for one year to help with development of Bartow County’s African American heritage. After discussing this with Ellen Archer, the CVB in conjunction with Bartow County and City of Cartersville will jointly fund this position for one year beginning in March 2021. The CVB, Bartow County and City will each contribute \$8,000 for the contract position, with the grant recipient, Alexis Carter-Callahan, providing a quarterly update to each entity. It was formally requested that the City Council approve to help fund this position. It is not budgeted, but the \$8,000 will be paid from Tourism Product Development Funds.

A motion was made to approve the Bartow County African American Heritage Coordinator by Council Member Cooley and seconded by Council Member Roth. Motion carried unanimously. Vote: 5-0

17. FY 2020 Audit Presentation

Tom Rhinehart, Finance Director, introduced Christopher McKellar with Mauldin and Jenkins.

Mr. McKellar gave a presentation on the City of Cartersville’s FY 2020 annual audit.

ANNOUNCEMENTS

Keith Lovell, Assistant City Attorney, stated that the Cartersville Police Department conducted a sting operation in February 2021 resulting in 21 underage sales to minors. Four of these cases have been through the Alcohol Control Board and have decided to appeal their case to City Council. All four cases will be heard at the April 15, 2021 City Council Meeting. Mr. Lovell reminded the Mayor and Council Members that there is to be no discussion regarding these cases until the cases are brought before the Council Members.

OTHER

Billy Ray Robinson, 39 Stadleman Court, came forward to inquire about the Waterford sidewalks and to express his concern regarding his tax dollars paying for the sidewalks for the Waterford Subdivision.

Mayor Santini explained at the time that the subdivision was developed; there were no Development Regulations in place. The Development Regulations, which now require the developer to install the sidewalks, were not adopted until August 1998, after the Waterford was developed. Therefore, the Waterford HOA paid for the materials and the required relocation of utilities, while the City agreed to pay for the labor.

Mr. Robinson inquired on how he could find out how much the City of Cartersville/ City taxpayers paid for the sidewalk, to which Mr. Porta explained he could contact the City Clerk to obtain said information.

ADJOURNMENT

Council Member Fox made a motion to adjourn.

Meeting Adjourned at 7:43 PM

/s/ _____
Matthew J. Santini
Mayor

ATTEST:
/s/ _____
Julia Drake
City Clerk



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	April 15, 2021
SUBCATEGORY:	Public Hearing – 1 st Reading of Zoning/Annexation Requests
DEPARTMENT NAME:	Planning and Zoning
AGENDA ITEM TITLE:	ZMA21-01 Annual Zoning Map Amendment
DEPARTMENT SUMMARY RECOMMENDATION:	This is the annual re-adoption of the official zoning map. It includes the annexation/ de-annexations and zoning actions approved by City Council in the last 11 months. Map corrections are also included. The last zoning map adoption was June 4 th , 2020. Planning Commission recommends approval, 4-0.
LEGAL:	N/A

MEMO

To: Planning Commission, Mayor & Council, City attorney
 From: Randy Mannino and David Hardegree
 Date: March 31, 2021
 Re: Zoning Map Amendment ZMA21-01

This is the annual re-adoption of the official zoning map of the City of Cartersville. It includes the annexation/ de-annexations and zoning actions approved by City Council in the last 11 months. Map corrections are also included and explained below. The last zoning map adoption was June 4th, 2020.

Zoning Update Summary

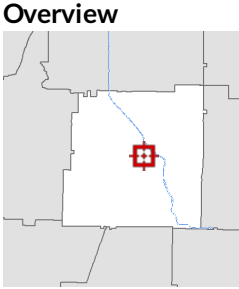
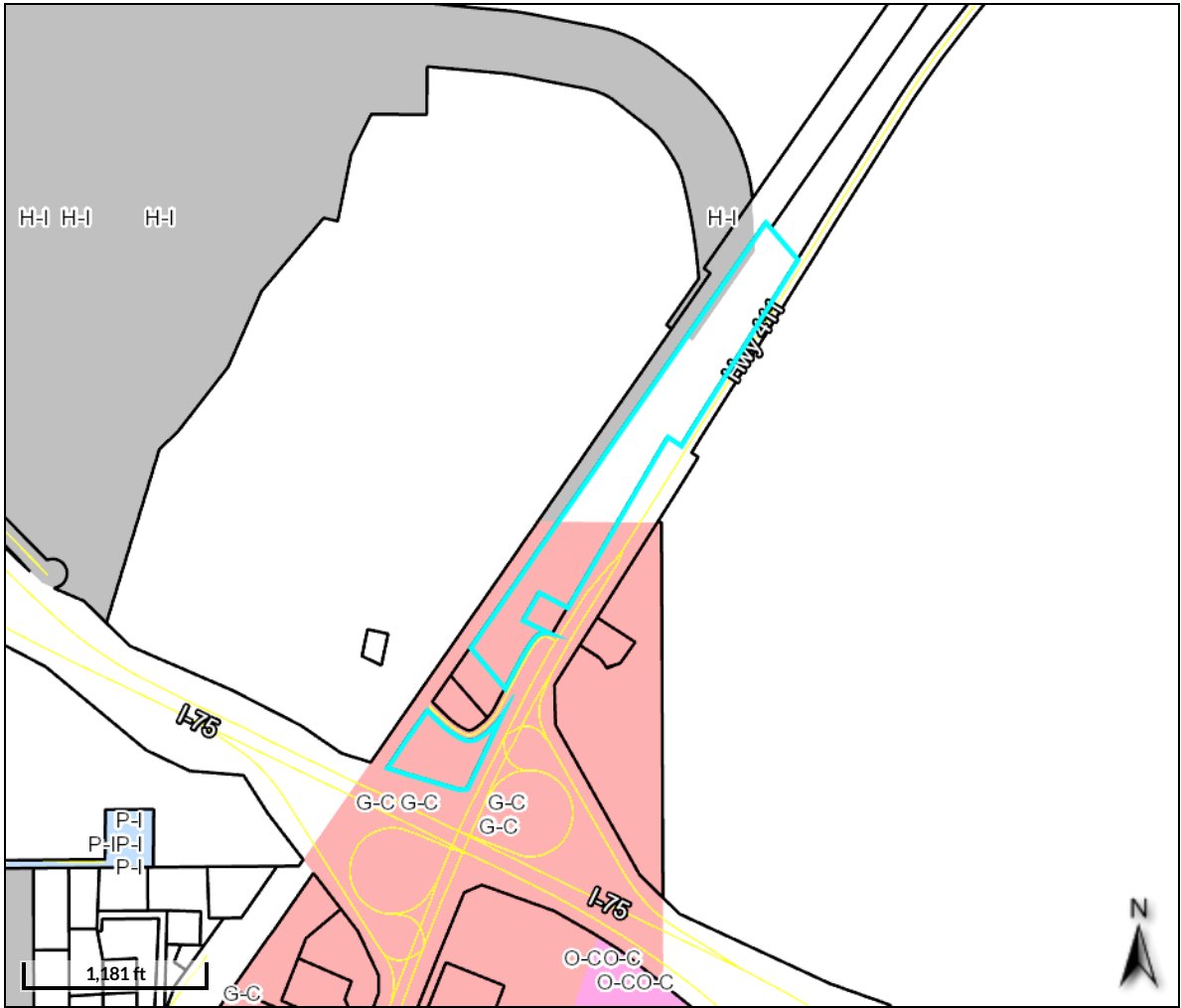
AZ20-01	5450 Hwy 20(CBCC)	G-C/ Deannex.	Acreage: 1.67
AZ20-02	C120-0001-002. Bates Rd	P-D/ Deannex.	Acreage: 55.23
AZ20-04	South of 175 Main St. Market Place	Annex./ MF-14	Acreage: 1.95
AZ21-01	24 Royal Lake Cove	Annex./ R-20	Acreage: 3.11
AZ21-02	16,18,20 Royal Lake Cove	Annex./ R-20	Acreage: 4.28
Z20-01	26 Overlook Pkwy.	G-C/R-20 to MF-14	Acreage: 27.71
Z20-02	1220 Hwy 113	O-C to G-C	Acreage: 0.91
Z20-03	175 Main St. Market Place	G-C to MF-14	Acreage: 16.78
Z20-04	Center Rd/ Hwy 113	R-20 to MF-14	Acreage: 50.00

Zoning District Boundary Line Corrections:

Street number	Street name	current zoning	Proposed zoning	Notes
2369	Hwy 411	G-C	G-C	Extend G-C shading to north property line
1350	JFH Pkwy	G-C/ H-I	G-C	Extend G-C shading to entire parcel
1364	JFH Pkwy	G-C/ H-I	G-C	Extend G-C shading to entire parcel
102	Pyron Ct	L-I/G-C	G-C	Extend L-I shading to east property line
5 & 11	Charlie Harper Dr.	O-C/ G-C	G-C	Remove O-C shading. Make all Village Hill development G-C. Approved by Mark Harris, owner rep, on behalf of owner, 3-16. Confirmed 3-18.
1261	West Ave.	Out/ G-C	Out	Remove G-C shading from all of Uninc. parcel
---	0078-0048-002 & -004 Hwy 20	GC	Out	Remove city zoning on these two County parcels at CBCC driveway. Never in City.

 **Black circles on map define locations where map revisions occurred.**

ZONING DISTRICT DRAFTING CORRECTIONS

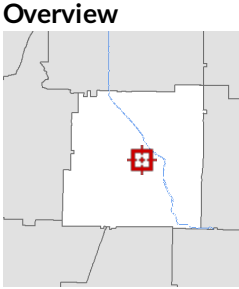
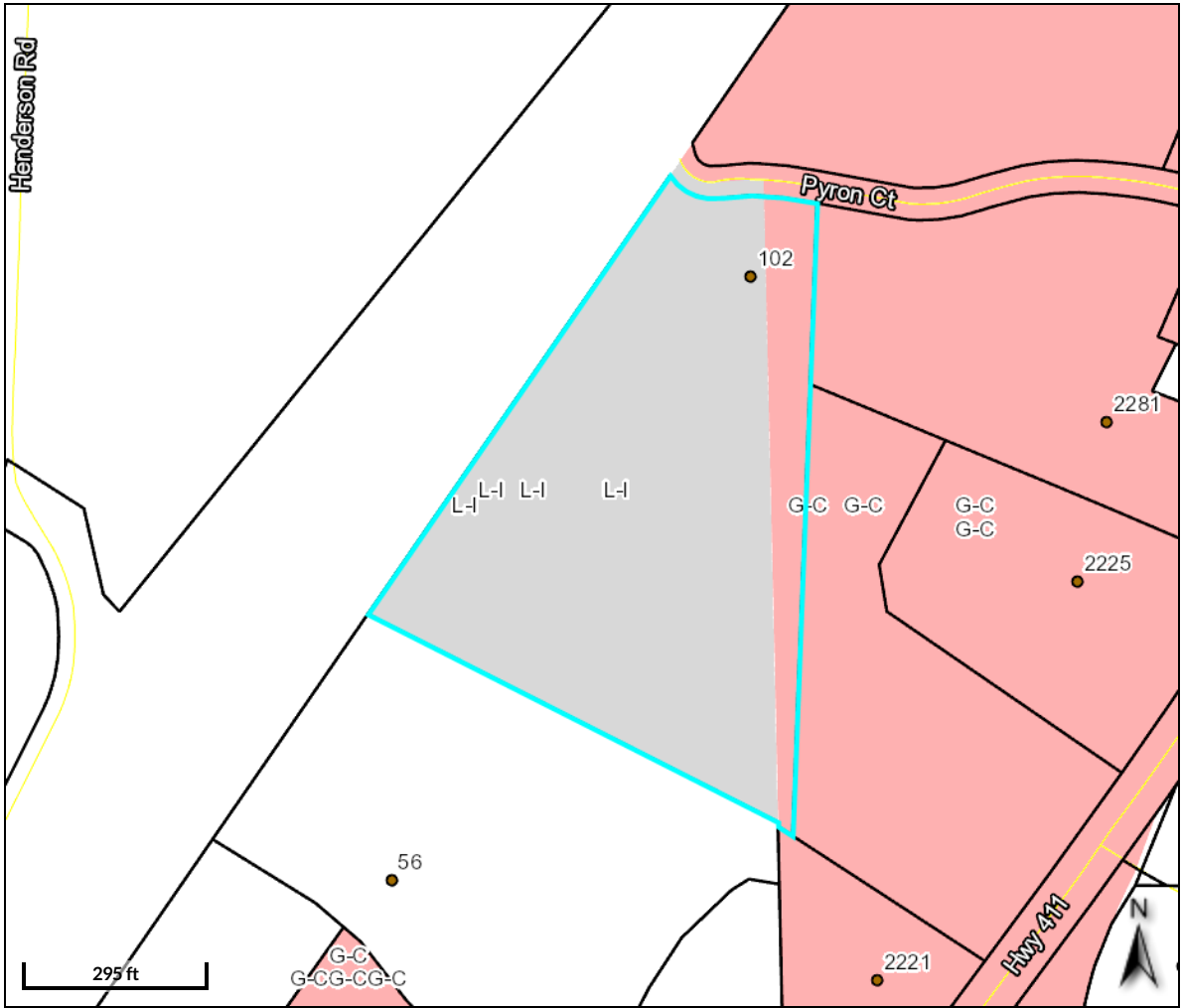


Parcel ID	C052-0002-003	Alternate ID	36472	Owner Address	FOXFIELD BARTOW LLC
Sec/Twp/Rng	n/a	Class	Industrial		1000 WILLIAM HILTON PARKWAY
Property Address	2369 HWY 411	Acreage	11.37		SUITE C-6
					HILTON HEAD, SC 29928

District: Cartersville
 Brief Tax Description: LL239-266 LD5
 (Note: Not to be used on legal documents)

Date created: 3/31/2021
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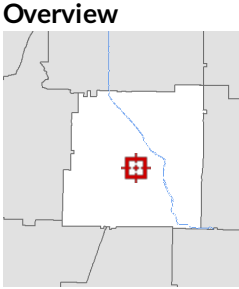
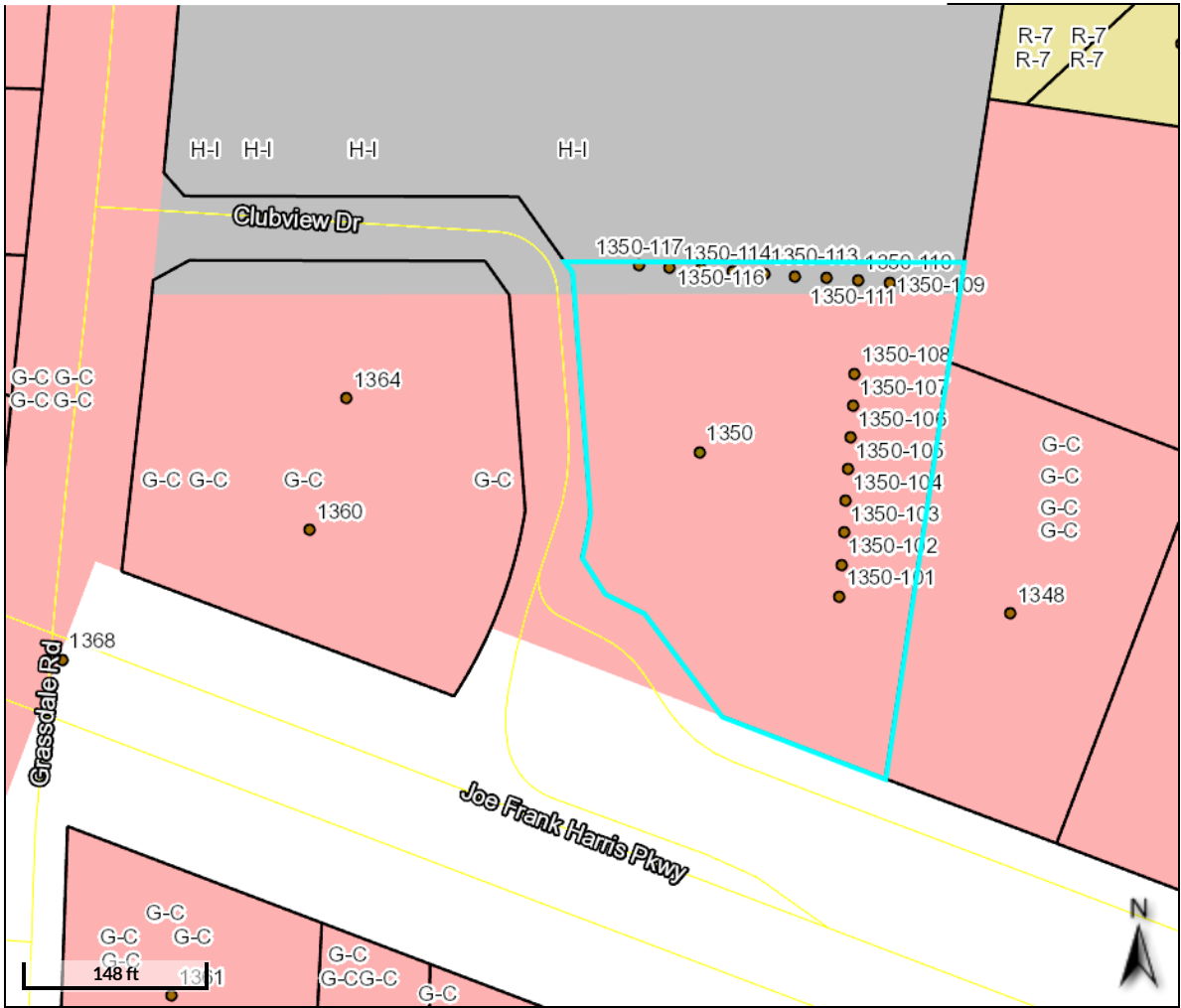
ZONING DISTRICT DRAFTING CORRECTIONS



Parcel ID	C049-0003-007	Alternate ID	20089	Owner Address	SPANG PROPERTIES LLC
Sec/Twp/Rng	n/a	Class	Industrial		102 PYRON COURT NE
Property Address	102 PYRON CT	Acreage	8.39		CARTERSVILLE, GA 30121
District	Cartersville				
Brief Tax Description	LL 238LD 5				
	(Note: Not to be used on legal documents)				

Date created: 3/31/2021
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ZONING DISTRICT DRAFTING CORRECTIONS

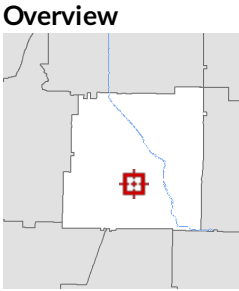
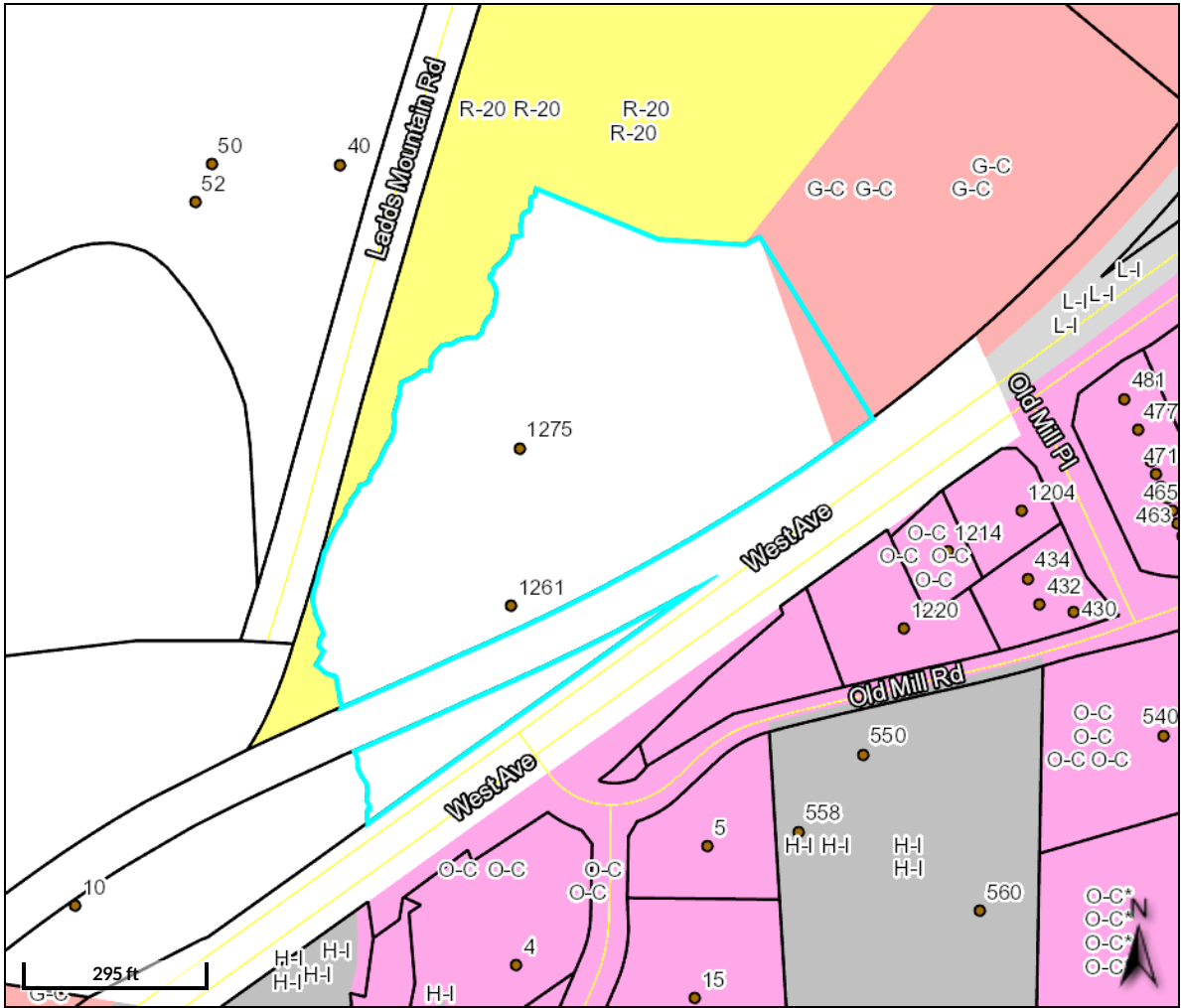


Parcel ID	C082-0002-095	Alternate ID	37562	Owner Address	GARY HOWREN CONST INC
Sec/Twp/Rng	n/a	Class	Commercial		P O BOX 200125
Property Address	1350 JOE FRANK HARRIS PKWY	Acreeage	2.83		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL 18 55 D 4				

(Note: Not to be used on legal documents)

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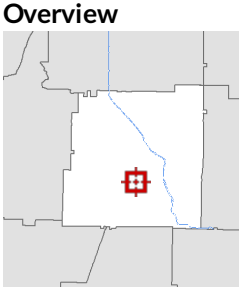
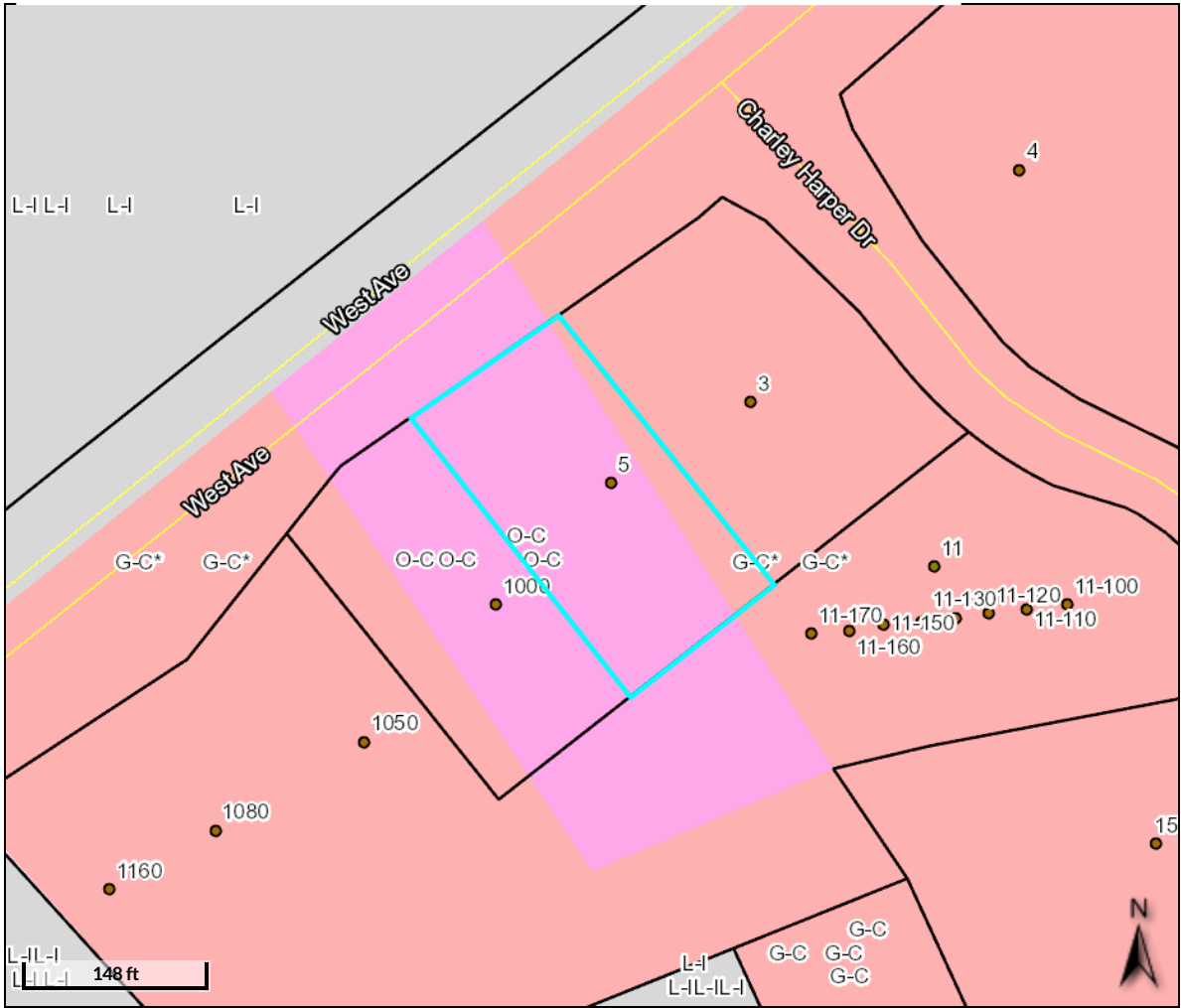
ZONING DISTRICT DRAFTING CORRECTIONS



Parcel ID	0072-0634-001	Alternate ID	18892	Owner Address	JOHNSON H F JR LLC
Sec/Twp/Rng	n/a	Class	Commercial		1261 WEST AVE
Property Address	1261 WEST AVE	Acreage	7.35		CARTERSVILLE, GA 30120
District	Bartow County				
Brief Tax Description	LL 663, 634 LD 4 Styles Auto Care				
	(Note: Not to be used on legal documents)				

Date created: 3/31/2021
 Last Data Updated: 3/30/2021 9:41:24 PM

ZONING DISTRICT AMENDMENT



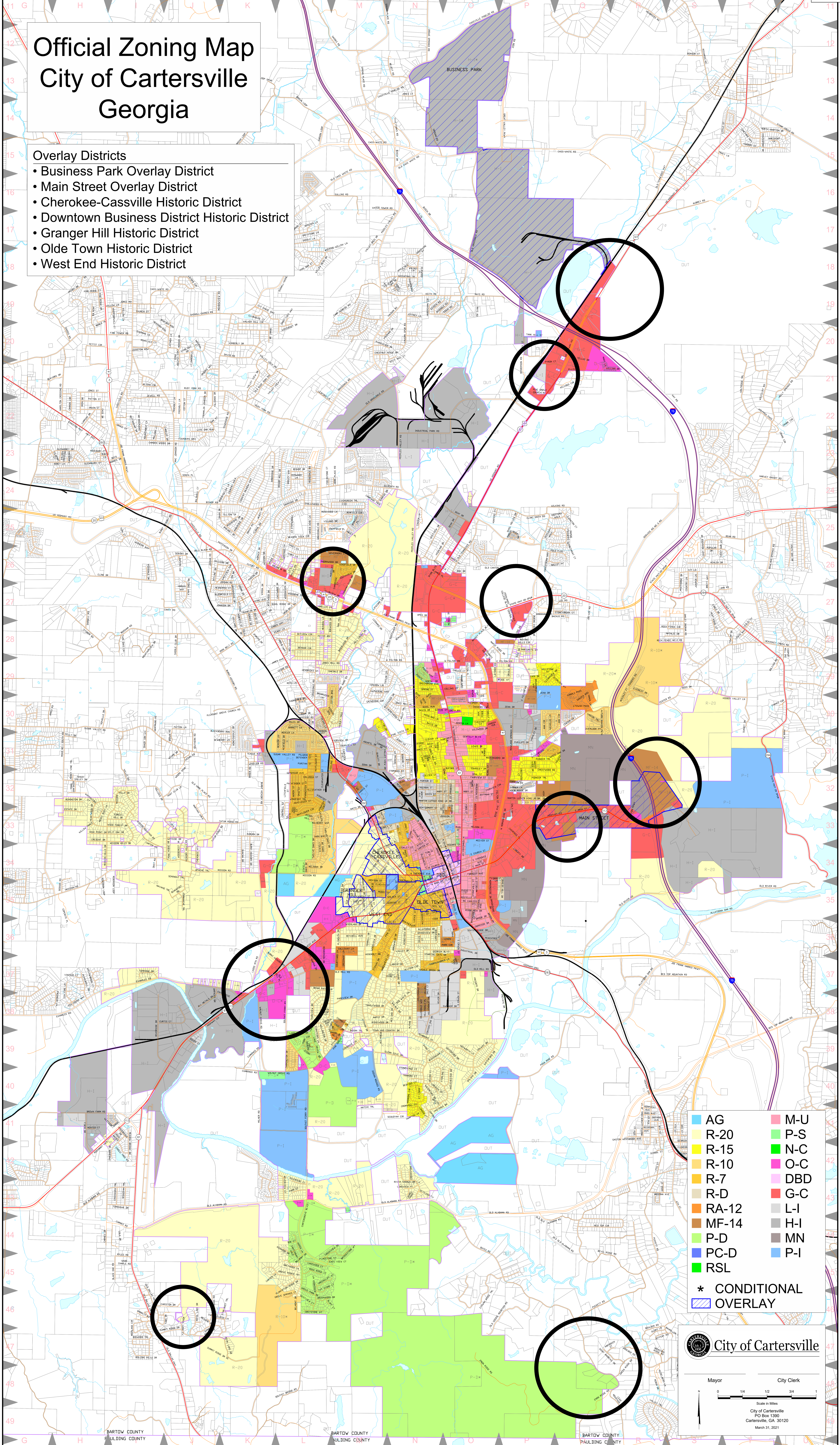
Parcel ID	C022-0004-024	Alternate ID	34901	Owner Address	VILLAGE HILL ECKSTEIN LLC
Sec/Twp/Rng	n/a	Class	Commercial		60 BROAD STREET STE 3503
Property Address	5 CHARLEY HARPER DR	Acreeage	0.88		NEW YORK, NY 10004
District	Cartersville				
Brief Tax Description	Lot 3B Taco Bell				
	(Note: Not to be used on legal documents)				

Date created: 3/31/2021
 Last Data Uploaded: 3/30/2021 9:41:24 PM

Official Zoning Map City of Cartersville Georgia


Overlay Districts

- Business Park Overlay District
- Main Street Overlay District
- Cherokee-Cassville Historic District
- Downtown Business District Historic District
- Granger Hill Historic District
- Olde Town Historic District
- West End Historic District



AG	M-U
R-20	P-S
R-15	N-C
R-10	O-C
R-7	DBD
R-D	G-C
RA-12	L-I
MF-14	H-I
P-D	MN
PC-D	P-I
RSL	

* CONDITIONAL
OVERLAY

 **City of Cartersville**

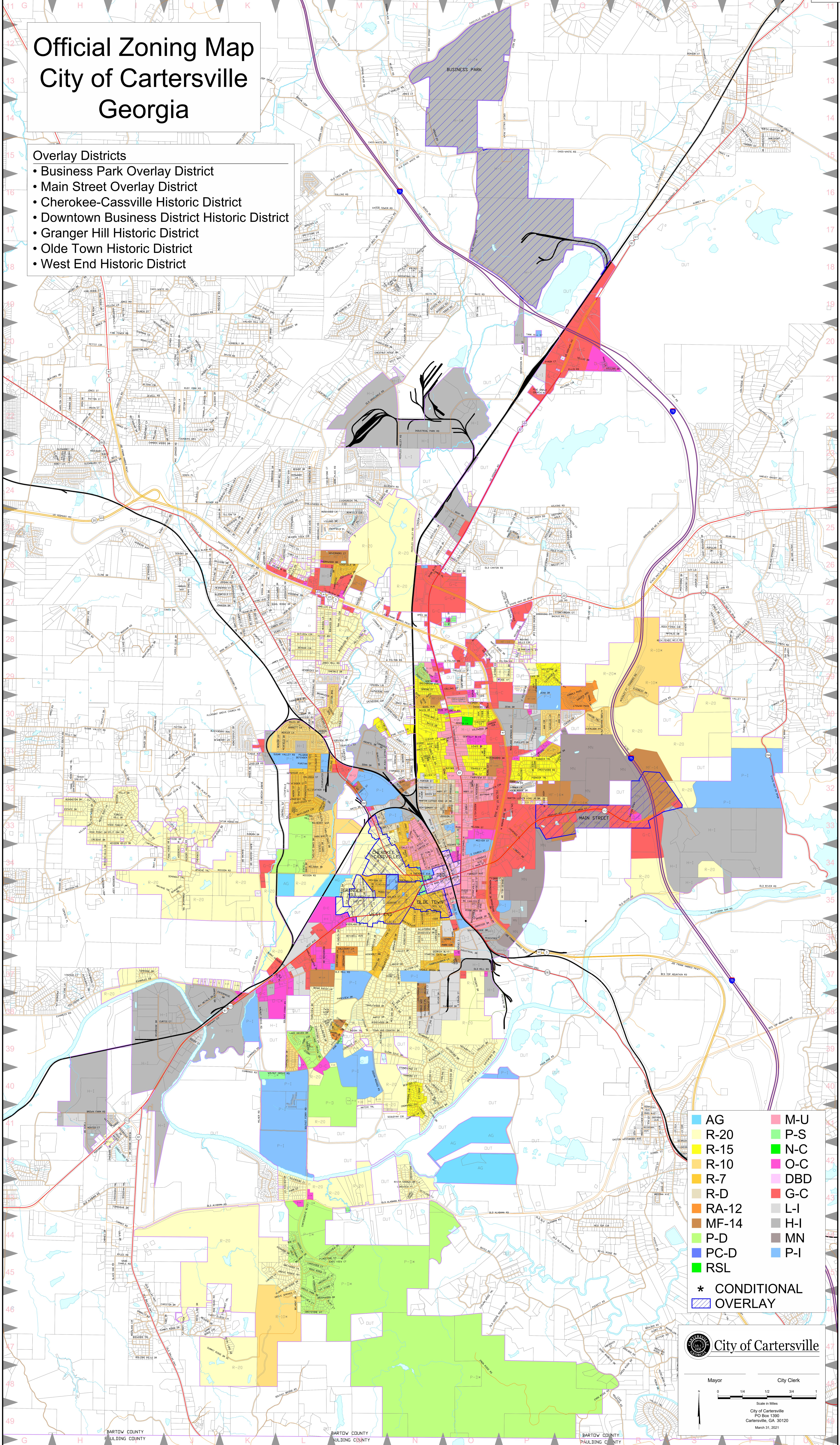
Mayor _____ City Clerk _____

Scale in Miles
City of Cartersville
PO Box 1300
Cartersville, GA 30120
March 31, 2021

Official Zoning Map City of Cartersville Georgia

Overlay Districts

- Business Park Overlay District
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MF-14	H-I
P-D	MN
PC-D	P-I
RSL	
* CONDITIONAL	
OVERLAY	

City of Cartersville

Mayor _____ City Clerk _____

Scale in Miles
0 1/4 1/2 3/4 1

City of Cartersville
PO Box 1300
Cartersville, GA 30120
March 31, 2021



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	April 15, 2021
SUBCATEGORY:	First Reading of Ordinances
DEPARTMENT NAME:	Water Department
AGENDA ITEM TITLE:	Wastewater Discharge Surcharge
DEPARTMENT SUMMARY RECOMMENDATION:	During a recent review of Industrial Pretreatment Permit discharge limits, an inconsistency between two similar sections of the Sewer Use and Pretreatment ordinance was discovered. Section 24-145(h) incorrectly listed the Biochemical Oxygen Demand (BOD) discharge limit as 600 milligrams per liter (mg/L). This ordinance corrects the BOD limit to 850 mg/L, which is correct and consistent with Section 22-44(h).
LEGAL:	N/A

Ordinance no. 17-21

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES, CHAPTER 24. UTILITIES, ARTICLE V. SEWER USE, PRETREATMENT AND SEWAGE DISPOSAL, DIVISION 14 WASTEWATER TREATMENT RATES. SEC. 24-145. GENERALLY, subparagraph (h) is hereby amended by deleting said paragraph in its entirety and replacing as follows:

1.

Sec. 24-145. - Generally.

(h) Wastewater discharges between three hundred (300) mg/L and eight hundred fifty (850) mg/L of BOD will be assessed a surcharge. Enforcement shall be initiated for BOD discharges exceeding eight hundred fifty (850) mg/L. Wastewater discharges between three hundred (300) mg/L and one thousand five hundred (1,500) mg/L of TSS will be assessed a surcharge. Enforcement shall be initiated for TSS discharges exceeding one thousand five hundred (1,500) mg/L. The purpose of the surcharge is to encourage treatment of wastes rather than relying on the POTW to handle excess BOD and/or TSS, and to require industries generating high strength waste to bear the cost.

(1) For samples with a difficult BOD to measure accurately, chemical oxygen demand (COD) may be substituted for BOD analysis. Wastewater discharges between seven hundred fifty (750) and two thousand five hundred (2,500) mg/l of COD will be assessed a surcharge. Enforcement shall be initiated for discharges exceeding two thousand five hundred (2,500) mg/l.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention and any ordinance or part thereof not amended shall remain in effect and be unchanged.

BE IT AND IT IS HEREBY ORDAINED.

FIRST READING: April 15, 2021
SECOND READING: May 6, 2021

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
JULIA DRAKE, CITY CLERK



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	April 15, 2021
SUBCATEGORY:	Resolutions
DEPARTMENT NAME:	Administration
AGENDA ITEM TITLE:	Defined Benefit Pension Trust Company
DEPARTMENT SUMMARY RECOMMENDATION:	The Pension Trust Board has met with Salem Trust and discussed moving the current pension plan assets from Benefit Trust Company to Salem Trust. After checking references from existing local governments that have been using Salem Trust to handle their pension assets and pay monthly benefits to beneficiaries, the Pension Trust Board recommends to the City Council that the existing pension assets be moved to Salem Trust Company.
LEGAL:	The Resolution, Institutional Custody Agreement and First Amendment have been reviewed and approved by Keith Lovell.

City of Cartersville, Georgia
RESOLUTION

BE IT RESOLVED THAT Matthew J. Santini, Mayor, City of Cartersville, is hereby authorized to enter into an Institutional Custody Agreement between City of Cartersville and Salem Trust Company, and is further authorized to identify, from time to time, those representatives of the above-named organization who are authorized to give directions and otherwise transact business with Salem Trust Company.

BE IT FURTHER RESOLVED THAT the City Manager or Cartersville Pension Board Chairman, is hereby authorized to sell, assign and endorse for transfer certificates representing stocks, bonds or other securities now registered or hereafter registered in the name of City of Cartersville, Georgia, and is further authorized to give such directions as may be necessary for the transfer of Assets from brokerage accounts or any other deposit accounts in the name of the above-named organization to Salem Trust Company.

I, Julia Drake, City Clerk, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and City Council of the City of Cartersville, Georgia of said organization at a meeting held on _____, 2021 at which a quorum was present and voting, and that the same has not been repealed or amended and remains in full force and effect and does not conflict with the organization’s articles, bylaws or any other document under which the organization is operating.

Dated: _____, 2021

Name and Title of Officer: Matthew J. Santini, Mayor

Attest: _____
Julia Drake, City Clerk

SALEM TRUST COMPANY
INSTITUTIONAL CUSTODY AGREEMENT

Important Information on Opening a New Account.

To help the government fight the funding of terrorism and money laundering activities, Federal law requires all financial institutions to obtain, verify and record information that identifies each person who opens an account. This means when you open an account, we will ask the name and physical location of your institution, your institution’s taxpayer identification number and other information that will allow us to identify your institution. We may also ask to see certified articles of incorporation, business license, partnership agreement, trust instrument or other documents showing the existence of your institution.

CLIENT ACCOUNT OWNERSHIP*

Type of Entity: (check one box)

Not-for-Profit

Government Entity

For Profit

City of Cartersville

Georgia

Name of Entity

Dan Porta, City Manager

State of Formation

Primary Contact Person (must also identify in Exhibit #2)

*Please attach authorizing resolutions.

CLIENT CONTACT INFORMATION (Please provide to Custodian written notice of any changes. Changes will be effective when received by Custodian.)

1 N. Erwin Street

Street Address (required)

1390

Post Office Box Number

Cartersville

GA

30120

City

dporta@cityofcartersville.org

State

Zip Code

Email Address

770-387-5684

770-386-5841

Phone

Fax

THIS AGREEMENT is made by and between the undersigned Account owner, as Client, and Salem Trust Company, as Custodian. It is understood and agreed that Client is the owner of all the Assets and that Custodian is acting as the agent of Client designated to administer the Assets pursuant to powers set forth in this Agreement. For valuable consideration, Client and Custodian agree that all Assets deposited in this Account will be managed and administered according to the following provisions of this Agreement:

1. Appointment and Authority of Custodian. The undersigned person (the “Client”) hereby appoints Salem Trust Company as custodian (the “Custodian”) of those assets owned by the Client and delivered to the Custodian at any time during the period of this Agreement, on the terms and conditions set forth in this Agreement, and the Custodian hereby accepts such appointment and agrees to perform the services and duties set forth in this Agreement. Custodian is authorized and empowered to do all things necessary or convenient for the administration of this Account. Without limiting this general power, it includes the following powers and discretions, in addition to those provided by law:

a. Acceptance of Assets. Client has delivered to Custodian the Assets listed in the Schedule of Initial Assets attached hereto and made a part hereof, the receipt of which is hereby acknowledged by Custodian. Client may hereafter from time to time deliver to Custodian other Assets, subject to the acceptance thereof by Custodian. The assets listed in the Schedule of Initial Assets, together with (i) such other Assets that may hereafter be delivered to and accepted by Custodian, and (ii) any Assets or property collected, purchased, received, or acquired by Custodian hereunder for the account of Client shall be collectively referred to herein as the “Account,” and all moneys, stocks, bonds and other Assets in the Account as the Accounts are constituted from time to time shall be collectively referred to as the “Assets.” Custodian shall manage, supervise,

and administer the Account on the terms and conditions set forth herein. Custodian is not obligated to accept and hold Assets that it deems to be inappropriate, including, but not limited to, real estate or tangible personal property.

b. Custody, Safekeeping and Segregation. With respect to all Assets in the Account, Custodian agrees to keep all assets safe, collect all dividends, interest, other income and the proceeds of sales and redemptions of Assets; and distribute net income and principal as directed by Client. All Assets held by the Custodian for the account of the Client (other than securities maintained in a Securities Depository, Eligible Securities Depository or Book-Entry System) shall be physically segregated from other assets and properties in the possession of the Custodian (including the assets of other clients), unless otherwise directed by the Client, and shall be identified as subject to this Agreement.

c. Custodian is authorized to sign any certificates and declarations necessary for the collection of dividends, interest, other income and the proceeds on or from Assets in the Account. Custodian is authorized to hold Assets in the Account in the name of its nominee or registered in the name of Client. Client hereby agrees to hold Custodian's nominee harmless from any liability as a holder of record.

d. Managers and Agents. Client may designate one or more Third-Party Investment Managers ("Manager[s]") or Agents ("Agent[s]") to give investment-related instructions to Custodian. Such Managers and Agents are designated on the attached Exhibit #1. If Client engages any Manager, a true and correct copy of Client's agreement with such Manager or Agent ("Third-Party Agreement") shall be provided to Custodian. Custodian may rely on these third-party instructions to the same extent as if Client had given them and shall not be required to verify with Client any directions it receives from a Manager or Agent.

e. Transactions. If Client's broker is unable to process a transaction pursuant to Section 3, Custodian may, but is not required to, execute orders upon Client's or Manager's or agent's instructions to clear the purchase or sale of any Assets. Custodian is specifically authorized, in its sole discretion, to sell or buy fractions of shares to equal whole shares or eliminate fractional shares and, upon sale or transfer of a security held under this Agreement, to sell shares and fractions of shares which are subsequently purchased pursuant to a dividend reinvestment program.

f. Voting Authority and Class Actions. Client (including Managers or Agents) will vote or instruct Custodian to act with respect to proxies, warrants, tenders, rights, options, puts, calls, consents or other actions affecting the Account. Custodian will not be liable for failing to act unless Custodian receives Client's written instructions not less than 2 business days prior to the last scheduled date by which action is required. If so directed by Client, Custodian will process class action

notifications and proofs of claim for all securities held in the Account and will prepare the necessary documentation prior to deadlines referenced in the notification. Custodian employs an agent to process class action claims. Client agrees to pay the agent's fees from time to time in effect. For purposes of this Agreement, Custodian will be deemed to have knowledge only of class actions for which it received notice from Client or from the issuer or the issuer's agent. Custodian will credit the Account for the net class action settlement amount upon receipt.

g. Conditional Credit. Custodian may credit the Account conditionally on the payable date with interest, dividends, distributions, redemptions or other amounts due. If Custodian is instructed to deliver securities or other property against payment, Custodian may deliver these amounts before receiving payment and credit the Account with anticipated proceeds. Otherwise, Custodian will credit these amounts to the Account on the date of actual receipt and reconcile them to the Account. If Custodian has credited the Account with an amount before collection, Custodian is entitled to recover any credit from Client, and Custodian may reverse the credit as of the payable or settlement date if and to the extent Custodian does not receive these amounts in the ordinary course of business.

h. Selection of Agents. Custodian may retain and employ such agents as it deems appropriate, including accountants, attorneys and other agents, including any of its affiliates.

i. Multiple Accounts. Custodian may maintain separate accounts to hold the Assets in the Account. Each separate account will be identified on Exhibit #1. Generally, the separate accounts may not be commingled for investment purposes unless Client directs in writing that the separate accounts be commingled. Custodian will prepare separate statements of account for each separate account.

2. Investment Responsibility. Client is responsible at all times for the investment management of the assets in the Account.

IT SHALL BE THE SOLE AND EXCLUSIVE RESPONSIBILITY OF CLIENT TO NOTIFY CUSTODIAN IN WRITING IMMEDIATELY IN THE EVENT OF ANY AMENDMENT TO THE THIRD-PARTY AGREEMENT OR ANY TERMINATION THEREOF, AND CUSTODIAN SHALL NOT BE LIABLE FOR ANY ACT TAKEN OR OMITTED WHICH ACT OR OMISSION IS CONSISTENT WITH SAID THIRD-PARTY AGREEMENT PRIOR TO ITS RECEIPT OF WRITTEN NOTIFICATION OF SUCH AMENDMENT OR TERMINATION.

Custodian may take such actions as it reasonably believes are or have been duly authorized by Client, Manager or Agent as the case may be. Custodian reserves the right to require

clarification of, or to refuse, any instructions given to it hereunder, whenever Custodian, in its sole good faith discretion, believes same to be reasonable and appropriate and shall not be liable to Client for any loss or damage occasioned by such refusal made or inquiry taken in good faith.

In the case of any conflict between instructions provided to Custodian by a Manager or Agent and instructions provided by Client, the instructions provided by Client shall control.

Notwithstanding the foregoing, Custodian may without liability to Client, take such action and exercise all of the powers conferred by this Agreement with regard to such matters as Custodian may deem reasonable or necessary to prevent the expiration of Client's rights with respect to any matter.

It is the intention of the parties that, pursuant to this Agreement, Custodian (i) shall not provide or be required to provide any investment advice or advisory services to Client; (ii) shall be under no obligation to conduct any investment review or to consider the propriety of or make recommendations concerning the holding or selling of any security or other asset held in the Account.

3. Client's Broker. Client agrees to transact all purchases and sales of securities through a reputable broker of Client's or Manager's choice and to communicate each transaction to Custodian within 24 hours after Client has given instructions to the broker. Client will immediately communicate the purchase or sale of any securities involving "same-day" or "next-day" funds to Custodian. In the event Client or Manager has not designated a broker, Custodian may select a broker of its choice.

4. Overdrafts Prohibited; Security Interest. Cash overdrafts in the Account will not be permitted. However, to the extent they do occur, Custodian, in its sole discretion, may permit funds to be advanced to the Account and charge the Account additional fees for the amounts advanced for the length of time the overdraft exists, such fees to be charged at the then prime rate of interest published in the Wall Street Journal. Client grants to Custodian a security interest in the Account at the time of the overdraft to secure the repayment of any funds advanced to the Account and any overdraft fees.

5. Periodic Reports. Custodian will provide periodic statements of Account during the term of this Agreement. Upon the request of Client, Custodian may provide Client with access to Account statements and other Account information via the Internet or by providing Client with access to such information through an Internet portal. Client is responsible for promptly informing Custodian of any errors in the periodic statements. If Client does not notify Custodian of any errors within 60 days of receipt of a periodic statement, Custodian will deem the statement correct and will not be liable for any errors relating to the information or transactions described in the statement.

6. Fees and Expenses. The compensation of Custodian for its services under this Agreement shall be calculated and paid in accordance with the attached Fee Schedule which may be amended from time to time by Custodian upon thirty (30) prior days' written notice to Client.

a. All taxes, transfer fees, transaction fees, redemption fees, sales loads, wiring fees, commissions, and similar fees charged against the Account are separate from Custodian's fees and will be deducted from the Account by Custodian.

b. Client authorizes Custodian, after making provision for the payments set forth in subsection (a), above, to deduct from the Account all such fees due and owing hereunder to Custodian (to the extent that funds are available in the Account).

c. If Client has designated a Manager pursuant to Section 2, Client authorizes Custodian to pay any fees of the Manager directly to the Manager and deduct such fees from the Account (to the extent that funds are available in the Account) upon receipt of Manager's invoice. Client acknowledges that Client is responsible for verifying the accuracy of any such invoice and that Custodian shall not be required to verify same.

d. Client understands that mutual fund Assets will be subject to additional advisory and other fees and expenses, which are described in the prospectuses of those funds, and that Custodian may receive an administrative fee from a mutual fund whose shares are held in the Account for providing administrative or shareholder services to the mutual fund.

7. Representations By Client. Client covenants, agrees, represents and warrants that (i) Client will be responsible for all fees, expenses and charges of or by Custodian that relate to the Account; (ii) the employment of Custodian is authorized by any governing documents relating to the Account; (iii) the terms of this Agreement do not violate any obligation by which Client is bound, whether arising by contract, operation of law or otherwise; (iv) this Agreement has been duly authorized by appropriate action, and when executed and delivered, will be binding upon Client in accordance with its terms; (v) Client has received and understands the USA PATRIOT Act Notice set forth following the Signature Page to this Agreement; (vi) all of the information set forth on the Signature Page of this Agreement and in the USA PATRIOT Act Notice is true and correct, and Client will promptly notify Custodian in writing of any change in such information; (vii) Client has received and understands Custodian's Privacy Notice set forth following the Signature Page of this Agreement;

8. Payment of Income and other taxes. Client assumes the duty of filing any and all tax reports and returns as well as full responsibility for payment of all taxes assessed on or with respect to any Assets in the Account and all taxes due on the income collected for Client on any and all transactions in respect of the Account.

9. Responsibility of Custodian; Standard of Care. The Custodian's duties shall be limited to those expressly set forth in this Agreement. Custodian shall exercise reasonable care and that of a professional custodian for hire in the performance of its duties under this Agreement Client agrees that Custodian, its officers, directors, agents, and employees shall not be liable for any loss arising out of any investment nor for any depreciation in the value of any Asset, nor for any act, or omission to act, performed, or omitted by Custodian, its officers, employees, or agents, in the good faith performance of its duties under this Agreement. Except for gross negligence, fraud or violation of applicable law, neither Custodian nor Custodian's officers, directors, agents or employees shall be liable hereunder for any action performed or omitted to be performed or for any errors of judgment in managing the Account, including any failure to perform or cease performance or any delay in performance that results from a cause or circumstance that is beyond Custodian's reasonable control, including, but not limited to failure of electronic or mechanical equipment, civil or military disturbances, acts of terrorism, sabotage, strikes, failure of common carrier or utility systems, severe weather, market disruptions or other causes commonly known as "force majeure".

Custodian shall be responsible for the safekeeping of any Assets in the Account, except that Custodian shall not be liable or responsible for any act or omission to act of any broker or similar agent employed by Custodian to effect a transaction on Client's behalf, or for the financial solvency of any such broker or agent, so long as Custodian exercises the same care in selecting such broker or agent as Custodian employs in handling similar transactions involving its own property. Further, Custodian shall not be responsible for any loss, damage, or expense that may be incurred by reason of the registration of any Asset in the name of a nominee.

Notwithstanding any provision hereof or rule of law to the contrary, under no circumstances shall Custodian be liable to Client, or any party claiming through Client, for indirect, incidental, consequential, special, or punitive damages.

10. Indemnity of Custodian. Except for negligence or fraud on the part of the Custodian, to the extent permitted by applicable law, Client agrees to reimburse, indemnify and hold harmless Custodian from and against any and all liability, loss. Claim, damage or expense resulting from the exercise by Custodian of any authority or power granted to it hereunder, or from any claims of third parties, or from any taxes or other governmental charges, and any expenses related thereto, which may be imposed or assessed in respect to the Account, or any part thereof.

11. Termination. This Agreement shall terminate (i) upon the filing of a petition in bankruptcy by Client (ii) termination or dissolution of Client, partnership, other business entity or trust; or (iii) at the election of either Client or Custodian upon thirty (30) days' prior written notice.

Termination will not affect the validity of (i) any action previously taken by Custodian regarding the Account; (ii) Client's obligation to complete the transactions Custodian has previously taken regarding the Account, or (iii) Client's obligation to complete the transactions Custodian has initiated on Client's behalf prior to closing the Account.

Subject to the preceding sentence, upon termination, all Assets of every kind and nature in the Account shall be paid over, delivered, or surrendered as they then exist, in whatever form the same may be, and Custodian shall be authorized to execute such endorsements, assignments, and conveyances (without recourse to or warranty by Custodian) as may be required or proper to effectuate such delivery of the Account or any part thereof (*provided*, that Custodian is not authorized to deliver any of the securities, stock, bonds, or cash in the Account to the Manager or to make any disposition of any stocks, bonds, other securities, or cash except to Client). If this Agreement terminates due to the filing of a petition in bankruptcy, termination or dissolution of Client, Custodian shall deliver the Assets to the court-appointed representative for Client and, if no representative has been appointed by the Court, Custodian may deliver the Assets to the person it deems to be an agent of Client and such delivery will release Custodian from any further responsibility for said Assets.

Custodian may require the transfer of any securities registered in the name of its nominee or that of the Depository Trust & Clearing Corporation, and/or the finalization of any pending transactions, before surrendering possession of such Assets.

If this Agreement is terminated, any prepaid fees will be prorated (based on the ratio of the number of days this Agreement was in effect to the number of days in the period covered by such prepaid fees), and unearned fees and charges, if any, will be promptly refunded to Client. Client will promptly pay any fees due and payable to Custodian for services rendered. If Client has designated a Manager pursuant to Section 2, should Client's relationship with the Manager be terminated, this Custodial Agreement shall not thereupon automatically terminate but shall nevertheless continue in full force and effect between Client and Custodian, with Custodian receiving all instructions hereunder solely from Client until it receives written notice from Client as to a successor Manager.

12. Valuation. Custodian shall value the Assets in the Account. In computing the market value of any Asset: (i) each security listed on any national securities exchange shall be valued at the last quoted sale price on the valuation date on the principal exchange on which such security is traded; the information used to value the security shall be based on information that Custodian believes in good faith is reliable and received from a well-known and recognized pricing service; (ii) Custodian reserves the right to value any security differently than valued by such pricing service if Custodian determines in good faith that another value would more accurately reflect the

security's fair market value; (iii) any Asset (including any security) for which there is no readily available price quotation shall be valued in a manner determined in good faith by Custodian to reflect the security's fair market value. In all cases, valuation reflects Custodian's good faith effort to ascertain fair market values based on pricing and valuation information believed by Custodian to be reliable. However, these valuations may not be realized upon liquidation. Market conditions and transaction size may affect liquidity and the price received upon liquidation.

13. Cost Basis Reporting.

a. *Securities.* Tax regulations issued by the Internal Revenue Service require financial services companies to use First In – First Out (FIFO) as the default method of selecting lots when less than an entire holding of a security is sold. Client may request a change to another method of selecting lots or may issue a standing order to Custodian on the selection of lots. By signing such order, Client issues a standing order to Custodian to use the Specific Identification Method of tax lot selection. Client also may direct tax lot selection for each transaction by contacting Custodian or may issue a standing order for a different tax lot selection method by separate written direction.

b. *Mutual Funds.* When less than an entire holding of a mutual fund is sold, tax regulations require that Custodian notify Client of the method of selecting tax lots. If this Account is invested entirely in mutual funds, Client is hereby notified that the First In - First Out (FIFO) method of tax lot selection will be used unless Custodian is otherwise directed by Client.

14. Miscellaneous.

a. *Governing Law.* This Agreement is governed by the laws of the State of Florida, without regard to any conflict of law provisions.

b. *Entire Agreement; Successor.* This Agreement represents the entire agreement between Client and Custodian and, except as provided in Section 6 with respect to fees, may not be amended except in writing signed by both parties. Any reference to Custodian in this Agreement includes its corporate successor. Any reference to Client includes its legal successor.

c. *Reliance on Instructions.* Custodian is authorized to rely and act on any oral, written or electronic communication or instruction from Client or authorized third-party Agents, as designated in Exhibit #1, that Custodian reasonably believes to be genuine. Custodian is not responsible for the failure of any electronic media.

d. *Electronic Communication.* Client is responsible for obtaining, installing, maintaining and operating all necessary hardware, software and Internet access services necessary for

performing online services. Custodian will not be responsible for failure or loss resulting from the malfunction or failure of Client's hardware, software or Internet service. Client and its authorized agents are responsible for installing, updating and maintaining appropriate firewall, anti-virus and anti-spyware protection and all operating system security patches and other appropriate security protection methods, procedures and devices. Client agrees that instructions or communications to Custodian made via email or the Internet shall be made in an encrypted format. Custodian is not responsible for losses resulting from its following instructions or communications received in an unencrypted format and reasonably believed to have been initiated by Client. Custodian shall not be liable for any loss or damages resulting from a breach or failure of Client's hardware or software such as firewall, anti-virus and anti-spyware, including losses or damages resulting from Client, including any of Client's directors, officers, employees or agents, having been fraudulently deceived or manipulated by a third party into divulging security or logon authentication information or inducing or causing improper direction to Custodian or Client. Custodian is not liable for any loss attributable to the generation or transmission of any instruction to Custodian or any third party resulting from Client or Client's directors', officers', employees' or agents' hardware, software, email or electronic communications systems having been compromised.

Record. Custodian shall maintain accurate records and accounts of all transactions of the Account (provided, however, that Custodian, in maintenance of its records, does not assume responsibility for the accuracy of information furnished by Client or any other party, including, without limitation, by the Manager [if Client has designated a Manager pursuant to Section 2]). Such records shall remain the property of Custodian but shall be made available by Custodian at all reasonable times for inspection or audit by Client, by Manager and by any other person designated in writing by Client.

e. *Withdrawals.* Client may withdraw any and all Assets from the Account at any time upon Custodian's receipt of a written direction executed by Client.

f. *Claims Against Assets.* No charge or lien shall be permitted against Account Assets, or any part thereof, except that Custodian retains a right to lien for any unpaid account fees. In the case of such lien, the Custodian may sell or exchange Account Assets, to, from or through any affiliated or unaffiliated persons, partnerships and corporations as Custodian may select. Custodian may settle transactions in the normal course of business.

g. *Binding Agreement.* Client represents and warrants that all necessary action has been taken to authorize the execution of this Agreement and that this Agreement represents its legal and binding obligation. This Agreement shall bind Custodian upon Custodian's acceptance of Assets.

h. Notices. Unless otherwise specified in this Agreement, all notices and instructions with respect to securities transactions or any other matters contemplated by this Agreement shall be in writing and shall be deemed duly given when received by Custodian or when deposited by first-class mail addressed to (or delivered by hand to) Client at Client’s last known address and, if applicable, to a Manager (if Client has designated a Manager pursuant to Section 2) at such address as the Manager may specify to Custodian in writing, or at such other address or addresses as shall be specified, in each case, in a notice similarly given or, at the option of Custodian, by telephone, electronic mail or facsimile (receipt acknowledged by facsimile header). Custodian may rely upon any notice (written or oral) from any person reasonably believed by it to be genuine and authorized to act on behalf of Client. Custodian may, in its discretion, accept directions and approvals which it believes to be genuine, from Client or the Manager (if Client has designated a Manager pursuant to Section 2), whether given orally, by telephone, electronic mail or in any other manner, and Client agrees to confirm, or cause Manager to confirm, to Custodian, in writing, such directions and approvals.

i. Waiver/Severability. Waiver of any breach or failure to enforce any term of this Agreement will not be deemed a waiver of any breach or right to enforce which may thereafter occur. If any term or provision of this Agreement is found by a court of competent jurisdiction to be illegal, invalid, or otherwise unenforceable, such term or provision shall not affect the Agreement’s other terms or provisions, or the whole of this Agreement, but such term or provision shall be deemed modified to the extent necessary in the court’s opinion to render such term or provision enforceable, and the rights and obligations of the parties shall be construed and enforced accordingly, preserving to the fullest permissible extent the intent and the agreements of the parties.

j. Arbitration; Jurisdiction and Venue. Any controversy or claim arising out of or relating to this Agreement will be settled by arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction. Any arbitration proceeding shall be conducted in Tampa, Florida. Without limiting the parties obligation to arbitrate any controversy or claim arising out of or relating to this Agreement, exclusive jurisdiction and venue for any claim or dispute presented before a court or other tribunal shall be the state or federal courts located in Tampa, Florida. This Section does not constitute a waiver of any non-waivable right provided by applicable federal or state law

k. Gramm-Leach-Bliley. To effect the purposes of this Agreement, Custodian may from time to time receive information or access to information concerning Client’s business operations (“Customer Information” or “Client Information”). Custodian acknowledges that its right to use the Client Information is limited under the Gramm-Leach-Bliley

Act of 1999 (Public Law 106-102, 113 Stat. 1138) and its implementing regulations (e.g., Office of the Comptroller of the Currency Regulation P, Securities and Exchange Commission Regulation S-P) and other federal and state laws and regulations regarding privacy and the confidentiality of client records. To protect the privacy of the Client Information, Custodian shall permit access to the Client Information only to the Custodian’s regulators and Client’s employees, affiliates or similar persons who have a need to know such Client Information and only for implementing or performing this Agreement. Custodian shall protect such Client Information using the same degree of care as Custodian uses to protect its own Confidential Information. In addition, Custodian shall establish and maintain physical, electronic and procedural safeguards, which Custodian deems appropriate, to meet the objectives of the Interagency Guidelines Establishing Standards for Safekeeping Customer Information which have been promulgated by the federal banking agencies and to implement security and disaster recovery plans consistent with those Guidelines.

l. FACT Act. For so long as Custodian is performing services under this Agreement related to a “covered account” (as defined in the applicable regulations implementing the FACT Act, Pub. L. 108-159), such services will be conducted in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of identity theft, which reasonableness will be based on the nature of the services provided and the extent and regularity of access to such accounts.

15. Special Provisions. Client must initial Section a. and Section d. if Client does not wish to disclose Client’s name and address pursuant to SEC Rule 14b-2.

a. Automated Cash Management System; Mutual Fund Fee Disclosure. Client authorizes Custodian to apply its Automated Cash Management System to the cash balances maintained in the Account from time to time. Client hereby initially authorizes the use of the money market fund checked below as the investment vehicle for the Automated Cash Management System. Client acknowledges the receipt of the current prospectus for such mutual fund, which contains information regarding the fees and expenses of the fund selected. Mutual funds held in the Account bear certain expenses and pay certain fees to investment advisers and other service providers. Client, as a mutual fund shareholder, will bear a proportionate share of such expenses and fees along with other shareholders. Custodian and its affiliates provide administrative, shareholder and other services to and may receive fees from the mutual fund selected and may receive fees from other mutual funds held in the Account. Mutual fund fees received by Custodian and its affiliates and by other mutual funds held in the Account are in addition to Custodian’s fees for services under this Agreement.

Mutual fund shares are not deposits or obligations of, or endorsed or guaranteed by, Salem Trust Company, or any of its affiliates. Mutual fund

shares are not federally insured or guaranteed by the FDIC, the Federal Reserve Board or any other government agency. Mutual fund investments involve risk, including possible loss of principal.

- Goldman Sachs Treasury Money Market Fund (Class __ Shares)
- Goldman Sachs Prime Obligations Money Market Fund (Class __ Shares)

_____ (Client Initials)

b. *Prospectus Delivery.* Custodian will at least annually offer to provide, and will provide upon request, an updated prospectus for the mutual fund selected.

c. *Authorized Parties.* Custodian may conclusively rely on, and Custodian shall incur no liability to the Client or the Account for acting on, instructions or directions from any party designated on Exhibit #1 and/or Exhibit #2 until written notification by Client that such authorization has been revoked or modified.

d. *Disclosure of Beneficial Ownership.* Pursuant to SEC Rule 14b-2, Custodian is required to provide certain beneficial ownership information to issuers of securities held in accounts. Unless Client objects in writing by checking the "No" box below, Client understands Custodian will disclose to the issuer the name and address of each beneficial owner of securities held in the Account in nominee form.

- No – Do not disclose Client’s name, address and the number of shares held in the Account in nominee name to the issuer of the securities.

_____ (Client Initials)

16. Substitute Form W-9. Client certifies under penalties of perjury that: (1) the number shown below is Client’s correct taxpayer identification number (or Client is waiting for a number to be issued to Client); and (2) Client is not subject to backup withholding because: (a) Client is exempt from backup withholding, or (b) Client has not been notified by the Internal Revenue Service that Client is subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified Client that Client is no longer subject to backup withholding; and (3) Client is a U.S. citizen or other U.S. person (including a U.S. resident alien).

(Instruction: Client must cross out item 16(2) above if Client has been notified by the IRS that Client is subject to backup withholding because of under-reporting interest or dividends on Client’s tax return.)

58-6000534

Client’s taxpayer identification number

Type of entity (check appropriate box):

- Government Retirement Plan
- Individual/Sole Proprietor
- C Corporation
- S Corporation
- Partnership
- Trust/Estate
- Limited Liability Company – Enter the tax classification (D=Disregarded entity, C=C Corporation, S=S Corporation, P=Partnership) _____
- Other _____
- Exempt Payee

The IRS does not require Client’s consent to any provision of this Agreement other than the certification required to avoid backup withholding.

City of Cartersville, GA

Name of Client

By: _____
Name and Title **Matthew J. Santini, Mayor**

Date: _____

Attest

By: _____
Name and Title **Julia Drake, City Clerk**

Date: _____

Accepted:

Salem Trust Company
- A division of TMI Trust Company

By: _____
Name and Title

Date: _____

Exhibit #1

Client authorizes the following parties to give to Custodian investment-related instructions pursuant to this Agreement regarding the accounts designated below, provided that Custodian may not accept instructions from any such party to pay securities or cash to or for the account of anyone other than Client. Custodian may rely on these instructions to the same extent as if Client had given the instructions. Such directions and instructions will empower Custodian to proceed in accordance with this Agreement and may be communicated to Custodian by written, oral or electronic forms of communication acceptable to Custodian. Client authorizes Custodian to pay any fees of the Manager directly to the Manager and deduct such fees from the Account (to the extent that funds are available in the Account). Client further authorizes Custodian to provide the party listed below interim and annual Account statements, Internet access and any other financial information that would be of assistance to the party in the management of the portion of the account(s) assigned to the party to manage.

Account Number

Investment Manager or Agent

Clark Weeks, WRS

Date: _____

City of Cartersville, GA

, Client

By: _____
Name and Title Matthew J. Santini, Mayor

Attest: _____
Name and Title: Julia Drake, City Clerk

Exhibit #2

Client authorizes the following persons to communicate to Custodian directions and instructions pursuant to this Agreement. Custodian is authorized to rely and act on instructions and directions received from the authorized person in writing, orally or by an electronic form of communication. All such instructions and directions that Custodian reasonably believes to be genuine will be binding. Client further authorizes Custodian to provide the following persons with interim and annual Account statements, Internet access and any other Account information that may be reasonably requested by the authorized persons.

Dan Porta, City Manager for City of Cartersville
Tom Rhinehart, Director of Finance, Chairman of Pension Board
Clark Weeks, WRS

Date: _____

City of Cartersville, GA

, Client

By: _____
Name and Title Matthew J. Santini, Mayor

Attest: _____
Name and Title Julia Drake, City Clerk

**SALEM TRUST COMPANY
SCHEDULE OF INITIAL ASSETS**

FIRST AMENDEMNT TO SALEM TRUST COMPANY
INSTITUTIONAL CUSTODY AGREEMENT

WHEREAS, Salem Trust Company (“Custodian”) and the City of Cartersville (“Client”) entered into an Institutional Custody Agreement (“Agreement”) on this date; and

WHEREAS, concurrent with the Custodian and Client entering into the Agreement, they desire to amend certain provisions of the Agreement.

NOW THEREFORE, Custodian and Client agree to amend the Agreement as follows:

Section 1. Section 1(d) of the Agreement is hereby amended to read as follows:

d. Managers and Agents. Client may designate one or more Third-Party Investment Managers (“Manager[s]”) or Agents (“Agent[s]”) to give investment-related instructions to Custodian. All such instructions must be in writing or electronic mail to be binding on Client. Such Managers and Agents are designated on Exhibit #1 of the Agreement, as such may be amended, in writing, by Client. If Client engages any Manager, a true and correct copy of Client’s Agreement with such Manager or Agent (“Third Party Agreement”) shall be provided to Custodian. Custodian may rely on these third party written or electronic mail instructions to the same extent as if Client had given them and shall not be required to verify with Client any directions it receives from a Manager or Agent.

Section 2. Section 5 of the Agreement is hereby amended to read as follows:

5. **Periodic reports.** Custodian will provide periodic statement of Account during the term of this Agreement, which reports shall be provided, in writing, not less than every ninety (90) days. Upon the request of Client, Custodian may provide Client with access to Account statements and other Account information via the Internet or by providing Client with access to such information through an Internet portal. Client is responsible for promptly informing Custodian of any errors in the periodic statements. If Client does not notify Custodian of any errors within 180 days of receipt of a periodic statement, Custodian will deem the statement correct and will not be liable for any errors relating to the information described in the statement

Section 3. Section 10 of the Agreement shall be amended as follows:

10. RESERVED.

Section 4. Section 14(a) of the Agreement shall be amended as follows:

a. *Governing Law.* This Agreement is governed by the laws of the State of Georgia, without regard to any conflict of law provisions.

Section 5. Section 14(j) of the Agreement shall be amended by removing the references to “Tampa, Florida,” and substituting in lieu thereof the term “Bartow County, Georgia.” and to United States District Court Northern Division of Georgia, Rome Division.

This ____ day of _____, 2021.

CLIENT
City of Cartersville -

Matthew J. Santini, Mayor

Date

Attest: _____
Julia Drake, City Clerk

Accepted

CUSTODIAN
Salem Trust Company, a division of TMI Trust Company

Name and Title

Date

Recommended by the City of Cartersville Pension Board this 7th day of April, 2021.

By: _____
Tom Rhinehart, Chairman Date: _____

By: _____
Connie Chastain Date: _____

By: _____
Frank McCann Date: _____

By: _____
Dan Porta Date: _____



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	April 15, 2021
SUBCATEGORY:	Resolution
DEPARTMENT NAME:	Finance
AGENDA ITEM TITLE:	US Bank/Georgia Fund 1 Resolution
DEPARTMENT SUMMARY RECOMMENDATION:	Attached is a resolution from US Bank and Georgia Fund 1. Georgia Fund 1 currently has custody of the Series 2018 Water and Sewer Bond proceeds. The funds are approved for reimbursement by US Bank. In order to be reimbursed from the bond proceeds, proper documentation must be in place. This resolution updates the signatures needed to enable the city to be reimbursed for the bond projects. I recommend approval of the resolution.
LEGAL:	None

APPOINTMENT OF AUTHORIZED REPRESENTATIVE(S)

I, Matthew J Santini, a duly elected acting Mayor
(Name of Authorizing Official) *(Title)*

of the City of Cartersville a(n) Georgia
(Institution Name) *(State)*

Municipality, do hereby certify that the following have been appointed as
(Type of Institution - i.e. Municipality, Corporation, etc...)

an Authorized Representative(s), at the date hereof, and are authorized to act on behalf of the above Institution in matters relating to City of Cartersville, Georgia Water and Sewer Revenue Bonds, Series 2018.

I also certify that the signatures opposite their names are the signatures of such individuals.

<u>Name</u>	<u>Title</u>	<u>Specimen Signature</u>
Daniel T. Porta	City Manager	_____
Thomas C. Rhinehart	Finance Director	_____
Julia Drake	City Clerk	_____
James Sidney Forsyth	Superintendent of the Water And Sewer System	_____ _____

Witness my signature on this _____ day of _____, 20_____.

(Signature of Authorizing Official)

Please note: an Authorized Representative should not sign as Authorizing Official.



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	April 15, 2021
SUBCATEGORY:	Resolution
DEPARTMENT NAME:	Finance
AGENDA ITEM TITLE:	BB&T dba Truist Bank Resolution
DEPARTMENT SUMMARY RECOMMENDATION:	Attached is a BB&T dba Truist Bank resolution that needs to be updated. Since BB&T and SunTrust Bank have merged and formed Truist Bank, the bank officials need an updated resolution from the city. BB&T has said that Truist Bank is currently doing business as BB&T and that the final merger doesn't take place until October 2021. For this reason, the document is on BB&T letterhead. I recommend approval of the attached bank resolution.
LEGAL:	None

RESOLUTION AND AGREEMENT FOR DEPOSIT ACCOUNT

City of Cartersville

586000534

Name of Entity

EIN

- Corporation, Unincorporated Association, Limited Liability Company, Government Entity, General Partnership, Limited Partnership, Sole Proprietorship, Non-Profit Corporation, Other

I, the undersigned, hereby certify to BB&T that I am the Secretary (or as applicable, Proprietor, Authorized Partner, Authorized Manager or other Authorized Employee) of the above named Entity...

RESOLVED, that BB&T is hereby designated as a depository institution in which the funds of this Entity may, subject to the rules of BB&T, be deposited by any of its officers, agents or employees...

FURTHER RESOLVED, that any of the individuals listed below (a "Designated Representative") is hereby authorized to open or close any deposit account with BB&T and to authorize those persons ("Authorized Signers")...

Table with 3 columns: Designated Representative (Signature), Printed/Typed Name, Title. Rows include Daniel T Porta, Thomas C Rhinehart, Renee Faunce, and Julia Drake.

FURTHER RESOLVED, that BB&T be and is hereby authorized and directed to honor, pay and charge any of the accounts of the Entity, without inquiry to or responsibility for the application of the proceeds thereof...

FOR BANK USE ONLY. Prepared By: Cristy Whittemore, Date: 03/12/2021, Center: 8460408, Bank No. 404, State GA.

Forward to: Centralized Document Scanning Operations M/C 100-99-15-11

FURTHER RESOLVED, that BB&T be and is hereby authorized to honor, receive, or pay any items bearing the signature of an Authorized Signer even though payment may create an overdraft or even though such items may be drawn or cashed to the order of such signer for exchange or cashing, or in payment of the individual obligation of such signer, or for deposit to such Authorized Signer's personal account and BB&T shall not be required or be under any obligation to inquire as to the circumstances of the issuance or use of any such item or the application or disposition of such item or the proceeds thereof; and

FURTHER RESOLVED, that the Entity assumes full responsibility and holds harmless BB&T for any and all payments made or any other action taken by BB&T in reliance upon the signatures, including facsimiles thereof, of any Authorized Signer regardless whether or not the use of the facsimile signature was unlawful or unauthorized and regardless of by whom or by what means the purported signature or facsimile signature may have been affixed if such signature reasonably resembles the specimen or facsimile signature of the Authorized Signer; and

FURTHER RESOLVED, that any Designated Representative, or person authorized in writing by a Designated Representative, is authorized to act on behalf of the Entity as follows: obtain information on accounts; appoint, remove or change Authorized Signers; deliver any night depository agreement; enter into any agreement for cash management services; lease a safe deposit box; enter into an agreement for deposit access device; enter into an agreement for credit cards; or enter into other agreements concerning the deposit accounts at BB&T; and

FURTHER RESOLVED, that any and all prior resolutions executed on behalf of the Entity are hereby revoked and that the foregoing resolutions shall remain in full force and effect until the Entity officially notifies BB&T to the contrary in writing. BB&T may conclusively presume that this Resolution and Agreement for Deposit Account and any signature cards executed pursuant hereto are in effect and that persons identified herein are properly authorized to act on behalf of the Entity. The Entity, as changes to the Designated Representatives and/or Authorized Signers are made, will immediately report and certify such changes to BB&T through submission of a new Resolution and Agreement for Deposit Account and/or signature card, as applicable. BB&T shall be fully protected in relying on such certifications and shall be indemnified and saved harmless from any claims, demands, expenses, losses, or damages resulting from the signature of any Designated Representative so certified, or refusing to honor any signature not so certified; and

FURTHER RESOLVED, that all transactions by any officer, employee or agent of the Entity on its behalf and in its name prior to the delivery of this Resolution and Agreement for Deposit Account are hereby ratified and approved.

In Witness Whereof, I have hereunto subscribed my name and affixed the seal, if any, of this Entity, this _____ day of _____, Year _____.

For Corporations including Non-Profit:

Secretary/Assistant Secretary (Seal)

(Corporate Seal)

For All Other Entities:

_____ (Seal)

_____ (Seal)

_____ (Seal)

(Proprietor, Authorized Partner, Authorized Manager, or other Authorized Person)



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	April 15, 2021
SUBCATEGORY:	Monthly Financial Report
DEPARTMENT NAME:	Finance
AGENDA ITEM TITLE:	February 2021 Financial Report
DEPARTMENT SUMMARY RECOMMENDATION:	Attached are the financial reports for February 2021.
LEGAL:	None

MONTHLY SUMMARY
As of February 28, 2021

	FY 2019-20	FY 2020-21	FY 2019-20	FY 2020-21	100.00% OF BUDGET (Year to Date)
	MONTH OF 2/28/2020	MONTH OF February-21	Year to Date February-20	Year to Date February-21	
GENERAL FUND <i>excluding SPOST, DDA & School System Projects Tax Revenue & Expenditures</i>					
REVENUE	\$2,453,784	\$2,183,835	\$21,914,676	\$20,643,582	78.46%
EXPENDITURE	\$2,114,057	\$1,889,175	\$18,125,581	\$17,341,739	65.91%
Gen. Fund Net Profit (Loss)	\$339,727	\$294,660	\$3,789,095	\$3,301,843	
WATER & SEWER					
REVENUE	\$1,819,301	\$1,909,951	\$16,075,645	\$15,493,913	37.33%
EXPENDITURE	\$2,074,088	\$2,587,052	\$21,335,554	\$21,434,936	51.64%
Wtr. & Swr. Fund Net Profit (Loss)	(\$254,787)	(\$677,101)	(\$5,259,909)	(\$5,941,023)	
<i>As of February 31, 2021, a total of \$11,860,382 in capital expenses were funded with Series 2018 Water and Sewer Bond proceeds</i>					
GAS					
REVENUE	\$3,424,376	\$3,144,024	\$16,369,601	\$15,681,387	60.05%
EXPENDITURES	\$1,599,334	\$1,890,362	\$13,630,132	\$13,890,755	53.19%
Gas Fund Net Profit (Loss)	\$1,825,042	\$1,253,662	\$2,739,469	\$1,790,632	
ELECTRIC					
REVENUE	\$3,675,846	\$3,648,674	\$33,126,555	\$32,352,111	66.37%
EXPENDITURES	\$3,767,347	\$4,106,651	\$30,538,218	\$31,434,460	64.49%
Electric Fund Net Profit (Loss)	(\$91,501)	(\$457,977)	\$2,588,337	\$917,651	
STORMWATER					
REVENUE	\$130,408	\$128,101	\$1,103,540	\$1,025,933	64.32%
EXPENDITURE	\$124,440	\$150,140	\$1,021,972	\$1,073,341	67.29%
Stormwater Fund Net Profit (Loss)	\$5,968	(\$22,039)	\$81,568	(\$47,408)	
SOLID WASTE					
REVENUE	\$235,650	\$294,945	\$2,225,429	\$1,974,002	62.40%
EXPENDITURE	\$192,890	\$202,506	\$2,065,774	\$1,938,176	61.26%
Solid Waste Fund Net Profit (Loss)	\$42,760	\$92,439	\$159,655	\$35,826	
FIBER OPTICS					
REVENUE	\$191,211	\$202,429	\$1,566,192	\$1,595,894	67.85%
EXPENDITURE	\$176,648	\$149,155	\$1,224,198	\$1,268,305	53.92%
Fiber Fund Net Profit (Loss)	\$14,563	\$53,274	\$341,994	\$327,589	

	Description	2/28/2021	FY 2021 Budget	% of Monthly Totals to Budget
General Fund	Total Revenues	\$20,643,583	\$26,310,555	78.46%
	GO Bond Proceeds from School	\$0	\$0	#DIV/0!
	Property Taxes-City Portion Only	\$4,120,526	\$4,112,040	100.21%
	Local Option Sales Tax (LOST)	\$2,892,729	\$3,720,000	77.76%
	Other Taxes	\$6,516,161	\$8,479,415	76.85%
	Building Permit & Inspection Fees	\$192,969	\$350,000	55.13%
	Fines and Forfeitures	\$112,125	\$300,000	37.38%
	Indirect Federal Govt Grant Rev (CAF)	\$1,139,086	\$0	#DIV/0!
	Operating Transfers In-City Utilities	\$2,318,349	\$3,559,675	65.13%
	Other Revenues	\$3,351,638	\$5,254,980	63.78%
	Use of Reserves	\$0	\$534,445	0.00%
	Total Expenditures	\$17,341,739	\$26,310,555	65.91%
	Personnel Expenses	\$12,589,716	\$18,363,075	68.56%
	Operating Expenses	\$4,262,836	\$7,317,780	58.25%
	Capital Expenses	\$147,412	\$174,000	84.72%
GO Bond Proceeds from School		\$0	#DIV/0!	
Debt Pymt - JDA/CBA		\$0	#DIV/0!	
Library Appropriations	\$341,775	\$455,700	75.00%	
Water & Sewer Fund	Total Revenues	\$15,493,912	\$41,505,895	37.33%
	Water Sales	\$9,441,221	\$11,325,000	83.37%
	Sewer Sales	\$5,323,014	\$6,470,165	82.27%
	Bond Proceeds		\$0	#DIV/0!
	Use of Reserves		\$22,525,000	0.00%
	Prior Year Capacity Fees		\$550,000	0.00%
	Other Revenues	\$729,677	\$635,730	114.78%
	Total Expenditures	\$21,434,936	\$41,505,895	51.64%
	Personnel Expenses	\$2,763,730	\$4,107,855	67.28%
	Operating Expenses	\$2,454,514	\$4,964,740	49.44%
Capital Expenses	\$285,890	\$4,120,000	6.94%	
Capital Expenses (Bond Funds)	\$11,860,382	\$22,525,000	52.65%	
Transfer To General Fund	\$1,450,342	\$2,170,705	66.81%	
Debt Payments	\$2,620,078	\$3,617,595	72.43%	
Gas Fund	Total Revenues	\$15,681,387	\$26,114,640	60.05%
	Gas Sales	\$14,040,668	\$23,959,715	58.60%
	Gas Commodity Charge	\$987,973	\$1,481,255	66.70%
	Bond Proceeds	\$0	\$0	#DIV/0!
	Proceeds from Capital Leases	\$61,523	\$0	#DIV/0!
	Other Revenues	\$591,223	\$612,260	96.56%
	Use of Reserves	\$0	\$61,410	0.00%
	Use of Borrowed Funds	\$0	\$0	#DIV/0!
	Total Expenses	\$13,890,755	\$26,114,640	53.19%
	Personnel Expenses	\$1,587,767	\$2,426,775	65.43%
Operating Expenses	\$861,406	\$1,797,440	47.92%	
Purchase of Natural Gas	\$8,162,985	\$16,076,325	50.78%	
Transfer to General Fund	\$2,138,736	\$3,208,105	66.67%	
Debt Service	\$386,966	\$775,765	49.88%	
Capital Expenses	\$752,895	\$1,830,230	41.14%	

	Description	2/28/2021	FY 2021 Budget	% of Monthly Totals to Budget	
Electric Fund	Total Revenues	\$32,352,111	\$48,746,650	66.37%	
	Electric Sales	\$31,221,018	\$47,222,600	66.11%	
	Other Revenues	\$1,131,093	\$1,524,050	74.22%	
	Total Expenses	\$31,434,461	\$48,746,650	64.49%	
	Personnel Expenses	\$1,808,013	\$2,525,705	71.58%	
	Operating Expenses	\$920,626	\$1,623,775	56.70%	
	Purchase of Electricity	\$26,371,230	\$40,367,945	65.33%	
	Capital Expenses	\$467,608	\$1,428,750	32.73%	
	Transfer to General Fund	\$1,866,984	\$2,800,475	66.67%	
	Stormwater Fund	Total Revenues	\$1,025,933	\$1,595,000	64.32%
Stormwater Revenues		\$1,015,132	\$1,514,000	67.05%	
Mitigation Grant Revenue		\$0	\$0	#DIV/0!	
Other Revenues		\$10,801	\$81,000	13.33%	
Proceeds from Capital Leases		\$0	\$0	#DIV/0!	
Use of Reserves		\$0	\$0	#DIV/0!	
Stormwater Improvement Funds		\$0	\$0	#DIV/0!	
Total Expenses		\$1,073,341	\$1,595,000	67.29%	
Personnel Expenses		\$573,105	\$767,100	74.71%	
Operating Expenses		\$441,843	\$652,245	67.74%	
Capital Expenses	\$58,393	\$175,655	33.24%		
Solid Waste Fund	Total Revenues	\$1,974,002	\$3,163,700	62.40%	
	Refuse Collections Revenues	\$1,939,107	\$2,833,200	68.44%	
	Other Revenues	\$34,895	\$50,500	69.10%	
	Proceeds From Capital Leases	\$0	\$280,000	0.00%	
	Total Expenses	\$1,938,176	\$3,163,700	61.26%	
	Personnel Expenses	\$946,530	\$1,322,515	71.57%	
	Operating Expenses	\$991,646	\$1,561,185	63.52%	
	Capital Expenses	\$0	\$280,000	0.00%	
	Fiber Optics Fund	Total Revenues	\$1,595,895	\$2,352,000	67.85%
		Fiber Optics Revenues	\$1,487,144	\$2,152,800	69.08%
GIS Revenues		\$74,800	\$113,200	66.08%	
Proceeds from Capital Leases		\$0	\$0	#DIV/0!	
Other Revenues		\$33,951	\$86,000	39.48%	
Total Expenses		\$1,268,306	\$2,352,000	53.92%	
Personnel Expenses		\$496,478	\$737,550	67.31%	
Operating Expenses		\$577,223	\$829,730	69.57%	
MEAG Telecom Statewide Pymt		\$0	\$0	0.00%	
Debt Payment		\$10,543	\$15,370	0.00%	
Capital Expenses	\$87,774	\$624,920	14.05%		
Transfers to General Fund	\$96,288	\$144,430	66.67%		

Cash Position	6/30/20	7/31/20	8/31/20	9/30/20	10/31/20	11/30/20	12/31/20
Total Unrestricted Cash Balance	\$53,624,417.25	\$48,916,507.41	\$48,878,872.47	\$50,072,976.06	\$49,682,980.58	\$50,738,291.41	\$47,152,786.49
Total Restricted Cash Balance	\$165,806,299.30	\$168,825,765.07	\$170,837,202.05	\$170,652,774.47	\$170,998,785.56	\$176,946,659.27	\$179,697,552.37
Cash Position		1/31/21	2/28/21	3/31/21	4/30/21	5/31/21	6/30/21
Total Unrestricted Cash Balance		\$49,383,079.28	\$51,001,134.82				
Total Restricted Cash Balance		\$179,955,362.84	\$180,098,522.14				

Highlights for the Month of February 2021:
 Unrestricted cash increased due to increases in the General, Electric, Fiber, Solid Waste, and Gas funds.

Restricted cash increased due to increases in the Hotel-Motel Tax, Motor Vehicle Tax, Water Debt Service, and Pension Funds.

SPLOST Account Balances	
SPLOST 2003	\$26,976.22
SPLOST 2014	\$532,680.43
SPLOST 2020	\$1,859,057.07



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	April 15, 2021
SUBCATEGORY:	Violation
DEPARTMENT NAME:	Clerk
AGENDA ITEM TITLE:	El Nopal
DEPARTMENT SUMMARY RECOMMENDATION:	Juan Escamilla, license holder for El Nopal, located at 540 Old Mill Rd. is in violation of selling alcohol to an underage individual. The license holder was given an opportunity to sign a consent order, pay \$1,000 fine by Friday, March 5 th and subject to 3 years' probation considering this was a 1 st offense. Mr. Escamilla failed to return the consent order and pay the fine. The case was heard in front of the Alcohol Control board on March 24 th , where ACB ruled 3-year probation and \$1,000 fine. Mr. and Mrs. Escamilla have decided to appeal their case before the Mayor and City Council.
LEGAL:	N/A

ARCHER & LOVELL, P.C.

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P. O. BOX 1024
CARTERSVILLE, GEORGIA 30120

David G. Archer
E. Keith Lovell

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MEMORANDUM

TO: Mayor & City Council

CC: Randy Mannino, Planning & Development Director
Frank McCann, Chief of Police
Dan Porta, City Manager

FROM: E. Keith Lovell (EKL)

DATE: April 6, 2021

RE: Appeals of Alcohol Control Board Orders from
March 10, 2021 and March 24, 2021 ACB Hearings

- El Nopal
- Short Trip/Easy Trip 2
- The Local Bar & Grill
- The Page fka Corona's

The City has received four (4) notices of appeal from the Orders issued as a result of the March 10, 2021 and March 24, 2021 Alcohol Control Board hearings. Each establishment violated City of Cartersville Alcohol Control Ordinances, specifically Section 4-21 selling alcohol to a minor and Section 4-13, responsibility of Licensee for violations. Each of these cases have been placed on the April 15, 2021 City Council Agenda for the Mayor and City Council to hear the appeals. At the bottom of this Memo are the standards for the Mayor and City Council to consider if making any reduction to the penalties imposed by the ACB, and the procedures for appeals.

The record of each appeal is attached for your consideration. Additionally, part of the record includes the video of the incident in question, and although not a part of your package, will be available at the Council Meeting if you want to review. A brief summary of each appeal is listed out below:

1) *El Nopal (first time offender)*. Counsel for licensee/owner, Jana Allen, filed an appeal of the ACB March 10, 2021 Order. This licensee sent his wife/co-owner to the City to pay the fine and return the consent order on the last day due and after discussions with Planning & Development staff realized a reduction of the probation could not be provided by said staff. Licensee failed to appear for the ACB hearing, and the Board entered an order finding the licensee Guilty, imposing a \$1,000.00 fine and 3 years' probation. After the wife of licensee realized the failure to appear before the ACB, Jana Allen was hired and immediately contacted the City attorney's office. Licensee is actually hospitalized at this time. An actual hearing for this establishment was placed on the March 24, 2021 calendar and a motion for reconsideration was presented by counsel, Jana Allen. The Board considered the motion and denied the same. The appeal of the March 10, 2021 order requests a higher fine and reduction of the 3 years' probation period via an alternative method of punishment (community service or similar). As the establishment had two (2) violations, the maximum penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

Memo to Planning & Development & Public Works
Memo from E. Keith Lovell
Date: April 6, 2021
Re: Appeals of ACB March 10, 2021 Orders
Page 2

2) *Short Trip/Easy Trip2 (first time offender)*. The licensee holder/owner filed an appeal of the decision of the ACB March 10, 2021 Order. This licensee failed to return the Consent Order delivered to it and failed to appear for the ACB hearing. The Board entered an order finding the licensee Guilty, imposing a \$1,000.00 fine and 3 years' probation. This appeal just asks for reconsideration. As the establishment had two (2) violations, the maximum penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

3) *The Local Bar & Grill (first time offender)*. Counsel for licensee, Taff Wren, filed an appeal of the ACB March 10, 2021 Order. At said hearing, the establishment pled No Contest and a fine of \$1,000.00 was imposed and three (3) years' probation. This appeal asks for leniency/reduction of the probation period. As the establishment had two (2) violations, the maximum penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

4) *The Page fka Corona's (first time offender)*. The co-owner of the establishment filed an appeal of the decision. At said hearing, the co-owner of the establishment pled Guilty and a fine of \$1,000.00 was imposed and three (3) years' probation. This appeal is asking for reconsideration of the fine and/or probation. As the establishment had three (3) violations, the maximum penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

The recommended penalties pursuant to Section 4-209(c) are as follows:

Sec. 4-209. - Action by alcohol control board.

(c) Subject to the notice, hearing and appeal rights of a licensee as provided in this chapter, if the alcohol control board determines that a violation has occurred and been adjudicated guilty or the licensee has pled guilty or no contest it is authorized to levy the following fines and penalties. The board has the right to impose additional penalties or waive any of the penalties imposed based upon the facts of the incident as presented to them.

For violations within a three-year period involving the same license, owners or location the following recommended guidelines are hereby adopted.

Offense	Fine	Probation	Suspension/Revocation
First	Up to \$1,000.00	3 years	None
Second	Up to \$1,000.00	3 years	30 days suspension
Third	Up to \$1,000.00	3 years	Revocation; no reapplication for one year

Memo to Planning & Development & Public Works
Memo from E. Keith Lovell
Date: April 6, 2021
Re: Appeals of ACB March 10, 2021 Orders
Page 3

The procedures for an appeal are outlined in Section 4-209(e)(4), and are as follows:

- (4) The notice of appeal to the mayor and city council shall be in writing and accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The notice of appeal must be filed in writing at the office of planning and development. The grounds for the appeal shall be limited to issues that were addressed in the hearing. Upon receipt of a notice of appeal, the city manager shall submit the entire record of the case to the mayor and city council and the planning and development director or his/her designee may also submit a memorandum in response to the memorandum filed by the licensee. The planning and development director or his/her designee shall place the appeal on the agenda of the next regular council meeting occurring not less than ten (10) or more than thirty (30) days after receipt of the appeal, unless the parties stipulate to another date. The appellant shall have the right to be represented by legal counsel. At the hearing, the mayor and city council will receive oral arguments on the written memoranda and the evidence in the record. The right to offer oral argument may be waived. No additional evidence or arguments shall be permitted at the council meeting, and the council shall base its decision on the memoranda, oral arguments, if any, and other evidence in the record. Following the appeal hearing, the council may sustain, overrule or modify the order. In lieu of suspension or revocation, the mayor and city council may impose a fine upon any licensee, such fine as set forth in this chapter, for each violation occurring on the licensed premises. The mayor and city council shall also have the option to remand the matter to the alcohol control board for a de novo hearing or for the taking of additional evidence on specific points. The mayor and city council have thirty (30) days from the date of the hearing to render a decision in this matter. If the city council does not refer the matter back to the alcohol control board the decision of the mayor and city council shall be final and the appellant shall have the right to seek a writ of certiorari to the superior court of the county within thirty (30) days of the final action of the mayor and city council. The final action of the city council shall be reduced to a written order signed by the mayor. The original of the mayor's order shall be filed in the record of the case, and a copy of the order shall be included in the minutes of the mayor and city council meeting. It shall be the responsibility of the city clerk to provide a copy of the order to the appellant.

Memo to Planning & Development & Public Works
Memo from E. Keith Lovell
Date: April 6, 2021
Re: Appeals of ACB March 10, 2021 Orders
Page 4

CITY OF CARTERSVILLE ORDINANCE – STANDARDS TO CONSIDER IF REDUCING PENALTIES:

Sec. 4-209. - Action by alcohol control board.

- (f) The penalties for establishments and license holders may be mitigated if such establishments are found to have maintained an effective compliance program. Factors to be considered are:
 - (1) Whether and to what extent the establishment requires its servers to attend alcohol ordinance compliance seminars.
 - (2) Whether the establishment conducts its own "secret shopper" or internal "sting" operations.
 - (3) Whether the establishment has a written policy dealing with the problems of minors attempting to obtain alcohol at such establishment.
 - (4) Whether the establishment has appropriate signs and other displays such as "We ID" or "If you're a minor, the soft drinks are this way".
 - (5) The degree to which the establishment has procedures in place to monitor its servers for compliance with the ordinance.
 - (6) Whether the establishment makes available a copy of the ordinance to its servers.
 - (7) Extent to which the establishment has met the other requirements of the ordinance.
 - (8) Other evidence demonstrating the establishment's compliance with the ordinance and prevention of underage drinking in the establishment and the community at large.

1) EL NOPAL APPEAL PACKAGE

- Hearing notice for appeal before Mayor & Council
- Notice of appeal
- Order on motion for reconsideration
- Minutes of March 24, 2021 ACB hearing w/E-Tips Certificates for employees
- Return of Service and March 10, 2021 ACB Order
- Minutes of March 10, 2021 ACB hearing
- ACB Package for March 10, 2021 hearing

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David G. Archer
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Phone: (770) 386-1116
Fax: (770) 382-7484

March 26, 2021

Jana Allen, Esq.
The McCoy Law Firm
775 West Avenue, Suite B
Cartersville, GA 30120

VIA EMAIL: JALLEN@mccoylawfirm.biz

IN RE: **NOTICE OF HEARING ON APPEAL – APRIL 15, 2021, 7:00 P.M.**
Alcohol License Certificate Number: LL201902695
License Type: Pouring: Beer, Wine, Distilled Spirits, Sunday Sales
License Holder: Juan Escamilla
Establishment: El Nopal, 540 Old Mill Road, Cartersville, GA

Jana:

The City of Cartersville received your appeal to the Order issued by the Alcohol Control Board for the alcohol licensee listed above. **You are hereby notified that the Mayor and City Council of the City of Cartersville, Georgia, will hear said appeal at 7:00 pm on April 15, 2021, at the City Council Chambers, Third Floor, City Hall, 10 North Public Square, Cartersville, Georgia 30120.**

Below is a brief synopsis of the case and your appeal:

El Nopal (first time offender). Counsel for licensee/owner, Jana Allen, filed an appeal of the ACB March 10, 2021 Order. This licensee sent his wife/co-owner to the City to pay the fine and return the consent order on the last day due and after discussions with the Planning & Development staff, she realized a reduction of the probation could not be provided by said staff. Licensee failed to appear for the ACB hearing, and the Board entered an order finding the licensee Guilty, imposing a \$1,000.00 fine and 3 years' probation. As the establishment had two violations, the recommended penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation. After the wife of licensee realized the failure to appear before the ACB, Jana Allen was hired and immediately contacted the City attorney's office. Licensee is actually hospitalized at this time. An actual hearing for this establishment was placed on the March 24, 2021 calendar and a motion for reconsideration was presented by Counsel. The Board considered the motion and denied the same. The appeal of the March 10, 2021 order requests a higher fine and reduction of the 3 years' probation period via an alternative method of punishment (community service or similar).

And, below is City of Cartersville Ordinance, Sec. 4-209(e)(4), as it relates to appeals and the process.

- (4) The notice of appeal to the mayor and city council shall be in writing and accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The notice of appeal must be filed in writing at the office of planning and development. The grounds for the appeal shall be limited to issues that were addressed in the hearing. Upon receipt of a notice of appeal, the city manager shall submit the entire record of

Jana Allen, Esq.
March 26, 2021
Notice of Appeal Hearing – Mayor & City Council
Establishment: El Nopal
Page 2

the case to the mayor and city council and the planning and development director or his/her designee may also submit a memorandum in response to the memorandum filed by the licensee. The planning and development director or his/her designee shall place the appeal on the agenda of the next regular council meeting occurring not less than ten (10) or more than thirty (30) days after receipt of the appeal, unless the parties stipulate to another date. The appellant shall have the right to be represented by legal counsel. At the hearing, the mayor and city council will receive oral arguments on the written memoranda and the evidence in the record. The right to offer oral argument may be waived. No additional evidence or arguments shall be permitted at the council meeting, and the council shall base its decision on the memoranda, oral arguments, if any, and other evidence in the record. Following the appeal hearing, the council may sustain, overrule or modify the order. In lieu of suspension or revocation, the mayor and city council may impose a fine upon any licensee, such fine as set forth in this chapter, for each violation occurring on the licensed premises. The mayor and city council shall also have the option to remand the matter to the alcohol control board for a de novo hearing or for the taking of additional evidence on specific points. The mayor and city council have thirty (30) days from the date of the hearing to render a decision in this matter. If the city council does not refer the matter back to the alcohol control board the decision of the mayor and city council shall be final and the appellant shall have the right to seek a writ of certiorari to the superior court of the county within thirty (30) days of the final action of the mayor and city council. The final action of the city council shall be reduced to a written order signed by the mayor. The original of the mayor's order shall be filed in the record of the case, and a copy of the order shall be included in the minutes of the mayor and city council meeting. It shall be the responsibility of the city clerk to provide a copy of the order to the appellant.

Very truly yours,

ARCHER & LOVELL, P.C.

/s/ E. Keith Lovell

E. Keith Lovell
Assistant Attorney for the City of Cartersville

EKL/slf

cc: City Manager, City of Cartersville
Planning and Development Director, City of Cartersville
Chief of Police, City of Cartersville
City Clerk, City of Cartersville

Rec'd
3/24/21
-YMU

**BEFORE THE ALCOHOL CONTROL BOARD
CITY OF CARTERSVILLE, GEORGIA**

CITY OF CARTERSVILLE, GEORGIA,	)	CARTERSVILLE ALCOHOL
	)	CONTROL BOARD
LICENSOR,	)	VIOLATION HEARING NO:
	)	21-010
v.)	
	)	ORIGINAL HEARING DATE:
JUAN ESCAMILLA,	)	MARCH 10, 2021
)	
LICENSEE.	)	SPECIAL REHEARING DATE:
	)	MARCH 24, 2021
Establishment: El Nopal)	
	)	ON APPEAL TO THE MAYOR
Address: 540 Old Mill Road	)	AND CITY COUNCIL
Cartersville, GA)	
)	
Pouring: Beer, Wine, Distilled)	
Spirits, Sunday Sales)	
)	
Alcohol License Certificate Number:)	
LL201902695)	

**LICENSEE'S APPEAL TO THE CITY OF CARTERSVILLE
MAYOR AND CITY COUNCIL**

Licensee, Juan Escamilla, doing business as El Nopal, located at 540 Old Mill Road, Cartersville, Georgia, 30120, through his attorney of record, Jana Allen, herewith files his written Appeal to the City of Cartersville Mayor and City Council, pursuant to the City of Cartersville Code of Ordinances, Section 4-209(e)(2) and (e)(4). Said Licensee appeals only the terms of disposition imposed upon him by the Alcohol Control Board on March 10, 2021. Said disposition was again upheld by the Alcohol Control Board in a special session held on March 24, 2021, wherein the Board graciously allowed Licensee to appear and be heard on the matter of disposition. Licensee respectfully shows the Honorable Mayor and City Council for Cartersville, Georgia, as follows:

1.

On February 3, 2021, an employee of Licensee violated the City Alcohol Ordinance by selling an alcohol product to a minor. Licensee is guilty of the violations levied against him (Ord.

Juan Escamilla, Licensee, Appeal to the Mayor & City Council

Code §§ 4-21 and 4-13) and for which the Board imposed the penalty that is the subject of this current appeal.

2.

Licensee or his representative failed to appear at the Board’s original hearing on March 10, 2021, due to genuine and innocent inadvertence. Licensee did not intend to demonstrate disrespect to the Board in any way. At the hearing on March 10, 2021, the Board imposed the following penalty upon the Licensee:

- (a) A fine in the amount of \$1,000.00; and
- (b) Three (3) years-probation beginning March 10, 2021 and ending on March 11, 2024.

3.

On March 24, 2021, the Board allowed the Licensee’s representatives to appear before it and to be heard on the matter of disposition only. At that time, the undersigned counsel, Judy Escamilla, spouse of the Licensee and co-owner of El Nopal, and Jose Leon, manager of El Nopal, appeared before the Board to request alternative penalty options different than the Board’s standard first-offense penalty. Licensee’s representatives expressed to the Board that Licensee fully deserves the imposition of a penalty or penalties for the Alcohol Ordinance Violation occurring on February 3, 2021.

4.

Licensee’s representatives asked the Board to use its broad power to veer from the standard first-offense penalty and to employ additional options, such as increasing Licensee’s fine and reducing its term of probation. Licensee also asked the Board to consider additional alternatives such as the imposition of community service. The Board understandably, however, expressed the injustice of allowing one licensee to receive less probation because that licensee can afford a higher fine, when that option or substantially-similar treatment is not available to other licensees who financially cannot afford to pay an increased fine. The Licensee asked the Board to consider alternatives other than fixed fines and fixed probation terms so as to allow the

Board some flexibility in fashioning penalties on similarly-situated licensees. One example of such alternative the Licensee suggested to the Board was community service.

5.

One possibility put forward to the Board is to consider imposing community service hours on licensees to offset any decreased probation time or decreased fine, while still imposing substantially-similar dispositions on similarly-situated licensees. For instance, should the Board decide to implement community service as a penalty option for licensee violations, then the Board could reduce a licensee's standard \$1,000.00 fine and/or standard 3 years-probation and supplement the standard penalty with a community service hour requirement or an increased community service hour requirement. In turn, the licensees could fulfill the community service requirement in one of two ways, by way of example. Should the Board impose 100 hours or 200 hours of community service, then a licensee could fulfill that requirement either by actual service at an approved community service location, or a licensee could fulfill that requirement by buying brand new cars equivalent to that number of hours times the minimum wage rate of \$7.25 per hour. In the later scenario, a licensee sentenced to 200 hours of community service could satisfy his or her requirement by buying new car seats to an equivalent amount of \$1,450.00 (200 hours x \$7.25 per hour). The car seats could then be donated to local agencies in need, such as hospitals, city/county agencies, day care facilities, etc. A community service program such as this is already in operation in local misdemeanor probation supervision company Supervision Services, Inc.

6.

In essence, Licensee's representatives are requesting this Board, and now the Mayor and City Council, to implement alternative penalty options that allow the Board more flexibility in penalizing licensees in violation of the City Ordinance Code. Using these alternative penalties, the Board can always end up with a sentence equivalent in substance with the standard first-offense penalty (\$1,000.00 fine and 3 years-probation), thus making the sentencing consistent among similarly-situated offending licensees, but the actual make-up of that equivalent penalty

could look different in structure. Such flexibility, as the Code already grants to the Board, would allow the Board to fashion penalties for offending licensees while also taking into context any context of the situation that the Board finds worthy of consideration.

7.

To address the Board’s very valid point regarding inequity in sentencing brought about by allowing one licensee to pay an increased fine, and, in turn, to receive fewer years on probation while a similarly-situated licensee must accept three years-probation because he or she cannot afford a higher fine, the Board could consider allowing the licensee to receive fewer years on probation in exchange for, not a higher fine, but by the imposition of community service hours. Those community service hours could then be fulfilled in at least two ways: actual service with an approved community service location or buying brand new car seats equaling the monetary amount of the imposed number of hours times the minimum wage rate. Such flexibility recognizes that every violator’s situation (including financial situation) and every violator’s offense are not always 100% the same.

8.

The Honorable Mayor and City Council, and the Board, could also consider the following additional penalty options in fashioning a licensee’s ultimate penalty outcome equivalent to \$1,000.00 fine and 3 years-probation: requiring additional TIPS training for a licensee and his or her employees, requiring certain ServSafe certificates for a licensee and a specified number (or all) of that licensee’s employees, requiring a licensee to create and implement a new written policy that addresses each and every mitigation factor stated in Code Section 4-209(f), required participation in local campaigns to increase community awareness of the dangers of underage alcohol use and possession or creation of a local campaign to address such scourge.


9.

In sum, the Licensee herein respectfully and humbly asks the Honorable Mayor and City Council, and the Alcohol Control Board, to review the standard disposition imposed by the Board on March 10, 2021, and reaffirmed by the Board on March 24, 2021, and to instead impose upon the Licensee alternative sentencing options that equal, in sum and in substance, the

Juan Escamilla, Licensee, Appeal to the Mayor & City Council

Board's disposition of 3 years-probation and a fine of \$1,000.00. The Licensee asks this Body to impose upon him an increased fine and/or community service or additional training requirements and to reduce the probation period from 3 years to one (1) year.

Respectfully submitted this 24th day of March, 2021.


Jana Allen
Georgia Bar No. 765947
Attorney for Licensee

THE MCCOY LAW FIRM
775 West Avenue, Suite E
Cartersville, Georgia 30120
PH: (770) 382-0984
FX: (770) 382-3679
jallen@mccoylelawfirm.biz

BEFORE THE ALCOHOL CONTROL BOARD
CITY OF CARTERSVILLE

CITY OF CARTERSVILLE, GEORGIA	)	CARTERSVILLE ALCOHOL
	)	CONTROL BOARD
Licensor,	)	VIOLATION HEARING NO: 21-010
)	
v.	)	HEARING DATE: 3/10/2021
)	
JUAN ESCAMILLA,)	
)	
Licensee.)	
)	
Establishment: El Nopal)	
)	
Address: 540 Old Mill Road)	
Cartersville, GA)	
)	
Pouring: Beer, Wine, Distilled Spirits,)	
Sunday Sales)	
)	
Alcohol License Certificate Number:)	
LL201902695)	

ORDER ON MOTION FOR RECONSIDERATION

On March 24, 2021, the Cartersville Alcohol Board continued hearings from the March 10, 2021 calendar. Jana Allen, of The McCoy Law Firm, appeared on behalf of the Licensee, and requested the Board consider a Motion for Reconsideration. After the presentation of said evidence and the statements of the manager and owner, this Board denied the Motion for Reconsideration. The Order imposed as of March 10, 2021 shall remain in full force and effect and Licensee, pursuant to the City of Cartersville Code Section 4-14(e)(1)(2) and (3), has the right to appeal the Order imposed on March 10, 2021 to the Mayor and City Council by the close of business today, March 24, 2021, by providing notice to the Office of the City Attorney for the City of Cartersville. If an appeal is filed, the probation and fine are stayed until said appeal is heard. If

no appeal is filed by the close of business today, March 24, 2021, the Order as of March 10, 2021 becomes final.

BE IT AND IT IS ORDERED, as of this 24th day of March, 2021.

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/Establishment via email to his counsel of record, Jana Allen, this 24th day of March, 2021.

/s/ E. Keith Lovell

E. Keith Lovell, Assistant City Attorney
City of Cartersville

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

MINUTES OF THE ALCOHOL CONTROL BOARD

The Alcohol Control Board met in a Special Called Meeting on Wednesday, March 24, 2021 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, Christine Brown, Jennifer Smith, Cortney Hultman, David Holt, Richard Kollhoff

Absent: Dan Heilman

Staff Present: David Hardegree, Samantha Fincher, and Keith Lovell

APPROVAL OF MINUTES

1. Approval of minutes of the March 10, 2021 Meeting Minutes.

Board Member Kollhoff stated the March 10, 2021 minutes stated that he recused himself from item number 6. Mr. Kollhoff would like to add the reasoning he recused himself to the minutes. Taff Wren appointed Mr. Kollhoff. Board Member Smith made a motion to approve the March 10, 2021 minutes with the clarification. Board Member Brown seconded motion. Motion carried unanimously. Vote: 5-0.

ADDED ITEM

Keith Lovell, Assistant City Attorney asked the Board to add item to the Agenda to reconsider Applebee's license suspension to from 30 days to 15 days. After the meeting, staff reviewed the records and found that Longhorns was sentenced to 15 days instead of 30. Mr. Lovell wanted to publically admit the error and give the Board an opportunity to reconsider the length of suspension.

Board Member Holt made a motion to add the item to the Agenda. Board Member Hultman seconded motion. Motion carried unanimously. Vote: 5-0.

VIOLATIONS

1. El Nopal: 540 Old Mill Rd.

Chairman Napps called for the next item.

Mr. Lovell stated this is El Nopal's first violation. El Nopal is being charged with the following: Section 4-21. – Purchase by or sales to underage persons subject to \$1,000 fine and 3-years' probation. El Nopal failed to show to the March 10, 2021 Hearing and contacted Mr. Lovell after the meeting to inform him of the mix up. Mr. Lovell invited El Nopal to the March 24, 2021 Meeting to plead their case to the Alcohol Control Board.

Mr. Lovell stated there are several appeals pending and will be heard at the April 15, 2021 Council Meeting.

Jana Allen, Lance McCoy Law Firm, came forward as legal Representation for El Nopal. She stated Judy Escamilla, owner and Jose Leon, Manager is present. Mrs. Allen stated that they are not contesting the violation and appreciated the consent order offered to El Nopal. Mrs. Escamilla would like to negotiate the length of the probation period as a first time offender. Mrs. Allen stated an employee who was off the clock went behind the bar and committed the offense.

Judy Escamilla, owner of El Nopal, was sworn in. Mrs. Escamilla apologized for missing the meeting and stated her husband has been in and out of the hospital. Mrs. Escamilla asked the board to lessen her probation period of 3 years.

Jose Leon, Manager of El Nopal, was sworn in. Mr. Leon stated he was not on duty when the offense occurred. The employee who committed the offense was terminated

Mr. Lovell explained that the Ordinance allows mitigation of fines if such establishments are found to have maintained an effective compliance program such as: (1) whether and to what extent the establishment requires its servers to attend alcohol ordinance compliance seminars; (2) Whether the establishment conducts its own "secret shopper" or internal "sting" operations; (3) Whether the establishment has a written policy dealing with the problems of minors attempting to obtain alcohol at such establishment ; (4) Whether the establishment has appropriate signs and other displays such as "We ID" or "If you're a minor, the soft drinks are this way"; (5) The degree to which the establishment has procedures in place to monitor its servers for compliance with the ordinance. (6) Whether the establishment makes available a copy of the ordinance to its servers; (7) Extent to which the establishment has met the other requirements of the ordinance; (8) other evidence demonstrating the establishment's compliance with the ordinance and prevention of underage drinking in the establishment and the community at large.

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

Mr. Lovell proceeded by explaining that the violators have the right to appeal their case to City Council. Appeals must be made by 3pm March 24, 2021; otherwise, the fine is due within 14 days. All violations go with the establishment.

2. Citgo Express- 1144 N. Tennessee Street

Mr. Lovell gave an overview of the violation stating this is this is Citgo's third violation. Citgo 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.

Jana Allen, with Lance McCoy Law Firm came forward as legal Representation for Citgo Express. Mrs. Allen stated the applicant is not contesting that the violation occurred. Mrs. Allen asked the Board to view Mr. Zheng as a new owner and first time offender as he is not related to the previous owner. Mrs. Allen provided Citgo's Alcohol and Tobacco Policy and TIPS certification Citgo employees have taken.

Dong Zheng, owner of Citgo, was sworn in. Mr. Zheng provided a timeline of purchasing the business and stated he was aware of the previous violations.

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

Mr. Lovell proceeded by explaining that the violators have the right to appeal their case to City Council. Appeal must be made by 3pm March 24, 2021; otherwise, the fine is due within 14 days. All violations go with the establishment.

3. Mack's Marathon- 1139 N Tennessee Street

Mr. Lovell stated Mack's Marathon cited for underage sales of alcohol. This Mack's Marathon third overall offense with a licensee sale. Their first offense occurred March 2017, was fined \$1,500 with 3 years probation. Their second offense occurred February 2020, was fined \$2,000 with an additional 3 year probation and 90 day suspension.

Cansino Blanchett, 107 Postelle Street, came forward as legal Representation for Mack's Marathon. Mrs. Blanchett explained that the ID scanner that Mr. Naz uses was not working at the time of the violation. Scanner has been repaired. Mr. Naz may continue the business without the sales of alcohol, but it is undetermined.

Mohammed Naz, owner of Citgo, came forward and explained what happened and described his relationship with the property owner. Admal Mohammad owns the building and Mohammad Naz owns the business and pays rent to Mr. Ajmal. Mr. Ajmal purchased the property in 2014.

Board Members Holt and Kollhoff reminded Mr. Naz that when he applied for the alcohol license at end of 2020 that he was warned the approval was under a "one strike" revocation due to the past violations.

Board Member Kollhoff made a motion for a permanent revocation of the alcohol license at that location; Board Member Hultman seconded the motion. The Board went into discussion and did not vote.

Board Member Smith made a motion to amend the motion.

Board Member Smith made a motion to revoke of the alcohol license at the location for one-year period as recommended by City Ordinance. No fine imposed. Board Member Holt seconded the motion. Amended Motion carried unanimously. Vote: 5-0.

Mr. Lovell stated this location, and Mr. Naz will have the right to reapply for an alcohol license one year after the license has been revoked. Mr. Lovell proceeded by explaining that the violators have the right to appeal their case to City Council.

4. Applebee’s Suspension Period

Mr. Lovell stated after the meeting, staff reviewed the records and found that Longhorns was sentenced to 15 days not 30 days. Mr. Lovell wanted to publically admit the error and give the opportunity for the Board to reconsider Applebee’s length of suspension from 30 days to 15 days.

Board Member Kollhoff made a motion to amend the suspension from 30 days to 15 days. Board Member Hultman seconded the motion. Motion carried unanimously. Vote: 5-0.

Mr. Lovell thanked the individuals that organized and executed this successful sting operation.

Frank McCann, Chief of Police, came forward and stated Sarah Sullivan researched alcohol-training programs as requested.

Sarah Sullivan came forward and gave an overview of the alcohol training certifications and insight of how other jurisdictions handle server’s permits.

Board Member Hultman suggested requiring server’s permits for retail establishments that serve alcohol.

The Board agreed they were interested in requiring servers to obtain the certification prior to obtaining a servers badge. Mr. Lovell stated once the details are sorted an Ordinance will be written to present to Council.

A motion was made to adjourn by Board Member Smith.

Meeting adjourned at 11:30.

Date Approved

/s/ _____
Chairman

/s/ _____
Secretary

Certificate of Completion

This Certificate of Completion of
eTIPS Off Premise 3.1
For coursework completed on March 17, 2021
provided by Health Communications, Inc.
is hereby granted to:

Eraiza Soto

Certification to be sent to:

**Citgo Express
25 Hedgerow Ct SE
Cartersville GA, 30120-7845 USA**



HEALTH COMMUNICATIONS, INC.

This document is not proof of TIPS certification. It signifies only that you have completed the course. Valid certification documents will be forwarded to you.

Certificate of Completion

This Certificate of Completion of
eTIPS Off Premise 3.1
For coursework completed on March 21, 2021
provided by Health Communications, Inc.
is hereby granted to:

Skylyne Morales

Certification to be sent to:

**1144 N Tennessee St
Cartersville GA, 30120-2348 USA**



HEALTH COMMUNICATIONS, INC.



This document is not proof of TIPS certification. It merely tells that you have completed the course. Valid certification documents will be forwarded to you.

BEFORE THE ALCOHOL CONTROL BOARD
CITY OF CARTERSVILLE

CITY OF CARTERSVILLE, GEORGIA	)	CARTERSVILLE ALCOHOL
	)	CONTROL BOARD
Licensor,	)	VIOLATION HEARING NO: 21-010
)	
v.	)	HEARING DATE: 3/10/2021
)	
JUAN ESCAMILLA,)	
)	
Licensee.)	
)	
Establishment: El Nopal)	
)	
Address: 540 Old Mill Road)	
Cartersville, GA)	
)	
Pouring: Beer, Wine, Distilled Spirits,)	
Sunday Sales)	
)	
Alcohol License Certificate Number:)	
LL201902695)	

RETURN OF SERVICE OF ALCOHOL CONTROL BOARD ORDER

.....

The attached Order from the Alcohol Control Board, City of Cartersville, was served upon Jose Leon at El Nopal, 540 Old Mill Road, Cartersville, GA on the 12 day of MARCH, 2021 by the undersigned Police Officer/Code Enforcement Officer and service is hereby acknowledged.



Signature of Person Served



CODE ENFORCEMENT/POLICE OFFICER

BEFORE THE ALCOHOL CONTROL BOARD
CITY OF CARTERSVILLE

CITY OF CARTERSVILLE, GEORGIA	)	CARTERSVILLE ALCOHOL
	)	CONTROL BOARD
Licensor,	)	VIOLATION HEARING NO: 21-010
)	
v.	)	HEARING DATE: 3/10/2021
)	
JUAN ESCAMILLA,)	
)	
Licensee.)	
)	
Establishment: El Nopal)	
)	
Address: 540 Old Mill Road)	
Cartersville, GA)	
)	
Pouring: Beer, Wine, Distilled Spirits,)	
Sunday Sales)	
)	
Alcohol License Certificate Number:)	
LL201902695)	

ORDER

On March 10, 2021, the Cartersville Alcohol Board held a hearing on alleged violations of the City of Cartersville Code of Ordinances, specifically Section 4-13 and Section 4-21 as stated in the Notice Letter of February 22, 2021.

Neither the Licensee, nor anyone on his behalf, appeared before the Board for the current charges of selling alcohol to a minor on February 3, 2021.

After hearing the evidence of the case, consideration, and on motion, the Board unanimously finds the Licensee GUILTY of the charges of selling alcohol to a minor, and imposes the following penalties:

1. A fine in the amount of: \$1,000.00; and

2. Three (3) years' probation from March 10, 2021 through and including March 11, 2024.

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 Wednesday, March 24, 2021, 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 March 24, 2021, 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 10th day of March, 2021.

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/Establishment via hand delivery at the Establishment, and via certified mail return receipt requested, this 12th day of March, 2021.

E. Keith Lovell

E. Keith Lovell, Assistant City Attorney
City of Cartersville

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

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, 3rd 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, 5th 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: 2nd violation

Mr. Lovell gave an overview of the violation stating this is Applebee’s 2nd 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.: 1st 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 recuses himself as well.

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.: 1st 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.: 1st 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.: 1st 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: 1st 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.: 1st 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.: 1st 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, 3rd 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.

Date Approved

/s/ _____
Chairman

/s/ _____
Secretary

ACB PACKAGE COVER PAGE

ACB CASE NO.:	21-010
ESTABLISHMENT:	EL NOPAL
ESTABLISHMENT ADDRESS:	540 OLD MILL ROAD
LICENSEE:	ESCAMILLA, Juan
HEARING DATE:	MARCH 10, 2021

DOCUMENTS WITHIN PACKAGE:

- Notice Letter with Plea Offer/Consent Order - Acknowledgment Copy by Establishment
- Alcohol License
- Business License
- Field Report
- Investigative Summary
- Receipt for Purchase
- Citation to Employee

* Representative came to City Hall at 4:30 Friday and wanted to pay but wanted reduction of probation and when Meredith told them she could not do that they decided not to pay and said they would come to hearing

ARCHER & LOVELL, P.C.

ATTORNEYS AT LAW
102 LEAKE STREET
P O BOX 1024
CARTERSVILLE, GEORGIA 30120

David G. Archer
E. Keith Lovell

Phone: (770) 386-1116
Fax: (770) 382-7484

February 22, 2021

Juan Escamilla
El Nopal Mexican Restaurant, Inc.
540 Old Mill Road
Cartersville, GA 30120

*VIA REGULAR MAIL AND VIA HAND DELIVERY TO THE
ESTABLISHMENT LOCATION IN CARTERSVILLE,
GEORGIA*

**IN RE: NOTICE OF SUSPENSION, PROBATION, FINE AND/OR REVOCATION
HEARING BEFORE THE CARTERSVILLE ALCOHOL CONTROL
BOARD ON MARCH 10, 2021 AT 10:00 AM**
Alcohol License Certificate Number: LL201902695
Customer Number: LCB201700097
License Type: Pouring: Beer, Wine, Distilled Spirits, Sunday Sales
License Holder: Juan Escamilla / El Nopal Mexican Restaurant, Inc.
Establishment: El Nopal, 540 Old Mill Rd, Cartersville GA

Dear Mr. Escamilla:

You are hereby notified by the Mayor and City Council of the City of Cartersville, Georgia, that Henry Tapia Garcia, an employee of El Nopal Mexican Restaurant, Inc. was charged and issued a citation for selling alcohol to minors on February 3, 2021. Henry Tapia Garcia is scheduled for trial on July 12, 2021, at 3:00 pm in the City of Cartersville Municipal Court for the citation of selling to minors.

Selling alcohol to minors is a violation of the City of Cartersville Code of Ordinance Section 4-21. It is also a violation by the license holder, pursuant to Sec. 4-13 of the City of Cartersville Code of Ordinances. The Alcohol Control Board of the City of Cartersville has scheduled a hearing to determine whether or not your City of Cartersville Alcohol License should be fined, suspended, revoked, placed on probation and/or any combination thereof pursuant to City of Cartersville Code of Ordinances Sections 4-203 and 4-209.

You and/or your employee have been charged with two (2) violations of the City of Cartersville Alcohol Ordinance, specifically, Sections 4-13 and 4-21 of the City of Cartersville Code of Ordinances. You, as the license holder, are subject to a fine of up to \$1,000.00 on each violation, and up to three (3) years' probation on each violation for a total of \$2,000.00 and/or 6 years' probation. Additionally, the Alcohol Control Board reserves the right to suspend and/or revoke your license(s) for each violation.

Please be advised that if found guilty of the alleged violations, you have the right to appeal pursuant to the requirements of City of Cartersville Code of Ordinances Section 4-209(e)(1), (2) and (3).

El Nopal Mexican Restaurant, Inc.
February 22, 201
Notice of Hearing – Alcohol Control Board
Establishment: El Nopal, 540 Old Mill Rd, Cartersville GA
Page 2

You are hereby ordered to be and appear at said Alcohol Control Board hearing at 10:00 am on March 10, 2021, at the City Council Chambers, Third Floor, City Hall, Cartersville, Georgia, to show cause why your license should not be suspended, probated, revoked and/or a fine imposed. You have the right to plead guilty, not guilty, or no contest to the charges. Grounds for this hearing is that your establishment violated Sections 4-13 and 4-21 of the City of Cartersville Code of Ordinances.

IN LIEU OF A HEARING, THE ALCOHOL CONTROL BOARD HAS AUTHORIZED A PLEA AGREEMENT WITH YOU, SINCE THIS IS YOUR FIRST VIOLATION, UPON THE FOLLOWING CONDITIONS: YOU ENTER A PLEA OF “NO-CONTEST,” PAY A FINE IN THE AMOUNT OF \$1,000.00, AND THREE (3) YEARS’ PROBATION. IF YOU WISH TO ACCEPT THIS PLEA AGREEMENT, THE ATTACHED ORDER MUST BE SIGNED, AND PAYMENT IN THE AMOUNT OF \$1,000.00 MUST BE DELIVERED TO:

**ALCOHOL LICENSING CLERK
OFFICE OF COMMUNITY DEVELOPMENT
CITY HALL - 2ND FLOOR
10 NORTH PUBLIC SQUARE
CARTERSVILLE, GA 30120**

OR VIA MAIL TO:

**COMMUNITY DEVELOPMENT DEPARTMENT
PO BOX 1390
CARTERSVILLE, GA 30120**

SAID PAYMENT AND SIGNED ORDER MUST BE RECEIVED BY FRIDAY, MARCH 5, 2021, NO LATER THAN 4:30 PM. IF SAID ORDER AND PAYMENT IS NOT RECEIVED BY SAID DATE AND TIME, THE PLEA OFFER IS WITHDRAWN, AND THE HEARING SHALL BE HELD AS STATED ABOVE ON MARCH 10, 2021, 10:00 AM.

This hearing does not concern any other licenses which are held by the license holder. This letter is being sent pursuant to the requirement of the City of Cartersville Code of Ordinance Section 4-209(e).

Additionally, you have the right to be represented by counsel and to all subpoena powers which are available to the Alcohol Control Board at said hearing.

El Nopal Mexican Restaurant, Inc.
February 22, 201
Notice of Hearing – Alcohol Control Board
Establishment: El Nopal, 540 Old Mill Rd, Cartersville GA
Page 3

This 22nd day of February, 2021.

Very truly yours,

ARCHER & LOVELL, P.C.

E. Keith Lovell

E. Keith Lovell
Assistant Attorney for the City of Cartersville

EKL/slf

cc: City Manager, City of Cartersville
Planning and Development Director, City of Cartersville
Chief of Police, City of Cartersville
City Clerk, City of Cartersville

Enclosure

.....
This letter was served upon Oscar A Perez Vargas at El Nopal on the 23 day of February, 2021 by the undersigned Police Officer/Code Enforcement Officer and service is hereby acknowledged.

Oscar Perez
Signature of Person Served


POLICE OFFICER/CODE ENFORCEMENT OFFICER

BEFORE THE ALCOHOL CONTROL BOARD
CITY OF CARTERSVILLE

CITY OF CARTERSVILLE, GEORGIA	)	CARTERSVILLE ALCOHOL
	)	CONTROL BOARD
Licensor,	)	VIOLATION HEARING NO: 21-____
)	
v.)	
)	
JUAN L. ESCAMILLA,)	
)	
Licensee.)	
)	
Establishment:)	
EL NOPAL MEXICAN RESTAURANT)	
540 OLD MILL RD)	
CARTERSVILLE GA)	
)	
Alcohol License Certificate No:)	
LL201902695)	

CONSENT JUDGMENT AND ORDER

On February 3, 2021, License Holder committed a violation of the City of Cartersville Code of Ordinances, specifically Section 4-21 as stated in the Notice Letter of February 22, 2021.

The Licensee consents to the jurisdiction of the Alcohol Control Board in this matter. As this is a first offense, the Alcohol Control Board has offered a plea deal to the Licensee of a fine in the amount of \$1,000.00 and three (3) years' probation. Licensee has reviewed this plea individually and/or with legal counsel of their choosing, and hereby consents to said Judgment.

This Plea Offer is only valid until March 5, 2021. If received after March 5, 2021, 4:30 p.m., said Plea Offer is NULL AND VOID.

In lieu of a hearing, the Licensee enters a plea of NO CONTEST to the violations of City of Cartersville Code of Ordinances 4-21 and the Board accepts the Licensee's plea of no contest and imposes the following penalties:

- 1) A fine in the amount of: \$1,000.00 per violation; and

Consent Judgment and Order
Licensee: Juan L. Escamilla
Establishment: El Nopal, 540 Old Mill Rd, Cartersville GA
Page 2

2) Probation for three (3) years to begin on March 5, 2021 and ending March 4, 2024.

Licensee agrees to accept the plea deal and waives the right to appeal to the Mayor and City Council.

Payment of the fine and presentation of the signed Plea Deal 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 Friday, March 5, 2021, no later than 4:30 p.m.

BE IT AND IT IS ORDERED, this 10th day of March, 2021.

CONSENTED TO BY AND PREPARED BY:

E. Keith Lovell
Assistant City Attorney
City of Cartersville
Georgia Bar No. 459390
Archer & Lovell PC
PO Box 1024
Cartersville, GA 30120

LICENSEE HAS READ, UNDERSTANDS, CONSENTS AND AGREES TO THIS CONSENT JUDGMENT AND ORDER, AND HAS SIGNED THIS CONSENT JUDGMENT AND ORDER THIS ____ DAY OF _____, 2021.

JUAN L. ESCAMILLA
OR AUTHORIZED REPRESENTATIVE

Print Name of Authorized Representative if not Licensee
Signing: _____

Title/Position of Person Signing if not Licensee: _____

Consent Judgment and Order
Licensee: Juan L. Escamilla
Establishment: El Nopal, 540 Old Mill Rd, Cartersville GA
Page 3

CERTIFICATE OF SERVICE

This is to certify I have this day served the above Licensee, or counsel of record, via mail to the address listed on Licensee's Alcohol License, with a copy of the within and foregoing Consent Judgment and Order, this 10th day of March, 2021.

E. Keith Lovell

E. Keith Lovell, Assistant City Attorney
City of Cartersville

PO Box 1024
Cartersville, Georgia 30120
(770) 386-1116

Alcohol License City of Cartersville, Georgia



Business Mailing Address:

ESCAMILLA JUAN L
EL NOPAL MEXICAN RESTAURANT, INC
540 OLD MILL RD
CARTERSVILLE, GA 30120

Certificate Number
LL201902695

Business Address	540 OLD MILL RD
Alcohol License Type	Pouring: Beer, Wine, Distilled Spirits, Sunday Sales
Business Type	722511 - Full-Service Restaurants 722410 - Alcoholic Beverages
Customer Number	LCB201700097
Certificate Issued to	EL NOPAL MEXICAN RESTAURANT, INC
Certificate Amount	\$ 2,700.00
Expiration Date	12/31/2021

Date Issued: November 03, 2020

Director of Planning and Development

DISPLAY IN A CONSPICUOUS PLACE. MAY BE
REVOKED FOR CAUSE

MISC0000889315

Occupational Tax Certificate City of Cartersville, Georgia



Business Mailing Address:

ESCAMILLA JUAN L
EL NOPAL MEXICAN RESTAURANT, INC
540 OLD MILL RD
CARTERSVILLE, GA 30120

Certificate Number
0001202000951

Business Address: 540 OLD MILL RD

Business Type: 722511 - Full-Service Restaurants
722410 - Alcoholic Beverages

Customer Number: LCB201700097

Certificate Issued To: EL NOPAL MEXICAN RESTAURANT,
INC

Certificate Amount: 335.00

Expiration Date: 12/31/2021

Date Issued: November 03, 2020

Director of Planning and Development

DISPLAY IN A CONSPICUOUS PLACE. MAY BE
REVOKED FOR CAUSE

MISC00000889315



Cartersville Police Department

Criminal Investigation Division

Investigative Summary

Case Number : 2021-1949
 Investigator : D.W. Herron
 Date : 2/18/2021
 Reference : Alcohol Purchase

On Wednesday, February 3, 2021, Sgt. Belcher, Inv. Payne, Inv. Reed, Sgt. Hichez, and I, conducted an alcohol license compliance check at El Nopal Mexican Restaurant, 540 Old Mill Road, Cartersville, GA. The compliance check was conducted utilizing Confidential Informant (CI) #21-05 (an underage cooperating citizen). Prior to the operation, the CI and his/her vehicle were searched for contraband, none was located. The CI was checked for personal money and found to have none. The CI was issued \$10 of government funds and equipped with an audio/video recording device. The CI was instructed to enter the business and attempt to purchase alcohol at the bar. Sgt. Hichez and I monitored a live video feed nearby.

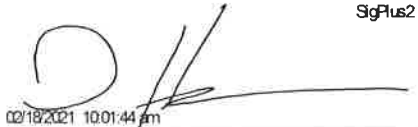
At 9:02 P.M., the CI entered the business and received a Bug Light draft beer from the bartender, Henry Tapia-Garcia. The CI paid \$2.94 for the Bud Light and obtained a receipt. The CI left the business and met with Investigators at a prearranged location. Physical and technical surveillance was maintained throughout the entirety of the operation.

Sgt. Hichez and I spoke with Mr. Tapia-Garcia. I explained the alcohol license compliance check and alcohol license regulations to Mr. Tapia-Garcia

Mr. Tapia-Garcia was issued a Misdemeanor Citation Form (#2021-1949) for City Ordinance 4-21 Sale of Alcohol to a Minor.

I met with the CI and recovered the remaining government funds that he/she was provided. I also recovered the audio/video recording device from the CI. The video footage was entered into evidence. The remaining government funds were turned over to Sgt. Belcher at the conclusion of the operation.

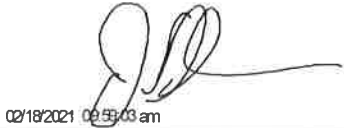
This case is cleared by arrest.



02/18/2021 10:01:44 am

SigPlus2

Reporting Investigator Signature / Date



02/18/2021 09:55:03 am

SigPlus1

Approving Supervisor Signature / Date



Mexican Restaurant

540 Old Mill Road
Centersville, GA 30120
770-382-8660

2020_c5_32_idk811

Order Date: Same as printed

Printed by: CASHIER 02/03/21 21:08

Table: BARRA-

CASHIER **2931**

12oz DOMESTIC 1* \$ 2.75

THANK YOU

SUBTOTAL: \$ 2.75

TOTAL TAX: \$ 0.19

TOTAL: \$ 2.94

How was your service? Excellent Good Fair

----- TIP NOT INCLUDED -----

Gratuity Guideline:

15%=0.44 18%=0.53 20%=0.59



STATE OF GEORGIA
UNIFORM CITATION, ACCUSATION & SUMMONS
GA 0080100 NCIC NUMBER
CITATION NUMBER
2021-1949

COURT COPY

Page 1 of 2

COUNTY OF BARTOW	AGENCY CARTERSVILLE P.D.	LATITUDE	AGENCY INCIDENT/ CASE NO 2021-1949
CITY OF (IF APPLICABLE) CARTERSVILLE		LONGITUDE	COURT CASE NUMBER 2100129
DAY OF WEEK WEDNESDAY	MONTH FEBRUARY	DAY 03	YEAR 2021
LOCATION OF OCCURRENCE 540 OLD MILL ROAD		LOCATION DESCRIPTION EL NOPAL	

PERSON(S)

DEFENDANT	NAME (FIRST) HENRY	NAME (MIDDLE)	NAME (LAST) TAPIA GARCIA	DATE OF BIRTH & AGE 07/04/2000 20	JUV N	R W	S M	HGT 505	WGT 160	HAIR RED	EYES BRO	
	DTN	PLACE OF BIRTH		OLN / ID NUMBER 061067114	STATE GA	TYPE OF I.D. ID		ID EXPIRES 10/30/2021				
	SCARS/MARKS/TATTOOS					ENDORSEMENTS						
	STREET 263 MAC JOHNSON RD LOT 41				CITY CARTERSVILLE		STATE GA	ZIP CODE 30121	PROBATION / PAROLE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
	DATE OF ARREST 02/03/2021		LOCATION OF ARREST 540 OLD MILL ROAD			DEFENDANT CELL # 404-957-3415						
	DEFENDANT EMAIL											

VEHICLE(S)

TAG / REG	STATE	EXPIRATION	VIN	YEAR	MAKE	MODEL / COLOR
-----------	-------	------------	-----	------	------	---------------


CHARGE(S)

IN VIOLATION OF <input type="checkbox"/> GEORGIA CODE CODE SECTION	CODE DESCRIPTION	VIOLATION LEVEL <input checked="" type="checkbox"/> MUST APPEAR BEFORE JUDGE
IN VIOLATION OF <input type="checkbox"/> COUNTY ORDINANCE CODE SECTION	<input checked="" type="checkbox"/> CITY ORDINANCE CODE DESCRIPTION	
4-21	SALES TO UNDERAGE PERSON	


NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION
SAID ACCUSED DID SELL A DRAFT BUD LIGHT (AN ALCOHOLIC BEVERAGE) TO AN UNDERAGE PERSON.

OFFICER NAME HERRON, D.W.	OFFICER'S SIGNATURE 
ID NO 181	ORGANIZATION / UNIT CID

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE CARTERSVILLE MUNICIPAL COURT 178 WEST MAIN STREET CARTERSVILLE GEORGIA 30120	DEFENDANT SIGNATURE: 
PHONE: (770)607-6307	COURT DATE: 07/12/2021
	COURT TIME: 0300 PM

To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any

STATE OF GEORGIA
CITATION, ACCUSATION, & SUMMONS
GA 0080100 NCIC NUMBER
CITATION NUMBER
2021-1949

DEFENDANT COPY

NOTICE TO APPEAR

If you do NOT sign the summons, you may be arrested and held in custody until bail is determined.

You have been served with a citation and summons. Signing the summons is not agreement with the charge or the information contained on the front of this citation. It is an agreement to appear at the time and place shown on the summons. By signing the summons and providing your e-mail address and/or cellular phone number, you agree that the court may use these, in addition to your address, to contact you. **If you do not appear in court to answer the charge, a warrant will be issued for your arrest.**

SPECIAL CONDITIONS

All charges require that you DO NOT VIOLATE THE LAW WHILE YOUR CASE IS BEING RESOLVED.

If you are charged with a violation of O.C.G.A. § 16-7-21 (CRIMINAL TRESPASS); O.C.G.A. § 16-8-14 (THEFT BY SHOPLIFTING); or O.C.G.A. § 16-8-14.1 (REFUND FRAUD), the Court requires that you:

- 1) DO NOT RETURN TO THE LOCATION WHERE THE OFFENSE IS ALLEGED TO HAVE HAPPENED; &
- 2) DO NOT HAVE CONTACT WITH ANY VICTIM(S) OR WITNESS(ES) NAMED IN THE CITATION;

These conditions remain in place until the Court modifies the conditions of your release or your charges are disposed of.

If you are to be released, any additional Bond Procedures will be explained to you.

WAIVER AND PLEA OF GUILTY FOR CHARGES NOT REQUIRING A COURT APPEARANCE
[DOES NOT APPLY IF "MUST APPEAR BEFORE JUDGE" BOX ON REVERSE SIDE IS CHECKED]

I, the undersigned, do hereby enter my written, rather than personal appearance in the court case resulting from the charge on the reverse side of this citation. I understand that by paying my fine and not personally appearing before the court I am waiving any right that I might have had to a trial by judge or jury and to be represented by counsel. I further understand that by paying the fine, I have pled guilty to the offense as charged. I further agree to mail this waiver and plea to the address shown below or to deliver it in person to the court. **This waiver will not be accepted for any charge requiring a court appearance before a judge.**

SIGNATURE OF ACCUSED _____
SIGNATURE OF ATTORNEY _____

DATE _____
BAR NO _____

HOW TO CONTACT THE COURT

Requests to continue a case or change a court date must be in writing only, received prior to the court date, and approved by the court. You CANNOT be imprisoned solely for inability to pay a fine, but you MAY face imprisonment for failing to appear at a scheduled court date.

[Each agency should insert specific appearance instruction here and may include: methods for contacting the court, website information, map diagrams, any alternative dispute resolution which may be available, e-filing options, or procedures for resolving court conflicts or signing up for electronic notifications from the court.]

STATE OF GEORGIA
CITATION, ACCUSATION, & SUMMONS
GA 0080100 NCIC NUMBER
CITATION NUMBER

COURT COPY

2021-1949

ARRESTING OFFICER CERTIFICATE

The undersigned being duly sworn upon his/her oath, deposes and states that s/he has just and reasonable grounds to believe, and does believe that the person named on the reverse side committed the offense therein set forth, contrary to the law.

Sworn and subscribed before me this 03 day of February, 2021.

Alexis Clark
Notary (Deputy) Clerk
NOTARY PUBLIC
JUNE 18 2023
COUNTY, GA

[Signature]
Officer

187
Badge #

PROSECUTING OFFICIAL CERTIFICATE

IN THE _____ COURT OF _____

On behalf of the people of the State of Georgia, the undersigned, as prosecuting attorney for the city or county and state aforesaid, does hereby charge and accuse the person named on the reverse side of this citation with the offense named on the reserve side of this citation and that said offense was committed in the city/county and at the location named and at the time named on the reverse side of this citation. This offense was committed contrary to the laws of this state, the good order, peace and dignity thereof.

DISTRICT ATTORNEY/SOLICITOR/PROSECUTING OFFICIAL _____

APPEARANCE, PLEA, AND WAIVER

I, _____ have been advised that I am being charged with the offense named on the reserve side of this citation and that the minimum punishment that I can receive is _____ months imprisonment and/or a \$ _____ fine; and that the maximum punishment that I can receive is _____ months imprisonment and/or a \$ _____ fine. I have been advised of my rights to be represented by an attorney or that an attorney will be provided for me if I am determined to be indigent; to plead not guilty and be tried by a judge or jury; to confront the witnesses against me; and to not give incriminating evidence against myself. I hereby waive these rights; state that I have not been induced by any threat or promise to enter this plea, and do freely and voluntarily enter my plea.

This _____ day of _____, 20____.

ACCUSED _____
ATTORNEY _____

As Judge of the _____ COURT of _____, I have advised the above named accused as indicated of his/her rights, the nature of the charge against him/her, and possible consequences of the plea as entered. I am satisfied that there is a factual basis for the plea which the accused has entered and that it was entered freely and voluntarily with the nature of the charge and the consequences of the plea.

JUDGE _____

DISPOSITION AND SENTENCE

COURT: _____ COURT DATE: _____ CASE #: _____
DEFENDANT PLEA: GUILTY NOT GUILTY NOLO CONTENDERE IN PERSON BY MAIL
TRIAL: JURY NON-JURY BENCH VERDICT: GUILTY NOT GUILTY ATTORNEY: _____
OTHER ACTION: BOND FORFEITURE NOL PROS NO RECORD DEAD DOCKET DISMISSED
 1ST OFFENDER CONDITIONAL DISCHARGE
SENTENCE: Fine / Fee \$ _____ Probation _____
CONDITIONS/OTHER: _____
JUDGE: _____

[Each agency should insert specific appearance instruction here and may include: methods for contacting the court, website information, map diagrams, any alternative dispute resolution which may be available, e-filing options, or procedures for resolving court conflicts or signing up for electronic notifications from the court.]

CARTERSVILLE POLICE DEPARTMENT
FIELD CASE REPORT CASE# 2021-00001949

EVENT	REPORTED DATE/TIME 02/03/2021 21:17	OCCURRED INCIDENT TYPE Traffic/City	
	OCCURRED FROM DATE/TIME 02/03/2021 21:10	OCCURRED THRU DATE/TIME 02/03/2021 21:20	LOCATION OF OCCURRENCE EL NOPAL MEXICAN RESTAURANT 540 OLD MILL RD SE CARTERSVILLE, GA

	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT
OFFENSES	01 4-21 Purchase by or sales to underaged persons	1	Completed

SUBJECT	JACKET/SUBJECT TYPE Adult Suspect	NAME (LAST, FIRST, MIDDLE, SUFFIX) GARCIA-TAPIA, HENRY					
	DOB 07/04/2000	AGE or AGE RANGE 20	ADDRESS (STREET, CITY, STATE, ZIP) 263 MAC JOHNSON RD SE 41 CARTERSVILLE, GA 30121				
	RACE White	SEX Male	HEIGHT or RANGE 5'5 5'5	WEIGHT or RANGE 160 160	HAIR Black	EYE Brown	
	DL NUMBER/STATE 061067114 / GA	PRIMARY PHONE (470)309-7811	PHONE #2	PHONE #3			

SUBJECT	JACKET/SUBJECT TYPE Business Victim	NAME (LAST, FIRST, MIDDLE, SUFFIX) CITY OF CARTERSVILLE,					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP) 1 N ERWIN ST SE CARTERSVILLE, GA 30120				
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
	DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3			

SUBJECT	JACKET/SUBJECT TYPE Officer Complainant	NAME (LAST, FIRST, MIDDLE, SUFFIX) HERRON, D W					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP) 195 CASSVILLE RD SE CARTERSVILLE, GA 30120				
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
	DL NUMBER/STATE	PRIMARY PHONE (770)607-6227	PHONE #2	PHONE #3			

REPORTING OFFICER 181 Herron	DATE 02/03/2021	REVIEWED BY Hichez, O.A.	DATE 02/11/2021
--	---------------------------	------------------------------------	---------------------------

CARTERSVILLE POLICE DEPARTMENT
FIELD CASE REPORT CASE# **2021-00001949**

NARRATIVE

On Wednesday, February 3, 2021, between the hours of 1800-2300, the Cartersville Police Department's Criminal Investigation Division conducted alcohol license compliance checks at businesses within the City Of Cartersville.

During the compliance checks, multiple businesses were checked for their compliance with the regulations for identifying and selling alcohol to minors. During the compliance check, Henry Garcia-Tapia was working as the bartender at El Nopal Mexican Restaurant, 540 Old Mill Road. Ms. Garcia-Tapia was observed selling alcohol to an underage minor. Mr. Garcia-Tapia did not check the minor's ID.

Mr. Garcia-Tapia was issued a misdemeanor citation form for Sale of Alcohol to Minor, City Ordinance 4-21; citation # 2021-1949. A copy of the citation was attached to the case file.

Nothing further.

REPORTING OFFICER	DATE	REVIEWED BY	DATE
181 Herron	02/03/2021	Hichez, O.A.	02/11/2021



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	April 15, 2021
SUBCATEGORY:	Violation
DEPARTMENT NAME:	Clerk
AGENDA ITEM TITLE:	Short Trip/Easy Trip No2
DEPARTMENT SUMMARY RECOMMENDATION:	Muhammad Suhail Chishti, license holder for Short Trip, located at 165 Cassville Rd., is in violation of selling alcohol to an underage individual. The license holder was given an opportunity to sign a consent order, pay \$1,000 fine by Friday, March 5 th and subject to 3 years' probation considering this was a 1 st offense. Mr. Chishti failed to return the consent order and pay the fine. He has chosen to appeal his case before the Mayor and City Council.
LEGAL:	N/A

ARCHER & LOVELL, P.C.

ATTORNEYS AT LAW
102 LEAKE STREET
P. O. BOX 1024
CARTERSVILLE, GEORGIA 30120

David G. Archer
E. Keith Lovell

(770) 386-1116
Fax (770) 382-7484

MEMORANDUM

TO: Mayor & City Council

CC: Randy Mannino, Planning & Development Director
Frank McCann, Chief of Police
Dan Porta, City Manager

FROM: E. Keith Lovell (EKL)

DATE: April 6, 2021

RE: Appeals of Alcohol Control Board Orders from
March 10, 2021 and March 24, 2021 ACB Hearings

- El Nopal
- Short Trip/Easy Trip 2
- The Local Bar & Grill
- The Page fka Corona's

The City has received four (4) notices of appeal from the Orders issued as a result of the March 10, 2021 and March 24, 2021 Alcohol Control Board hearings. Each establishment violated City of Cartersville Alcohol Control Ordinances, specifically Section 4-21 selling alcohol to a minor and Section 4-13, responsibility of Licensee for violations. Each of these cases have been placed on the April 15, 2021 City Council Agenda for the Mayor and City Council to hear the appeals. At the bottom of this Memo are the standards for the Mayor and City Council to consider if making any reduction to the penalties imposed by the ACB, and the procedures for appeals.

The record of each appeal is attached for your consideration. Additionally, part of the record includes the video of the incident in question, and although not a part of your package, will be available at the Council Meeting if you want to review. A brief summary of each appeal is listed out below:

1) *El Nopal (first time offender)*. Counsel for licensee/owner, Jana Allen, filed an appeal of the ACB March 10, 2021 Order. This licensee sent his wife/co-owner to the City to pay the fine and return the consent order on the last day due and after discussions with Planning & Development staff realized a reduction of the probation could not be provided by said staff. Licensee failed to appear for the ACB hearing, and the Board entered an order finding the licensee Guilty, imposing a \$1,000.00 fine and 3 years' probation. After the wife of licensee realized the failure to appear before the ACB, Jana Allen was hired and immediately contacted the City attorney's office. Licensee is actually hospitalized at this time. An actual hearing for this establishment was placed on the March 24, 2021 calendar and a motion for reconsideration was presented by counsel, Jana Allen. The Board considered the motion and denied the same. The appeal of the March 10, 2021 order requests a higher fine and reduction of the 3 years' probation period via an alternative method of punishment (community service or similar). As the establishment had two (2) violations, the maximum penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

Memo to Planning & Development & Public Works
Memo from E. Keith Lovell
Date: April 6, 2021
Re: Appeals of ACB March 10, 2021 Orders
Page 2

2) *Short Trip/Easy Trip2 (first time offender).* The licensee holder/owner filed an appeal of the decision of the ACB March 10, 2021 Order. This licensee failed to return the Consent Order delivered to it and failed to appear for the ACB hearing. The Board entered an order finding the licensee Guilty, imposing a \$1,000.00 fine and 3 years' probation. This appeal just asks for reconsideration. As the establishment had two (2) violations, the maximum penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

3) *The Local Bar & Grill (first time offender).* Counsel for licensee, Taff Wren, filed an appeal of the ACB March 10, 2021 Order. At said hearing, the establishment pled No Contest and a fine of \$1,000.00 was imposed and three (3) years' probation. This appeal asks for leniency/reduction of the probation period. As the establishment had two (2) violations, the maximum penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

4) *The Page fka Corona's (first time offender).* The co-owner of the establishment filed an appeal of the decision. At said hearing, the co-owner of the establishment pled Guilty and a fine of \$1,000.00 was imposed and three (3) years' probation. This appeal is asking for reconsideration of the fine and/or probation. As the establishment had three (3) violations, the maximum penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

The recommended penalties pursuant to Section 4-209(c) are as follows:

Sec. 4-209. - Action by alcohol control board.

(c) Subject to the notice, hearing and appeal rights of a licensee as provided in this chapter, if the alcohol control board determines that a violation has occurred and been adjudicated guilty or the licensee has pled guilty or no contest it is authorized to levy the following fines and penalties. The board has the right to impose additional penalties or waive any of the penalties imposed based upon the facts of the incident as presented to them.

For violations within a three-year period involving the same license, owners or location the following recommended guidelines are hereby adopted.

Offense	Fine	Probation	Suspension/Revocation
First	Up to \$1,000.00	3 years	None
Second	Up to \$1,000.00	3 years	30 days suspension
Third	Up to \$1,000.00	3 years	Revocation; no reapplication for one year

Memo to Planning & Development & Public Works
Memo from E. Keith Lovell
Date: April 6, 2021
Re: Appeals of ACB March 10, 2021 Orders
Page 3

The procedures for an appeal are outlined in Section 4-209(e)(4), and are as follows:

- (4) The notice of appeal to the mayor and city council shall be in writing and accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The notice of appeal must be filed in writing at the office of planning and development. The grounds for the appeal shall be limited to issues that were addressed in the hearing. Upon receipt of a notice of appeal, the city manager shall submit the entire record of the case to the mayor and city council and the planning and development director or his/her designee may also submit a memorandum in response to the memorandum filed by the licensee. The planning and development director or his/her designee shall place the appeal on the agenda of the next regular council meeting occurring not less than ten (10) or more than thirty (30) days after receipt of the appeal, unless the parties stipulate to another date. The appellant shall have the right to be represented by legal counsel. At the hearing, the mayor and city council will receive oral arguments on the written memoranda and the evidence in the record. The right to offer oral argument may be waived. No additional evidence or arguments shall be permitted at the council meeting, and the council shall base its decision on the memoranda, oral arguments, if any, and other evidence in the record. Following the appeal hearing, the council may sustain, overrule or modify the order. In lieu of suspension or revocation, the mayor and city council may impose a fine upon any licensee, such fine as set forth in this chapter, for each violation occurring on the licensed premises. The mayor and city council shall also have the option to remand the matter to the alcohol control board for a de novo hearing or for the taking of additional evidence on specific points. The mayor and city council have thirty (30) days from the date of the hearing to render a decision in this matter. If the city council does not refer the matter back to the alcohol control board the decision of the mayor and city council shall be final and the appellant shall have the right to seek a writ of certiorari to the superior court of the county within thirty (30) days of the final action of the mayor and city council. The final action of the city council shall be reduced to a written order signed by the mayor. The original of the mayor's order shall be filed in the record of the case, and a copy of the order shall be included in the minutes of the mayor and city council meeting. It shall be the responsibility of the city clerk to provide a copy of the order to the appellant.

Memo to Planning & Development & Public Works
Memo from E. Keith Lovell
Date: April 6, 2021
Re: Appeals of ACB March 10, 2021 Orders
Page 4

CITY OF CARTERSVILLE ORDINANCE – STANDARDS TO CONSIDER IF REDUCING PENALTIES:

Sec. 4-209. - Action by alcohol control board.

- (f) The penalties for establishments and license holders may be mitigated if such establishments are found to have maintained an effective compliance program. Factors to be considered are:
 - (1) Whether and to what extent the establishment requires its servers to attend alcohol ordinance compliance seminars.
 - (2) Whether the establishment conducts its own "secret shopper" or internal "sting" operations.
 - (3) Whether the establishment has a written policy dealing with the problems of minors attempting to obtain alcohol at such establishment.
 - (4) Whether the establishment has appropriate signs and other displays such as "We ID" or "If you're a minor, the soft drinks are this way".
 - (5) The degree to which the establishment has procedures in place to monitor its servers for compliance with the ordinance.
 - (6) Whether the establishment makes available a copy of the ordinance to its servers.
 - (7) Extent to which the establishment has met the other requirements of the ordinance.
 - (8) Other evidence demonstrating the establishment's compliance with the ordinance and prevention of underage drinking in the establishment and the community at large.

2) SHORT TRIP/EASY TRIP 2

- **Hearing notice for appeal before Mayor & Council**
- **Notice of appeal**
- **Return of Service and March 10, 2021 ACB Order**
- **Minutes of March 10, 2021 ACB hearing**
- **ACB Package for March 10, 2021 hearing**

ARCHER & LOVELL, P.C.

ATTORNEYS AT LAW
102 LEAKE STREET
P O BOX 1024
CARTERSVILLE, GEORGIA 30120

David G. Archer
E. Keith Lovell

Phone (770) 386-1116
Fax: (770) 382-7484

March 26, 2021

Mr. Muhammad Suhail Chishti
Short Trip-Easy Trip No. 2
165 Cassville Road
Cartersville, GA 30120

*VIA EMAIL: suhailchishti@gmail.com
VIA CERTIFIED MAIL/RETURN RECEIPT AND
VIA HAND DELIVERY TO ESTABLISHMENT*

IN RE: **NOTICE OF HEARING ON APPEAL – APRIL 15, 2021, 7:00 P.M.**
Alcohol License Certificate Number: LL202002532
License Type: Retail Package: Beer, Wine
License Holder: Muhammad Suhail Chishti
Establishment: Short Trip-Easy Trip No. 2, 165 Cassville Rd, Cartersville, GA

Dear Mr. Chishti:

The City of Cartersville received your appeal to the Order issued by the Alcohol Control Board for the alcohol licensee listed above. **You are hereby notified that the Mayor and City Council of the City of Cartersville, Georgia, will hear said appeal at 7:00 pm on April 15, 2021, at the City Council Chambers, Third Floor, City Hall, 10 North Public Square, Cartersville, Georgia 30120.**

Below is a brief synopsis of the case and your appeal:

Short Trip/Easy Trip2 (first time offender). The licensee holder/owner filed an appeal of the decision of the ACB March 10, 2021 Order. This licensee failed to return the Consent Order delivered to it and failed to appear for the ACB hearing. The Board entered an order finding the licensee Guilty, imposing a \$1,000.00 fine and 3 years' probation. This appeal just asks for reconsideration. As the establishment had two violations, the recommended penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

And, below is City of Cartersville Ordinance, Sec. 4-209(e)(4), as it relates to appeals and the process.

- (4) The notice of appeal to the mayor and city council shall be in writing and accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The notice of appeal must be filed in writing at the office of planning and development. The grounds for the appeal shall be limited to issues that were addressed in the hearing. Upon receipt of a notice of appeal, the city manager shall submit the entire record of the case to the mayor and city council and the planning and development director or his/her designee may also submit a memorandum in response to the memorandum filed by the licensee. The planning and development director or his/her designee shall place the appeal on the agenda of the next regular council meeting occurring not less than ten (10) or more than thirty (30) days after receipt of the appeal, unless the parties stipulate to another date. The appellant shall have the right to be represented by legal counsel. At the hearing, the mayor and city council will receive oral

Muhammad Suhail Chishti
March 26, 2021
Notice of Appeal Hearing – Mayor & City Council
Establishment: Short Trip-Easy Trip No. 2
Page 2

arguments on the written memoranda and the evidence in the record. The right to offer oral argument may be waived. No additional evidence or arguments shall be permitted at the council meeting, and the council shall base its decision on the memoranda, oral arguments, if any, and other evidence in the record. Following the appeal hearing, the council may sustain, overrule or modify the order. In lieu of suspension or revocation, the mayor and city council may impose a fine upon any licensee, such fine as set forth in this chapter, for each violation occurring on the licensed premises. The mayor and city council shall also have the option to remand the matter to the alcohol control board for a de novo hearing or for the taking of additional evidence on specific points. The mayor and city council have thirty (30) days from the date of the hearing to render a decision in this matter. If the city council does not refer the matter back to the alcohol control board the decision of the mayor and city council shall be final and the appellant shall have the right to seek a writ of certiorari to the superior court of the county within thirty (30) days of the final action of the mayor and city council. The final action of the city council shall be reduced to a written order signed by the mayor. The original of the mayor's order shall be filed in the record of the case, and a copy of the order shall be included in the minutes of the mayor and city council meeting. It shall be the responsibility of the city clerk to provide a copy of the order to the appellant.

Very truly yours,

ARCHER & LOVELL, P.C.

E. Keith Lovell

E. Keith Lovell
Assistant Attorney for the City of Cartersville

EKL/slf

cc: City Manager, City of Cartersville
Planning and Development Director, City of Cartersville
Chief of Police, City of Cartersville
City Clerk, City of Cartersville

.....
This letter was served upon KASHAN at 165 Cassville Road, Cartersville, GA on the 26 day of March, 2021 by the undersigned Police Officer/Code Enforcement Officer and service is hereby acknowledged.



Signature of Person Served



POLICE OFFICER/CODE ENFORCEMENT OFFICER



Stacey Forristall <stacey4stall11@gmail.com>

FW: [External]Appeal (short trip 165 cassville road)

1 message

Samantha Fincher <sfincher@cityofcartersville.org>

Wed, Mar 24, 2021 at 11:34 AM

To: Stacey Forristall <stacey4stall11@gmail.com>, Keith Lovell <klovell@cityofcartersville.org>

From: Suhail Chishti <suhailchishti@gmail.com>**Sent:** Wednesday, March 24, 2021 10:16 AM**To:** Samantha Fincher <sfincher@cityofcartersville.org>**Subject:** [External]Appeal (short trip 165 cassville road)

CAUTION : This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To,
The Mayor and The Council,
City of Cartersville,

Dear Sir/Madam,

This letter is to appeal the judgment against me, Muhammad Chishti, the owner and operator of Short trip/ Easy trip no.2 Inc., at 165 Casseville Road in Cartersville. Back in January 27th, 2021; an employee, Luwanda, sold an alcohol product to a minor. She has been working with me for quite a time now and fully understands the laws, however, she was training an employee at that time and got distracted. While we take this very seriously, give strict training to our employees and understand it is not at all acceptable, I would like you to look into this matter. The alcohol product was sold by the employee and she will face the charges and appear in court. However, this being a first violation, my business was also given a probation of 3 years and \$1000.00 in fine. I have been serving this community for the past six years under the guidelines and laws of city and state and fully understand the responsibilities under my role. I request you to please reconsider the judgement against my store. I would highly appreciate that.

Thank you,
Muhammad Chishti

Disclaimer

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BEFORE THE ALCOHOL CONTROL BOARD
CITY OF CARTERSVILLE

CITY OF CARTERSVILLE, GEORGIA)	CARTERSVILLE ALCOHOL
	)	CONTROL BOARD
Licensor,	)	VIOLATION HEARING NO: 21-015
)	
v,	)	HEARING DATE: 3/10/2021
)	
MUHAMMAD SUHAIL CHISHTI,)	
)	
Licensee,)	
)	
Establishment: Short Trip-Easy Trip No. 2)	
)	
Address: 165 Cassville Road)	
Cartersville, GA)	
)	
Retail Package: Beer, Wine)	
)	
Alcohol License Certificate Number:)	
LL202002532)	

RETURN OF SERVICE OF ALCOHOL CONTROL BOARD ORDER

.....

The attached Order from the Alcohol Control Board, City of Cartersville, was served upon Laura Mosley at Short Trip-Easy Trip No. 2, 165 Cassville Road, Cartersville, GA on the 12 day of MARCH, 2021 by the undersigned Police Officer/Code Enforcement Officer and service is hereby acknowledged.

Laura Mosley
Signature of Person Served

[Signature]
CODE ENFORCEMENT/POLICE OFFICER

BEFORE THE ALCOHOL CONTROL BOARD
CITY OF CARTERSVILLE

CITY OF CARTERSVILLE, GEORGIA	)	CARTERSVILLE ALCOHOL
	)	CONTROL BOARD
Licensor,	)	VIOLATION HEARING NO: 21-015
)	
v.	)	HEARING DATE: 3/10/2021
)	
MUHAMMAD SUHAIL CHISHTI,)	
)	
Licensee.)	
)	
Establishment: Short Trip-Easy Trip No. 2)	
)	
Address: 165 Cassville Road)	
Cartersville, GA)	
)	
Retail Package: Beer, Wine)	
)	
Alcohol License Certificate Number:)	
LL202002532)	

ORDER

On March 10, 2021, the Cartersville Alcohol Board held a hearing on alleged violations of the City of Cartersville Code of Ordinances, specifically Section 4-13 and Section 4-21 as stated in the Notice Letter of February 22, 2021.

Neither the Licensee, nor anyone on his behalf, appeared before the Board for the current charges of selling alcohol to a minor on January 27, 2021.

After hearing the evidence of the case, consideration, and on motion, the Board unanimously finds the Licensee GUILTY of the charges of selling alcohol to a minor, and imposes the following penalties:

1. A fine in the amount of: \$1,000.00; and
3. Three (3) years' probation from March 10, 2021 through and including March 11, 2024.

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 Wednesday, March 24, 2021, 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 March 24, 2021, 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 10th day of March, 2021.

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/Establishment via hand delivery at the Establishment, and via certified mail return receipt requested, this 12th day of March, 2021.

E. Keith Lovell

E. Keith Lovell, Assistant City Attorney
City of Cartersville

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

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, 3rd 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, 5th 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: 2nd violation

Mr. Lovell gave an overview of the violation stating this is Applebee’s 2nd 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.: 1st 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 recuses himself as well.

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.: 1st 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.: 1st 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.: 1st 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: 1st 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.: 1st 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.: 1st 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, 3rd 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.

Date Approved

/s/ _____
Chairman

/s/ _____
Secretary

ACB PACKAGE COVER PAGE

ACB CASE NO.:	21-015
ESTABLISHMENT:	SHORT TRIP / EASY TRIP NO. 2
ESTABLISHMENT ADDRESS:	165 CASSVILLE ROAD
LICENSEE:	CHISHTI, Muhammad Suhail
HEARING DATE:	MARCH 10, 2021

DOCUMENTS WITHIN PACKAGE:

Notice Letter with Plea Offer/Consent Order - Acknowledgment Copy
by Establishment
Alcohol License
Business License
Field Report
Investigative Summary
Receipt for Purchase
Citation to Employee

ARCHER & LOVELL, P.C.

ATTORNEYS AT LAW
102 LEAKE STREET
P. O. BOX 1024
CARTERSVILLE, GEORGIA 30120

ORIGINAL

David G. Archer
E. Keith Lovell

Phone: (770) 386-1116
Fax: (770) 382-7484

February 22, 2021

Muhammad Suhail Chishti
Easy Trip No2-Short Trip
165 Cassville Road
Cartersville, GA 30120

*VIA REGULAR MAIL AND VIA HAND DELIVERY TO THE
ESTABLISHMENT LOCATION IN CARTERSVILLE,
GEORGIA*

IN RE: **NOTICE OF SUSPENSION, PROBATION, FINE AND/OR REVOCATION
HEARING BEFORE THE CARTERSVILLE ALCOHOL CONTROL
BOARD ON MARCH 10, 2021 AT 10:00 AM**
Alcohol License Certificate Number: LL202002532
Customer Number: LCB201700481
License Type: Retail Package: Beer, Wine
License Holder: Muhammad Suhail Chrishti
Establishment: Short Trip, 165 Cassville Road

Dear Mr. Chishti:

You are hereby notified by the Mayor and City Council of the City of Cartersville, Georgia, that Lawanda Jane Ochoa, an employee of Easy Trip No2-Short Trip was charged and issued a citation for selling alcohol to minors on January 27, 2021. Lawanda Jane Ochoa is scheduled for trial on July 12, 2021, at 3:00 pm in the City of Cartersville Municipal Court for the citation of selling to minors.

Selling alcohol to minors is a violation of the City of Cartersville Code of Ordinance Section 4-21. It is also a violation by the license holder, pursuant to Sec. 4-13 of the City of Cartersville Code of Ordinances. The Alcohol Control Board of the City of Cartersville has scheduled a hearing to determine whether or not your City of Cartersville Alcohol License should be fined, suspended, revoked, placed on probation and/or any combination thereof pursuant to City of Cartersville Code of Ordinances Sections 4-203 and 4-209.

You and/or your employee have been charged with two (2) violations of the City of Cartersville Alcohol Ordinance, specifically, Sections 4-13 and 4-21 of the City of Cartersville Code of Ordinances. You, as the license holder, are subject to a fine of up to \$1,000.00 on each violation, and up to three (3) years' probation on each violation for a total of \$2,000.00 and/or 6 years' probation. Additionally, the Alcohol Control Board reserves the right to suspend and/or revoke your license(s) for each violation.

Please be advised that if found guilty of the alleged violations, you have the right to appeal pursuant to the requirements of City of Cartersville Code of Ordinances Section 4-209(e)(1), (2) and (3).

Easy Trip No2-Short Trip
February 22, 201
Notice of Hearing – Alcohol Control Board
Establishment: Short Trip, 165 Cassville Road
Page 2

You are hereby ordered to be and appear at said Alcohol Control Board hearing at 10:00 am on March 10, 2021, at the City Council Chambers, Third Floor, City Hall, Cartersville, Georgia, to show cause why your license should not be suspended, probated, revoked and/or a fine imposed. You have the right to plead guilty, not guilty, or no contest to the charges. Grounds for this hearing is that your establishment violated Sections 4-13 and 4-21 of the City of Cartersville Code of Ordinances.

IN LIEU OF A HEARING, THE ALCOHOL CONTROL BOARD HAS AUTHORIZED A PLEA AGREEMENT WITH YOU, SINCE THIS IS YOUR FIRST VIOLATION, UPON THE FOLLOWING CONDITIONS: YOU ENTER A PLEA OF “NO-CONTEST,” PAY A FINE IN THE AMOUNT OF \$1,000.00, AND THREE (3) YEARS’ PROBATION. IF YOU WISH TO ACCEPT THIS PLEA AGREEMENT, THE ATTACHED ORDER MUST BE SIGNED, AND PAYMENT IN THE AMOUNT OF \$1,000.00 MUST BE DELIVERED TO:

**ALCOHOL LICENSING CLERK
OFFICE OF COMMUNITY DEVELOPMENT
CITY HALL - 2ND FLOOR
10 NORTH PUBLIC SQUARE
CARTERSVILLE, GA 30120**

OR VIA MAIL TO:

**COMMUNITY DEVELOPMENT DEPARTMENT
PO BOX 1390
CARTERSVILLE, GA 30120**

SAID PAYMENT AND SIGNED ORDER MUST BE RECEIVED BY FRIDAY, MARCH 5, 2021, NO LATER THAN 4:30 PM. IF SAID ORDER AND PAYMENT IS NOT RECEIVED BY SAID DATE AND TIME, THE PLEA OFFER IS WITHDRAWN, AND THE HEARING SHALL BE HELD AS STATED ABOVE ON MARCH 10, 2021, 10:00 AM.

This hearing does not concern any other licenses which are held by the license holder. This letter is being sent pursuant to the requirement of the City of Cartersville Code of Ordinance Section 4-209(e).

Additionally, you have the right to be represented by counsel and to all subpoena powers which are available to the Alcohol Control Board at said hearing.

Easy Trip No2-Short Trip
February 22, 201
Notice of Hearing – Alcohol Control Board
Establishment: Short Trip, 165 Cassville Road
Page 3

This 22nd day of February, 2021.

Very truly yours,

ARCHER & LOVELL, P.C.

E. Keith Lovell

E. Keith Lovell
Assistant Attorney for the City of Cartersville

EKL/slf


cc: City Manager, City of Cartersville
Planning and Development Director, City of Cartersville
Chief of Police, City of Cartersville
City Clerk, City of Cartersville

Enclosure

.....
This letter was served upon Kash, Ali at
165 Cassville Rd on the 23 day of FEB, 2021 by the
undersigned Police Officer/Code Enforcement Officer and service is hereby acknowledged.



Signature of Person Served



PC _____CEMENT OFFICER

BEFORE THE ALCOHOL CONTROL BOARD
CITY OF CARTERSVILLE

CITY OF CARTERSVILLE, GEORGIA	)	CARTERSVILLE ALCOHOL
	)	CONTROL BOARD
Licensor,	)	VIOLATION HEARING NO: 21-____
)	
v.)	
)	
MUHAMMAD SUHAIL CHISHTI,)	
)	
Licensee.)	
)	
Establishment:)	
SHORT TRIP)	
165 CASSVILLE ROAD)	
CARTERSVILLE, GA)	
)	
Alcohol License Certificate No:)	
LL202002532)	

CONSENT JUDGMENT AND ORDER

On January 27, 2021, License Holder committed a violation of the City of Cartersville Code of Ordinances, specifically Section 4-21 as stated in the Notice Letter of February 22, 2021.

The Licensee consents to the jurisdiction of the Alcohol Control Board in this matter. As this is a first offense, the Alcohol Control Board has offered a plea deal to the Licensee of a fine in the amount of \$1,000.00 and three (3) years' probation. Licensee has reviewed this plea individually and/or with legal counsel of their choosing, and hereby consents to said Judgment.

This Plea Offer is only valid until March 5, 2021. If received after March 5, 2021, 4:30 p.m., said Plea Offer is NULL AND VOID.

In lieu of a hearing, the Licensee enters a plea of NO CONTEST to the violations of City of Cartersville Code of Ordinances 4-21 and the Board accepts the Licensee's plea of no contest and imposes the following penalties:

- 1) A fine in the amount of: \$1,000.00 per violation; and

Consent Judgment and Order
Muhammad Suhail Chishti
Establishment: Short Trip, 165 Cassville Road
Page 2

2) Probation for three (3) years to begin on March 5, 2021 and ending March 4, 2024.

Licensee agrees to accept the plea deal and waives the right to appeal to the Mayor and City Council.

Payment of the fine and presentation of the signed Plea Deal 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 Friday, March 5, 2021, no later than 4:30 p.m.

BE IT AND IT IS ORDERED, this 10th day of March, 2021.

CONSENTED TO BY AND PREPARED BY:

E. Keith Lovell
Assistant City Attorney
City of Cartersville
Georgia Bar No. 459390
Archer & Lovell PC
PO Box 1024
Cartersville, GA 30120

LICENSEE HAS READ, UNDERSTANDS, CONSENTS AND AGREES TO THIS CONSENT JUDGMENT AND ORDER, AND HAS SIGNED THIS CONSENT JUDGMENT AND ORDER THIS ____ DAY OF _____, 2021.

MUHAMMAD SUHAIL CHISHTI
OR AUTHORIZED REPRESENTATIVE

Print Name of Authorized Representative if not Licensee
Signing: _____

Title/Position of Person Signing if not Licensee: _____

Consent Judgment and Order
«License_Holder»
Establishment: «Establishment»
Page 3

CERTIFICATE OF SERVICE

This is to certify I have this day served the above Licensee, or counsel of record, via mail to the address listed on Licensee's Alcohol License, with a copy of the within and foregoing Consent Judgment and Order, this 10th day of March, 2021.

E. Keith Lovell

E. Keith Lovell, Assistant City Attorney
City of Cartersville

PO Box 1024
Cartersville, Georgia 30120
(770) 386-1116

Alcohol License City of Cartersville, Georgia



Business Mailing Address:

MUHAMMAD SUHAIL CHISHTI
EASY TRIP NO2 INC
165 CASSVILLE RD A
CARTERSVILLE, GA 30120

Certificate Number
LL202002532

Business Address	165 CASSVILLE RD
Alcohol License Type	Retail Package: Beer, Wine
Business Type	447110 - Gasoline Stations with Convenience Stores 722410 - Alcoholic Beverages
Customer Number	LCB201700481
Certificate Issued to	EASY TRIP NO2 INC
Certificate Amount	\$ 900.00
Expiration Date	12/31/2021

Date Issued: December 28, 2020

Director of Planning and Development

DISPLAY IN A CONSPICUOUS PLACE. MAY BE
REVOKED FOR CAUSE

MISC00000889315

Occupational Tax Certificate City of Cartersville, Georgia



Business Mailing Address:

MUHAMMAD SUHAIL CHISHTI
EASY TRIP NO2 INC
165 CASSVILLE RD A
CARTERSVILLE, GA 30120

Certificate Number
0001202001165

Business Address: 165 CASSVILLE RD

Business Type: 447110 - Gasoline Stations with
Convenience Stores 722410 - Alcoholic
Beverages

Customer Number: LCB201700481

Certificate Issued To: EASY TRIP NO2 INC

Certificate Amount: 180.00

Expiration Date: 12/31/2021

Date Issued: December 28, 2020

Director of Planning and Development

DISPLAY IN A CONSPICUOUS PLACE. MAY BE
REVOKED FOR CAUSE

MISC00000889315

CARTERSVILLE POLICE DEPARTMENT
FIELD CASE REPORT CASE# 2021-00001500

EVENT	REPORTED DATE/TIME 01/27/2021 17:26	OCCURRED INCIDENT TYPE Traffic/City	
	OCCURRED FROM DATE/TIME 01/27/2021 17:26	OCCURRED THRU DATE/TIME 01/27/2021 17:41	LOCATION OF OCCURRENCE Short Trip 165 CASSVILLE RD SE CARTERSVILLE, GA

OFFENSES	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT
	01	4-21 Purchase by or sales to underaged persons	1	Completed

SUBJECT	JACKET/SUBJECT TYPE Adult Suspect		NAME (LAST, FIRST, MIDDLE, SUFFIX) OCHOA, LAWANDA JANE									
	DOB 09/25/1988		AGE or AGE RANGE 32		ADDRESS (STREET, CITY, STATE, ZIP) 376 OLD MILL RD SE 34 CARTERSVILLE, GA 30120							
	RACE White		SEX Female		HEIGHT or RANGE 5'8 5'8		WEIGHT or RANGE 200 200		HAIR Brown		EYE Brown	
	DL NUMBER/STATE 053257989 / GA			PRIMARY PHONE (770)873-5410			PHONE #2			PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE Business Victim		NAME (LAST, FIRST, MIDDLE, SUFFIX) CITY OF CARTERSVILLE,									
	DOB		AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP) 1 N ERWIN ST SE CARTERSVILLE, GA 30120							
	RACE		SEX		HEIGHT or RANGE		WEIGHT or RANGE		HAIR		EYE	
	DL NUMBER/STATE			PRIMARY PHONE			PHONE #2			PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE Officer Complainant		NAME (LAST, FIRST, MIDDLE, SUFFIX) REED, W M									
	DOB		AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP) 195 CASSVILLE RD SE CARTERSVILLE, GA 30120							
	RACE		SEX		HEIGHT or RANGE		WEIGHT or RANGE		HAIR		EYE	
	DL NUMBER/STATE			PRIMARY PHONE (770)382-2526			PHONE #2			PHONE #3		

REPORTING OFFICER 117 Reed	DATE 01/27/2021	REVIEWED BY Belcher, A.L.	DATE 01/28/2021
--------------------------------------	---------------------------	-------------------------------------	---------------------------

CARTERSVILLE POLICE DEPARTMENT
FIELD CASE REPORT CASE# 2021-00001500

NARRATIVE

On Wednesday, January 27, 2021, at approximately 1726 hours, the Cartersville Police Department's Criminal Investigation Division conducted alcohol license compliance checks at businesses within the City Of Cartersville.

During the compliance checks, multiple businesses were checked for their compliance with the regulations for identifying and selling alcohol to minors. During the compliance check, Lawanda Jane Ochoa, was working as the clerk at the Short Trip, 165 Cassville Rd. Ms. Ochoa was observed selling alcohol to an underage minor, even after checking the minor's ID. Ms. Ochoa was issued a misdemeanor citation form for Sale of Alcohol to Minor, City Ordinance 4-21; citation # 2020-1500.

A copy of the citation was attached to the case file.

Nothing further.

REPORTING OFFICER	DATE	REVIEWED BY	DATE
117 Reed	01/27/2021	Belcher, A.L.	01/28/2021



Cartersville Police Department

Criminal Investigation Division

Investigative Summary

Case Number : 2021-1500
Investigator : Reed, W.M.
Date : 02/02/2021
Reference : Alcohol Purchase

On Thursday, January 27, 2021, Sgt. A.L. Belcher, Inv. A.D. Payne, and I, conducted an alcohol license compliance check at Short Trip, 165 Cassville Rd, Cartersville, GA. The compliance check was conducted utilizing Confidential Informant (CI) #21-05 (an underage cooperating citizen). Prior to the operation, the CI and his/her vehicle were searched for contraband, and none was located. The CI was checked for personal money and found to have none. The CI was issued \$10 of government funds and equipped with an audio/video recording device. The CI was instructed to enter the business and attempt to purchase alcohol.

At 05:26 P.M., the CI entered the business and retrieved a Bud Light Mango-Rita from the refrigerators. At 05:24 P.M., the CI placed the alcoholic beverage on the counter, where the CI provided a Georgia ID to the clerk, Lawanda Jane Ochoa. Ms. Ochoa looked at the CI's Georgia ID before accepting the CI's money. The CI paid \$1.92 for the Bud Light Mango-Rita and obtained a receipt. The CI left the business and met with Investigators at a prearranged location. Physical and technical surveillance was maintained throughout the entirety of the operation.

Sgt. Belcher, Inv. Payne, and I, made contact with Ms. Ochoa. Sgt. Belcher explained the alcohol license compliance check and alcohol license regulations to Ms. Ochoa.

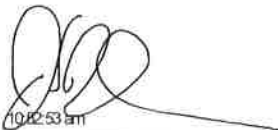
Ms. Ochoa was issued a Misdemeanor Citation Form (#2021-1500) for City Ordinance 4-21 Sale of Alcohol to a Minor.

I met with the CI and recovered the remaining government funds that he/she was provided. I also recovered the audio/video recording device from the CI. The video footage was entered into evidence. The remaining government funds were turned over to Sgt. Belcher at the conclusion of the operation.

This case is cleared by arrest.

 SigPlus2
02/03/2021 09:35:21 am

Reporting Investigator Signature / Date

 SigPlus1
02/02/2021 10:42:53 am

Approving Supervisor Signature / Date

SHORT TRIP CITGO

770-386-4433
00031819001
EASY TRIP MD2 INC
165 CASSVILLE RD
CARTERSVILLE GA 30120

Description	Qty	Amount
T MANRITA	1	1.79
Subtotal		1.79
Tax		0.13
TOTAL		1.92
CASH \$		10.00
Change \$		-8.08

DEALER#: 00031819001 Term 10: 10

**THANKS! PLEASE
COME AGAIN!**

ST# 1 1018887
TILL XXXX DR# 1 TRAN# 1018887
CSH: 1 1/27/21 4:22:47 PM

STATE OF GEORGIA
UNIFORM CITATION, ACCUSATION & SUMMONS
 GA 0080100 NCIC NUMBER
2021-1500

COURT COPY

Page 1 of 2

COUNTY OF BARTOW	AGENCY CARTERSVILLE P.D.	LATITUDE	AGENCY INCIDENT/CASE NO 2021-1500
CITY OF (IF APPLICABLE) CARTERSVILLE		LONGITUDE	COURT CASE NUMBER
DAY OF WEEK TUESDAY	MONTH JANUARY	DAY 27	YEAR 2021
TIME OF OCCURRENCE 1350 JOE FRANK HARRIS PARKWAY		LOCATION DESCRIPTION TARASCOS	

PERSON(S)

DEPENDANT	NAME (FIRST) CCTN	NAME (MIDDLE) LAWANDA	NAME (LAST) JANE	DATE OF BIRTH & AGE 09 25 1988 32	JUV N	R W	S -	HGT 5'8"	WGT 200	HAIR BRO	EYES BRO	
	PLACE OF BIRTH			DLI/TID NUMBER 058518852	STATE GA	TYPE OF I.D. OLN		ID EXPIRES 02/01/2021				
	SCARS/MARKS/TATTOOS				ENDORSEMENT'S NONE							
	STREET 375 OLD MILL ROAD APT 34		CITY CARTERSVILLE		STATE GA	ZIP CODE 30120	PROBATION / PAROLE <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					

VEHICLE(S)

TAX REG	STATE	EXPIRATION	VIN	YEAR	MAKE	MODEL / COLOR
---------	-------	------------	-----	------	------	---------------


CITATION(S)

VIOLATION OF GEORGIA CODE	CODE DESCRIPTION	VIOLATION LEVEL <input checked="" type="checkbox"/> MUST APPEAR BEFORE JUDGE
IN VIOLATION OF <input type="checkbox"/> COUNTY ORDINANCE <input checked="" type="checkbox"/> CITY ORDINANCE	CODE SECTION 4-21	CODE DESCRIPTION SALES TO UNDERAGE PERSON

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION
SAID ACCUSED DID SELL A MANGO RITA (AN ALCOHOLIC BEVERAGE) TO AN UNDERAGE PERSON.

OFFICER NAME **REED, W.M.** OFFICER'S SIGNATURE 

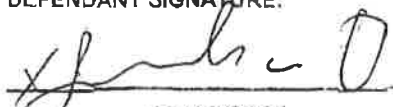
ID NO **117** ORGANIZATION: UNIT **CID**

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE

CARTERSVILLE MUNICIPAL COURT
 178 WEST MAIN STREET
 CARTERSVILLE GEORGIA 30120

PHONE **(770)607-6307**

DEFENDANT SIGNATURE:


COURT DATE: **07/12/2021**
 COURT TIME: **0300 PM**

To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.

STATE OF GEORGIA
CITATION, ACCUSATION, & SUMMONS
GA 0080100 NCIC NUMBER
CITATION NUMBER
2021-1500

DEFENDANT COPY

NOTICE TO APPEAR

If you do NOT sign the summons, you may be arrested and held in custody until bail is determined.

You have been served with a citation and summons. Signing the summons is not agreement with the charge or the information contained on the front of this citation. It is an agreement to appear at the time and place shown on the summons. By signing the summons and providing your e-mail address and/or cellular phone number, you agree that the court may use these, in addition to your address, to contact you. **If you do not appear in court to answer the charge, a warrant will be issued for your arrest.**

SPECIAL CONDITIONS

All charges require that you DO NOT VIOLATE THE LAW WHILE YOUR CASE IS BEING RESOLVED.

If you are charged with a violation of O.C.G.A. § 16-7-21 (CRIMINAL TRESPASS); O.C.G.A. § 16-8-14 (THEFT BY SHOPLIFTING); or O.C.G.A. § 16-8-14.1 (REFUND FRAUD), the Court requires that you:

- 1) DO NOT RETURN TO THE LOCATION WHERE THE OFFENSE IS ALLEGED TO HAVE HAPPENED; &
- 2) DO NOT HAVE CONTACT WITH ANY VICTIM(S) OR WITNESS(ES) NAMED IN THE CITATION;

These conditions remain in place until the Court modifies the conditions of your release or your charges are disposed of.

If you are to be released, any additional Bond Procedures will be explained to you.

WAIVER AND PLEA OF GUILTY FOR CHARGES NOT REQUIRING A COURT APPEARANCE
[DOES NOT APPLY IF "MUST APPEAR BEFORE JUDGE" BOX ON REVERSE SIDE IS CHECKED]

I, the undersigned, do hereby enter my written, rather than personal appearance in the court case resulting from the charge on the reverse side of this citation. I understand that by paying my fine and not personally appearing before the court I am waiving any right that I might have had to a trial by judge or jury and to be represented by counsel. I further understand that by paying the fine, I have pled guilty to the offense as charged. I further agree to mail this waiver and plea to the address shown below or to deliver it in person to the court. **This waiver will not be accepted for any charge requiring a court appearance before a judge.**

SIGNATURE OF ACCUSED _____	DATE _____
SIGNATURE OF ATTORNEY _____	BAR NO _____

HOW TO CONTACT THE COURT

Requests to continue a case or change a court date must be in writing only, received prior to the court date, and approved by the court. You CANNOT be imprisoned solely for inability to pay a fine, but you MAY face imprisonment for failing to appear at a scheduled court date.

[Each agency should insert specific appearance instruction here and may include: methods for contacting the court, website information, map diagrams, any alternative dispute resolution which may be available, e-filing options, or procedures for resolving court conflicts or signing up for electronic notifications from the court.]

STATE OF GEORGIA
CITATION, ACCUSATION, & SUMMONS
GA 0080100 NCIC NUMBER
CITATION NUMBER

2021-1500

COURT COPY

ARRESTING OFFICER CERTIFICATE

The undersigned being duly sworn upon his/her oath, deposes and states that s/he has just and reasonable grounds to believe, and does believe that the person named on the reverse side committed the offense therein set forth, contrary to the law.

Sworn and subscribed before me this 27 day of Jan, 2021.

Jelly Ireland
Notary / (Deputy) Clerk

Notary Public, Bartow County, GA
My Commission Expires February 17 2024

Officer _____

Badge # _____

PROSECUTING OFFICIAL CERTIFICATE

IN THE _____ COURT OF _____

On behalf of the people of the State of Georgia, the undersigned, as prosecuting attorney for the city or county and state aforesaid, does hereby charge and accuse the person named on the reverse side of this citation with the offense named on the reserve side of this citation and that said offense was committed in the city/county and at the location named and at the time named on the reverse side of this citation. This offense was committed contrary to the laws of this state, the good order, peace and dignity thereof.

DISTRICT ATTORNEY/SOLICITOR/PROSECUTING OFFICIAL _____

APPEARANCE, PLEA, AND WAIVER

I, _____ have been advised that I am being charged with the offense named on the reserve side of this citation and that the minimum punishment that I can receive is _____ months imprisonment and/or a \$ _____ fine; and that the maximum punishment that I can receive is _____ months imprisonment and/or a \$ _____ fine. I have been advised of my rights to be represented by an attorney or that an attorney will be provided for me if I am determined to be indigent; to plead not guilty and be tried by a judge or jury; to confront the witnesses against me; and to not give incriminating evidence against myself. I hereby waive these rights; state that I have not been induced by any threat or promise to enter this plea, and do freely and voluntarily enter my plea.

This _____ day of _____, 20____.

ACCUSED _____

ATTORNEY _____

As Judge of the _____ COURT of _____, I have advised the above named accused as indicated of his/her rights, the nature of the charge against him/her, and possible consequences of the plea as entered. I am satisfied that there is a factual basis for the plea which the accused has entered and that it was entered freely and voluntarily with the nature of the charge and the consequences of the plea.

JUDGE _____

DISPOSITION AND SENTENCE

COURT: _____ COURT DATE: _____ CASE #: _____

DEFENDANT PLEA: GUILTY NOT GUILTY NOL CONTENDERE IN PERSON BY MAIL

TRIAL: JURY NON-JURY BENCH VERDICT: GUILTY NOT GUILTY ATTORNEY: _____

OTHER ACTION: BOND FORFEITURE NOL PROS NO RECORD DEAD DOCKET DISMISSED

1st OFFENDER CONDITIONAL DISCHARGE

SENTENCE: Fine / Fee \$ _____ Probation _____

CONDITIONS/OTHER: _____

JUDGE: _____

[Each agency should insert specific appearance instruction here and may include: methods for contacting the court, website information, map diagrams, any alternative dispute resolution which may be available, e-filing options, or procedures for resolving court conflicts or signing up for electronic notifications from the court.]



CITY COUNCIL ITEM SUMMARY

MEETING DATE:	April 15, 2021
SUBCATEGORY:	Violation
DEPARTMENT NAME:	Clerk
AGENDA ITEM TITLE:	The Local Bar and Grill
DEPARTMENT SUMMARY RECOMMENDATION:	Dean Gipson with The Local Bar and Grill, located at 120 S Erwin Street was sighted with selling to an underage individual. The license holder was given an opportunity to sign a consent order, pay \$1,000 fine by Friday, March 5 th and subject to 3 years' probation considering this was a 1 st offense. Mr. Gipson failed to return the consent order and pay the fine. On March 10, ACB ruled to enforce the \$1,000 fine/3 yr probation. Mr. Gipson has decided to appeal the case to Mayor and Council.
LEGAL:	N/A

ARCHER & LOVELL, P.C.

ATTORNEYS AT LAW
102 LEAKE STREET
P. O. BOX 1024
CARTERSVILLE, GEORGIA 30120

David G. Archer
E. Keith Lovell

(770) 386-1116
Fax (770) 382-7484

MEMORANDUM

TO: Mayor & City Council
CC: Randy Mannino, Planning & Development Director
Frank McCann, Chief of Police
Dan Porta, City Manager
FROM: E. Keith Lovell (EKL)
DATE: April 6, 2021
RE: Appeals of Alcohol Control Board Orders from
March 10, 2021 and March 24, 2021 ACB Hearings

- El Nopal
- Short Trip/Easy Trip 2
- The Local Bar & Grill
- The Page fka Corona's

The City has received four (4) notices of appeal from the Orders issued as a result of the March 10, 2021 and March 24, 2021 Alcohol Control Board hearings. Each establishment violated City of Cartersville Alcohol Control Ordinances, specifically Section 4-21 selling alcohol to a minor and Section 4-13, responsibility of Licensee for violations. Each of these cases have been placed on the April 15, 2021 City Council Agenda for the Mayor and City Council to hear the appeals. At the bottom of this Memo are the standards for the Mayor and City Council to consider if making any reduction to the penalties imposed by the ACB, and the procedures for appeals.

The record of each appeal is attached for your consideration. Additionally, part of the record includes the video of the incident in question, and although not a part of your package, will be available at the Council Meeting if you want to review. A brief summary of each appeal is listed out below:

1) *El Nopal (first time offender)*. Counsel for licensee/owner, Jana Allen, filed an appeal of the ACB March 10, 2021 Order. This licensee sent his wife/co-owner to the City to pay the fine and return the consent order on the last day due and after discussions with Planning & Development staff realized a reduction of the probation could not be provided by said staff. Licensee failed to appear for the ACB hearing, and the Board entered an order finding the licensee Guilty, imposing a \$1,000.00 fine and 3 years' probation. After the wife of licensee realized the failure to appear before the ACB, Jana Allen was hired and immediately contacted the City attorney's office. Licensee is actually hospitalized at this time. An actual hearing for this establishment was placed on the March 24, 2021 calendar and a motion for reconsideration was presented by counsel, Jana Allen. The Board considered the motion and denied the same. The appeal of the March 10, 2021 order requests a higher fine and reduction of the 3 years' probation period via an alternative method of punishment (community service or similar). As the establishment had two (2) violations, the maximum penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

Memo to Planning & Development & Public Works
Memo from E. Keith Lovell
Date: April 6, 2021
Re: Appeals of ACB March 10, 2021 Orders
Page 2

2) *Short Trip/Easy Trip2 (first time offender).* The licensee holder/owner filed an appeal of the decision of the ACB March 10, 2021 Order. This licensee failed to return the Consent Order delivered to it and failed to appear for the ACB hearing. The Board entered an order finding the licensee Guilty, imposing a \$1,000.00 fine and 3 years' probation. This appeal just asks for reconsideration. As the establishment had two (2) violations, the maximum penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

3) *The Local Bar & Grill (first time offender).* Counsel for licensee, Taff Wren, filed an appeal of the ACB March 10, 2021 Order. At said hearing, the establishment pled No Contest and a fine of \$1,000.00 was imposed and three (3) years' probation. This appeal asks for leniency/reduction of the probation period. As the establishment had two (2) violations, the maximum penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

4) *The Page fka Corona's (first time offender).* The co-owner of the establishment filed an appeal of the decision. At said hearing, the co-owner of the establishment pled Guilty and a fine of \$1,000.00 was imposed and three (3) years' probation. This appeal is asking for reconsideration of the fine and/or probation. As the establishment had three (3) violations, the maximum penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

The recommended penalties pursuant to Section 4-209(c) are as follows:

Sec. 4-209. - Action by alcohol control board.

(c) Subject to the notice, hearing and appeal rights of a licensee as provided in this chapter, if the alcohol control board determines that a violation has occurred and been adjudicated guilty or the licensee has pled guilty or no contest it is authorized to levy the following fines and penalties. The board has the right to impose additional penalties or waive any of the penalties imposed based upon the facts of the incident as presented to them.

For violations within a three-year period involving the same license, owners or location the following recommended guidelines are hereby adopted.

Offense	Fine	Probation	Suspension/Revocation
First	Up to \$1,000.00	3 years	None
Second	Up to \$1,000.00	3 years	30 days suspension
Third	Up to \$1,000.00	3 years	Revocation; no reapplication for one year

Memo to Planning & Development & Public Works
Memo from E. Keith Lovell
Date: April 6, 2021
Re: Appeals of ACB March 10, 2021 Orders
Page 3

The procedures for an appeal are outlined in Section 4-209(e)(4), and are as follows:

- (4) The notice of appeal to the mayor and city council shall be in writing and accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The notice of appeal must be filed in writing at the office of planning and development. The grounds for the appeal shall be limited to issues that were addressed in the hearing. Upon receipt of a notice of appeal, the city manager shall submit the entire record of the case to the mayor and city council and the planning and development director or his/her designee may also submit a memorandum in response to the memorandum filed by the licensee. The planning and development director or his/her designee shall place the appeal on the agenda of the next regular council meeting occurring not less than ten (10) or more than thirty (30) days after receipt of the appeal, unless the parties stipulate to another date. The appellant shall have the right to be represented by legal counsel. At the hearing, the mayor and city council will receive oral arguments on the written memoranda and the evidence in the record. The right to offer oral argument may be waived. No additional evidence or arguments shall be permitted at the council meeting, and the council shall base its decision on the memoranda, oral arguments, if any, and other evidence in the record. Following the appeal hearing, the council may sustain, overrule or modify the order. In lieu of suspension or revocation, the mayor and city council may impose a fine upon any licensee, such fine as set forth in this chapter, for each violation occurring on the licensed premises. The mayor and city council shall also have the option to remand the matter to the alcohol control board for a de novo hearing or for the taking of additional evidence on specific points. The mayor and city council have thirty (30) days from the date of the hearing to render a decision in this matter. If the city council does not refer the matter back to the alcohol control board the decision of the mayor and city council shall be final and the appellant shall have the right to seek a writ of certiorari to the superior court of the county within thirty (30) days of the final action of the mayor and city council. The final action of the city council shall be reduced to a written order signed by the mayor. The original of the mayor's order shall be filed in the record of the case, and a copy of the order shall be included in the minutes of the mayor and city council meeting. It shall be the responsibility of the city clerk to provide a copy of the order to the appellant.

Memo to Planning & Development & Public Works
Memo from E. Keith Lovell
Date: April 6, 2021
Re: Appeals of ACB March 10, 2021 Orders
Page 4

CITY OF CARTERSVILLE ORDINANCE – STANDARDS TO CONSIDER IF REDUCING PENALTIES:

Sec. 4-209. - Action by alcohol control board.

- (f) The penalties for establishments and license holders may be mitigated if such establishments are found to have maintained an effective compliance program. Factors to be considered are:
- (1) Whether and to what extent the establishment requires its servers to attend alcohol ordinance compliance seminars.
 - (2) Whether the establishment conducts its own "secret shopper" or internal "sting" operations.
 - (3) Whether the establishment has a written policy dealing with the problems of minors attempting to obtain alcohol at such establishment.
 - (4) Whether the establishment has appropriate signs and other displays such as "We ID" or "If you're a minor, the soft drinks are this way".
 - (5) The degree to which the establishment has procedures in place to monitor its servers for compliance with the ordinance.
 - (6) Whether the establishment makes available a copy of the ordinance to its servers.
 - (7) Extent to which the establishment has met the other requirements of the ordinance.
 - (8) Other evidence demonstrating the establishment's compliance with the ordinance and prevention of underage drinking in the establishment and the community at large.

3) THE LOCAL BAR & GRILL

- **Hearing notice for appeal before Mayor & Council**
- **Notice of appeal**
- **March 10, 2021 ACB Order**
- **Minutes of March 10, 2021 ACB hearing w/Exhibits presented by The Local Bar & Grill**
- **ACB Package for March 10, 2021 hearing**

ARCHER & LOVELL, P.C.

ATTORNEYS AT LAW
102 LEAKE STREET
P. O. BOX 1024
CARTERSVILLE, GEORGIA 30120

David G. Archer
E. Keith Lovell

Phone: (770) 386-1116
Fax: (770) 382-7484

March 26, 2021

Taff Wren, Esq.
The Law Office of Taff Wren, P.C.
128 West Cherokee Ave, Ste A
PO Box 872
Cartersville, Georgia 30120

VIA EMAIL: taff@rtwlawpc.com

IN RE: **NOTICE OF HEARING ON APPEAL – APRIL 15, 2021, 7:00 P.M.**
Alcohol License Certificate Number: LL202002536
License Type: Pouring: Beer, Wine, Distilled Spirits, Sunday Sales
License Holder: Dean Gipson
Establishment: The Local Bar & Grill, 120 S. Erwin Street, Cartersville, GA

Taff:

The City of Cartersville received your appeal to the Order issued by the Alcohol Control Board for the alcohol licensee listed above. **You are hereby notified that the Mayor and City Council of the City of Cartersville, Georgia, will hear said appeal at 7:00 pm on April 15, 2021, at the City Council Chambers, Third Floor, City Hall, 10 North Public Square, Cartersville, Georgia 30120.**

Below is a brief synopsis of the case and your appeal:

The Local Bar & Grill (first time offender). Counsel for licensee, Taff Wren, filed an appeal of the ACB March 10, 2021 Order. At said hearing, the establishment pled No Contest and a fine of \$1,000.00 was imposed and three (3) years' probation. This appeal asks for leniency/reduction of the probation period. As the establishment had two violations, the recommended penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

And, below is City of Cartersville Ordinance, Sec. 4-209(e)(4), as it relates to appeals and the process.

- (4) The notice of appeal to the mayor and city council shall be in writing and accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The notice of appeal must be filed in writing at the office of planning and development. The grounds for the appeal shall be limited to issues that were addressed in the hearing. Upon receipt of a notice of appeal, the city manager shall submit the entire record of the case to the mayor and city council and the planning and development director or his/her designee may also submit a memorandum in response to

Taff Wren, Esq.
March 26, 2021
Notice of Appeal Hearing – Mayor & City Council
Establishment: The Local Bar & Grill
Page 2

the memorandum filed by the licensee. The planning and development director or his/her designee shall place the appeal on the agenda of the next regular council meeting occurring not less than ten (10) or more than thirty (30) days after receipt of the appeal, unless the parties stipulate to another date. The appellant shall have the right to be represented by legal counsel. At the hearing, the mayor and city council will receive oral arguments on the written memoranda and the evidence in the record. The right to offer oral argument may be waived. No additional evidence or arguments shall be permitted at the council meeting, and the council shall base its decision on the memoranda, oral arguments, if any, and other evidence in the record. Following the appeal hearing, the council may sustain, overrule or modify the order. In lieu of suspension or revocation, the mayor and city council may impose a fine upon any licensee, such fine as set forth in this chapter, for each violation occurring on the licensed premises. The mayor and city council shall also have the option to remand the matter to the alcohol control board for a de novo hearing or for the taking of additional evidence on specific points. The mayor and city council have thirty (30) days from the date of the hearing to render a decision in this matter. If the city council does not refer the matter back to the alcohol control board the decision of the mayor and city council shall be final and the appellant shall have the right to seek a writ of certiorari to the superior court of the county within thirty (30) days of the final action of the mayor and city council. The final action of the city council shall be reduced to a written order signed by the mayor. The original of the mayor's order shall be filed in the record of the case, and a copy of the order shall be included in the minutes of the mayor and city council meeting. It shall be the responsibility of the city clerk to provide a copy of the order to the appellant.

Very truly yours,

ARCHER & LOVELL, P.C.

E. Keith Lovell
Assistant Attorney for the City of Cartersville

EKL/slf
cc: City Manager, City of Cartersville
Planning and Development Director, City of Cartersville
Chief of Police, City of Cartersville
City Clerk, City of Cartersville

TAFF WREN, P.C., LAWYER

128 W. Cherokee Avenue • Cartersville, GA 30120 • Phone: (770) 877-1834
E-Mail: taff@rtwlawpc.com • Web: www.taffwren.com



Date: March 24, 2021

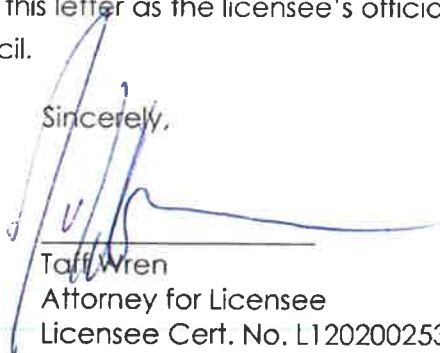
City of Cartersville
Attn: Dan Porta
PO Box 1390
Cartersville, Georgia 30120

Dear Dan Porta:

Pursuant to City of Cartersville Code Section 4-14(e)(1)(2) and (3) the licensee for the Local Bar & Grill would like to appeal the decision of the alcohol control board on March 10, 2021. Licensee has implemented steps to prevent his servers and bartenders from having this issue occur in the future. All servers and bartenders have been provided copies of the ordinances that pertain to the sale of alcohol to minors and have said notices to this affect. A copy of the alcohol ordinances are now placed behind the bar for their review as well. Furthermore, this incident was a simple mistake made by a bartender who was rushing and though this does not excuse her actions, it was a simple mistake. As a result of her mistake the Licensee has terminated her employment and impressed upon how serious this is to the remaining servers and bartenders.

The Licensee understands that his server did violate the ordinance, but requests leniency seeing that he has been in business for approximately 8 years and never had an issue. The Licensee is willing to pay the fine amount, but would ask that the probation be stricken or at the least only be on probation for a year. Please accept this letter as the licensee's official notice to appeal said decision to the Mayor and City Council.

Sincerely,



Taff Wren
Attorney for Licensee
Licensee Cert. No. L1202002536

BEFORE THE ALCOHOL CONTROL BOARD
CITY OF CARTERSVILLE

CITY OF CARTERSVILLE, GEORGIA	)	CARTERSVILLE ALCOHOL
	)	CONTROL BOARD
Licensor,	)	VIOLATION HEARING NO: 21-020
)	
v.	)	HEARING DATE: 3/10/2021
)	
DEAN GIPSON,)	
)	
Licensee.)	
)	
Establishment: The Local Bar & Grill)	
)	
Address: 120 S. Erwin Street)	
Cartersville, GA)	
)	
Pouring: Beer, Wine, Distilled Spirits,)	
Sunday Sales)	
)	
Alcohol License Certificate Number:)	
LL202002536)	

ORDER

On March 10, 2021, the Cartersville Alcohol Board held a hearing on alleged violations of the City of Cartersville Code of Ordinances, specifically Section 4-13 and Section 4-21 as stated in the Notice Letter of February 22, 2021.

Taff Wren, counsel for the Licensee appeared, and pled NO CONTEST on behalf of the Licensee, to the charges of selling alcohol to a minor on January 26, 2021.

After consideration, and on motion, the Board unanimously accepted the Licensee’s plea of NO CONTEST and imposed the following penalty:

1. A fine in the amount of: \$1,000.00; and
2. Three (3) years’ probation from March 10, 2021 through and including March 11, 2024.

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 Wednesday, March 24, 2021, 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 March 24, 2021, 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 10th day of March, 2021.

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 via certified mail, return receipt requested, to the address provided by the Licensee at the Hearing, this 12th day of March, 2021.

14 E. Keith Lovell

E. Keith Lovell, Assistant City Attorney
City of Cartersville

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

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, 3rd 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, 5th 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: 2nd violation

Mr. Lovell gave an overview of the violation stating this is Applebee's 2nd 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.: 1st 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 recuses himself as well.

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.: 1st 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.: 1st 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.: 1st 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: 1st 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.: 1st 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.: 1st 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, 3rd 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.

Date Approved

/s/ _____
Chairman

/s/ _____
Secretary



TAFF WREN, P.C., LAWYER
128 W. Cherokee Avenue
Cartersville, Georgia 30120
taff@rtwlawpc.com

THE LOCAL BAR & GRILL SERVER PACKET

Sec. 4-9. - Sale unlawful at certain times.

It shall be unlawful for any person to sell any malt beverage and wine and distilled spirits on any Christmas Day or on any day prior to 6 00 a m. or after 12 00 p m. unless specifically provided for herein. Additionally, it shall be unlawful for any person to sell by package distilled spirits on Thanksgiving Day.

(Ord. No. 81-05, § 1, 10-6-05; Ord. No. 07-06, § 1, 3-2-06; Ord. No. 23-11, § 2, 12-1-11)

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

Each pouring licensee shall keep a copy of this article in the licensed premises and shall instruct any person working there with respect to the terms hereof and each licensee, the licensee's agents and employees selling, pouring and serving distilled spirits shall at all times be familiar with the terms hereof. The licensee shall be responsible for any acts of agents or employees which are in violation of this article or of the laws of the state or the rules and regulations of the state revenue commissioner.

(Ord. No. 81-05, § 1, 10-6-05)

Sec. 4-16. - Sales to certain persons prohibited.

No malt beverage and wine and/or distilled spirits licensee or employee thereof shall give, sell or offer to sell, pour or serve any distilled spirits to any person who is noticeably intoxicated, or who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to the pouring licensee or employee thereof.

(Ord. No. 81-05, § 1, 10-6-05)

Sec. 4-21. - Purchase by or sales to underaged persons.

- (a) No license holder and/or employee of a package outlet, pouring outlet, or other licensed establishment shall knowingly furnish, sell or offer for sale any malt beverages, wine or distilled spirits to a person under twenty-one (21) years of age. This prohibition shall not apply with respect to the sale of any malt beverages, wine or distilled spirits to a person when such person has furnished proper identification showing that the person to whom the malt beverages, wine and distilled spirits are being sold is twenty-one (21) years of age or older. In this subsection, "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph or both, and giving such person's date of birth, including, but not limited to, a passport, military identification card, driver's license, or identification card authorized under an act to require the state department of public safety to issue identification cards to handicapped persons who do not have a motor vehicle driver's license. "Proper identification" does not include a birth certificate.
- (b) Subsection (a) shall not apply to the following:
- (1) Whenever a malt beverage, wine or distilled spirits is purchased for medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in the state,
 - (2) Whenever malt beverages or wine are purchased for consumption at a religious ceremony
- (c) The licensee shall post in the most conspicuous place in his establishment a sign for each license printed in letters at least four (4) inches high containing the following language for each license issued: "SALE OF MALT BEVERAGES, WINE OR DISTILLED SPIRITS TO MINORS STRICTLY PROHIBITED."

- (d) It shall be unlawful for any minor to falsely misrepresent his age in any manner whatsoever. It shall be unlawful for any minor to drink, or possess any alcoholic beverages, except as stated in subsection (a) of this section, or except as provided in O.C.G.A. § 3-3-23.
- (e) The municipal court, in accordance with O.C.G.A. § 36-32-10, is granted jurisdiction to try and dispose of a first offense violation of O.C.G.A. § 3-3-23, relating to furnishing alcoholic beverages to, and purchase and possession of alcoholic beverages by, a person under twenty-one (21) years of age, if the offense occurred within the corporate limits of the city. O.C.G.A. § 36-32-10 is incorporated herein by reference.

(Ord. No. 81-05. § I, 10-6-05)

Sec. 4-151. - Employee identification cards.

- (a) Any person, including the licensee, who works in a pouring outlet or package wine outlet shop which provides wine samples selling, pouring, serving alcoholic beverages or providing samples shall apply to the police department for a distilled spirits and/or malt beverage and wine employee identification card, which card shall expire on the person's birthday and be renewable on or before that time. The fee for the initial card shall be twenty-five dollars (\$25.00). The fee for a replacement card shall be twenty-five dollars (\$25.00). The fee for renewal of such card shall be ten dollars (\$10.00). In the event that a renewal of such card is late, an additional fee of twenty-five dollars (\$25.00) will be assessed for all renewals after the renewal date for each individual. Fees shall be paid to the City of Cartersville Police Department.
- (b) While on duty in a pouring outlet or package wine shop, every person required to hold an employee identification card under subsection (a), shall visibly wear his employee identification card on their person at all times.
- (c) Pouring outlet or package wine shop employees shall make themselves available for photographing, fingerprinting and such other investigating as may be required by the police department.
- (d) The police department shall investigate the employee applicants. A distilled spirits and beer/wine pouring employee or package wine outlet employee identification card shall not be issued to any person who has pled guilty to, or has been convicted of a felony within the last five (5) years, shall not have been convicted, within five (5) years of the date of the application, of a felony or any violation of the laws of this state or any other state relating to the sale of alcoholic liquor or malt beverages; in an establishment that sells, serves, or distributes alcoholic beverages, after being issued a license any charge for selling/pricing alcoholic beverages to a minor, and shall not have had revoked, for cause, such as a violation of regulations or improper operation, within five (5) years next preceding his application, any license issued to him by any state, county or municipality to sell alcoholic liquor or malt beverages of any kind. The police department shall report any other detrimental information about an application to the alcohol control board and may prohibit the issuance of a distilled spirits and beer/wine pouring identification card where the applicant's record indicates such employment would adversely affect the public health, safety or welfare, or violate the law.
- (e) No licensee under the provisions of this article shall hire any person, nor any person to work or assist in a pouring outlet or package wine outlet until such person has procured a distilled spirits and/or malt beverage and wine employee identification card.
- (f) The police department may provisionally grant an identification to an applicant, pending investigation and report. Where the report, when reviewed, is unfavorable as set out in subsection (d), the department may revoke the card and demand its return.
- (g) The police department may, after reasonable notice and hearing (unless waived), revoke an identification card and demand its surrender where the employee violates the provisions of this article, or becomes one who adversely affects the public health, safety and welfare.
- (h) It shall be unlawful for an employee whose card has been revoked, and upon whom demand for surrender of a card has been made, to refuse to so surrender, or to alter, conceal, deface or destroy the card.

(Ord. No. 81-05, § 1, 10-6-05; Ord. No. 59-06, § 1, 8-3-06; Ord. No. 08-10, § 19, 3-18-10)

Sec. 4-120. - Pouring outlets.

The following provisions shall apply to pouring outlets:

- (1) The building or proposed building where pouring will take place shall meet all requirements of the city building inspector.
- (2) No percentage leases of buildings for pouring shall be permitted.
- (3) No pouring shall be permitted between the hours of 1:30 a.m. Sunday and 11:00 a.m. Sunday, or between the hours of 12:30 a.m. and 10:00 a.m. Monday through Thursday and/or between the hours of 1:30 a.m. and 10:00 a.m. Friday and Saturday except as provided in subsection (9) herein.
- (4) No wine or malt beverages or distilled spirits may be consumed on the premises of the pouring outlet between the hours of 2:00 a.m. Sunday and 11:00 a.m. Sunday, or between the hours of 12:30 a.m. and 10:00 a.m. Monday through Thursday and/or between the hours of 2:00 a.m. and 10:00 a.m. Friday and Saturday except as provided in subsection (9) herein.
- (5) In no event shall wine or malt beverages or distilled spirits be sold or delivered during the prohibited hours, set forth in subsections (3) and (4), based upon any device or scheme, including the timely sale of tickets, chits and decanters.
- (6) It shall be unlawful to employ knowingly in any pouring outlet in any capacity whatsoever, including that of performer, entertainer or musician, any person who has pleaded guilty to or been convicted of any felony involving moral turpitude, or any crime relating to the manufacture or sale of intoxicating beverages within the last five (5) years.
- (7) It shall be the duty of the management of a pouring outlet to maintain a copy of this division at the outlet and to instruct each employee on the terms thereof.
- (8) As permitted by the City of Cartersville Code of Ordinances, outdoor pouring shall be allowed at sidewalk, or right-of-way cafes.
- (9) On New Year's Eve only, the pouring hours shall be extended to 1:30 a.m., and the hours of consumption shall be extended until 2:00 a.m.

(Ord. No. 52-08, § 1, 12-4-08; Ord. No. 15-10, §§ 1—3, 6-3-10; Ord. No. 32-19, § 1.B., 8-15-19)

Editor's note— Ord. No. 52-08, § 1, adopted Dec. 4, 2008, deleted the former § 4-120, and enacted a new § 4-120 as set out herein. The former § 4-120 pertained to similar subject matter. See the Code Comparative Table for complete derivation.



TAFF WREN, P.C., LAWYER
128 W. Cherokee Avenue
Cartersville, Georgia 30120
taff@rwlawpc.com

**THE LOCAL BAR & GRILL'S
NEW SERVER NOTICE AND ACKNOWLEDGMENT OF
CITY ORDINANCES PERTAINING TO SELLING ACOHOL TO MINORS,
PENALTIES FOR VIOLATING ORDINACES, &
WORK RELATED PENALTIES**

By signing this document, the undersigned, a server at the Local Bar & Grill has been provided a new server packet which contains all relevant ordinances concerning the sale of alcohol to minors. Further, undersigned server has been provided and reviewed these ordinances, as well as, the ordinances that pertain to employee identification cards, noticeably intoxicated individuals and pouring/closing times.

The undersigned also acknowledges that should they serve alcoholic beverage(s) to a minor can be criminally prosecuted. Undersigned server further acknowledges that should they violate any ordinance that relates to the license holder, or any of the ordinances expressly provided to them in their packet, said server shall be terminated immediately, and should the license holder face any fines as a result of the server's actions, shall be required to reimburse the license holder for the fine imposed.

By signing this document the undersigned server acknowledges, understands and consents to the terms expressed herein, and that they have reviewed and are aware of the ordinances provided in the packet, as well as, any and all penalties they may face should they violate said ordinances.

Lastly said server acknowledges that they were shown and had an opportunity to read through the Local's city ordinance binder containing all relevant ordinances to the sale and pouring of alcoholic beverages.

Said server acknowledges, understands and consents on this _ day of _____, 20__

(signature) (SEAL)

(print name)



TAFF WREN, P.C., LAWYER
128 W. Cherokee Avenue
Cartersville, Georgia 30120
tuff@twlawpc.com

**THE LOCAL BAR & GRILL'S
NEW SERVER NOTICE AND ACKNOWLEDGMENT OF
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PENALTIES FOR VIOLATING ORDINACES, &
WORK RELATED PENALTIES**

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Lastly said server acknowledges that they were shown and had an opportunity to read through the Local's city ordinance binder containing all relevant ordinances to the sale and pouring of alcoholic beverages.

Said server acknowledges, understands and consents on this 8 day of March, 2021.

Kendall Steiner (SEAL)
(signature)
Kendall Steiner
(print name)



TAFF WREN, P.C., LAWYER
128 W. Cherokee Avenue
Cartersville, Georgia 30120
taff@rtwlawpc.com

**THE LOCAL BAR & GRILL'S
NEW SERVER NOTICE AND ACKNOWLEDGMENT OF
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Lastly said server acknowledges that they were shown and had an opportunity to read through the Local's city ordinance binder containing all relevant ordinances to the sale and pouring of alcoholic beverages.

Said server acknowledges, understands and consents on this 9 day of March, 2021.


(signature) (SEAL)
Robin Steiner
(print name)

TAFF WREN, P.C., LAWYER
128 W. Cherokee Avenue
Cartersville, Georgia 30120
taff@rtwlawpc.com



**THE LOCAL BAR & GRILL'S
NEW SERVER NOTICE AND ACKNOWLEDGMENT OF
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Lastly said server acknowledges that they were shown and had an opportunity to read through the Local's city ordinance binder containing all relevant ordinances to the sale and pouring of alcoholic beverages.

Said server acknowledges, understands and consents on this 8 day of March, 2020.

Laken Bennett (SEAL)
(signature)

Laken Bennett
(print name)



TAFF WREN, P.C., LAWYER
128 W. Cherokee Avenue
Cartersville, Georgia 30120
taff@rowlawpc.com

**THE LOCAL BAR & GRILL'S
NEW SERVER NOTICE AND ACKNOWLEDGMENT OF
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Said server acknowledges, understands and consents on this 8 day of March, 2021.

T Grant (SEAL)
(signature)
Tori Grant
(print name)

it with you as proof of your TIPS certification.

**ID#: 5277079 Name: Robin S Steiner
Exam Date: 1/10/2020 Expiration Date: 1/10/2023**



TIPS eTIPS On Premise 3.0 **CERTIFIED**

**Issued: 1/10/2020 Expires: 1/10/2023
ID#: 5277079**

**Robin S Steiner
The Local Bar & Grill
120 S Irwin Street
Cartersville, GA 30120**

For service visit us online at www.gettips.com

it with you as proof of your TIPS certification.

ID#: 5277079 Name: Robin S Steiner
Exam Date: 1/10/2020 Expiration Date: 1/10/2023

 **CERTIFIED**
eTIPS On Premise 3.0

Issued: 1/10/2020 Expires: 1/10/2023
ID#: 5277079

Robin S Steiner
The Local Bar & Grill
120 S Irwin Street
Cartersville, GA 30120

For service visit us online at www.gettips.com

it with you as proof of your TIPS certification.

ID#: 4627183 Name: Lauren A Steiner
Exam Date: 9/14/2017 Expiration Date: 9/14/2020



CERTIFIED

TIPS[®] eTIPS On Premise 3.0

Issued: 9/14/2017 Expires: 9/14/2020
ID#: 4627183

Lauren A Steiner
The Local Bar and Grill
Cartersville
120 S Erwin St
Cartersville, GA 30120-3575

For service visit us online at www.gettips.com

Meeting: April 15, 2021 Item 11.

with you as proof of your TIPS certification.

ID#: 5277136 Name: Kendall S Steiner

Exam Date: 1/10/2020 Expiration Date: 1/10/2023



eTIPS On Premise 3.0

CERTIFIED

Expires: 1/10/2023

Issued: 1/10/2020

ID#: 5277136

Kendall S Steiner
Local Bar and Grill
120 S Erwin St
Cartersville, GA 30120-3575

For service visit us online at www.gettips.com





(<https://www.beveragetraining.com/tips-certification/>)

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(<https://www.beveragetraining.com/>)



TIPS CERTIFICATION

Home (<https://www.beveragetraining.com/>) > TIPS Certification

If you will sell or serve alcohol, it is crucial you get certified in proper alcohol training. Since there are numerous rules and regulations concerning age requirements for whom alcohol can be served to in a restaurant or other establishment, knowing how to properly perform your job will save you many unnecessary headaches along the way. By completing a TIPS Certification course you'll be able to have complete confidence while on the job.



How Do I Get Started?

To get started gaining your TIPS bartender certification (<https://www.beveragetraining.com/pennsylvania-ramp-tips-certification/>), you'll simply choose which course is best for you and your employment situation from the various options. After doing so, you'll be able to complete your TIPS certification online at your own pace from home, work, or wherever you might be at the time. Upon doing so and passing the TIPS exam, you'll receive your certification by mail within 10 business days.

What is TIPS Certification?

This training course, which can be completed online within 2-3 hours, focuses on various issues specifically related to serving alcohol at restaurants, hotels, bars, and other establishments, which can also include private parties and on-premise liquor license holders where alcohol is served by the drink. Valid for three years upon completion, the course covers such topics as how to prevent intoxication, underage drinking, and drunk driving among those to whom alcohol is sold or served.

Who Needs to be TIPS Certified?

As for who needs TIPS alcohol certification, this includes anyone who serves alcohol in an establishment that holds a liquor license. Common occupations requiring TIPS alcohol certification include bartenders, servers, managers, and hosts or hostesses.

Why Should I Gain TIPS Certification?

Since TIPS is recognized around the world as the leader in education and training for those who sell and serve alcohol, gaining this certification ensures you will have the knowledge and skills required to do your job in the best possible manner. Due to its skills-based training format, you will be able to work well in a variety of environments. Thus, it not only makes you a desirable job candidate, but also helps with creating a safe work environment, providing legal protection, and helping you avoid mistakes that can lead to penalties and fines linked to illegal alcohol sales.

Which TIPS Certification Course Should I Choose?

When choosing a certification course, it will largely come down to the type of job you have or aspire to have later on. Since there are four different TIPS alcohol certification courses from which to choose, always make sure you choose the one that best fits your needs. To make sure any questions you have are answered, here are basic descriptions of all four courses and the differences.

between each

TIPS for On-Premise

If you are seeking TIPS bartender certification, the TIPS for On-Premise course is probably the course for you. The most popular course offering, the On-Premise course is a five-hour course that covers essential topics related to the sale and serving of alcohol in bars, hotels, and other places. If you are currently working as a server in these or other related settings or plan to do so in the near future, the TIPS On-Premise course is highly recommended.

On-Premise (<https://gettips/36aVB3j>)

TIPS for Off-Premise

If you are currently working in a grocery store, liquor store, gas station, or convenience store and are in need of TIPS certification online (<https://www.beveragetraining.com/pennsylvania-ramp-tips-certification/>), the TIPS for Off-Premise course should be the course you complete. A three-hour program that covers all the essential elements associated with selling alcohol in these businesses, the Off-Premise course will help make sure you don't mistakenly sell alcohol to underage or intoxicated customers.

Off-Premise (<https://gettips/2RvWy0l>)

TIPS for Gaming

If you want to work in a casino or perhaps on a riverboat where gambling takes place, it is vital you complete the TIPS for Gaming online course. Like the On-Premise course, this can also be completed in five hours. Focused on various issues that may arise with guests who are being served complimentary cocktails while participating in various gaming activities, it also trains you in how to deal with guests who may be staying on-site at the property.

Gaming (<https://gettips/2uo71Dv>)

TIPS for Concessions

Finally, if you are working in such venues as stadiums, arenas, theaters, or perhaps at amusement parks, fairs, or concerts and festivals, completing the three-hour TIPS for Concessions online course will give you the training needed to handle various situations involving alcohol at these sites and events.

Concessions (<https://gettips/30HRU47>)

By completing whichever TIPS certification courses you may need, both you and your employer will not only meet state and local training requirements, but also ensure no violations of rules and regulations pertaining to the sale and serving of alcohol take place. In doing so, you gain peace of mind on the job, knowing you have the knowledge and skills needed to deal with various situations.

CONTACT

About Us (<https://www.beveragetraining.com/about-us/>)

Blog (<https://www.beveragetraining.com/blog/>)

Contact (<https://www.beveragetraining.com/contact/>)

TRAINING COURSES

Online Certification Course (<https://www.beveragetraining.com/online-certification-courses/>)
Alcohol Seller Server Training (<https://www.beveragetraining.com/alcohol-seller-server-training/>)
Food Handler Training (<https://www.beveragetraining.com/food-handler-training/>)
Food Protection Manager (<https://www.beveragetraining.com/food-protection-manager-certification/>)
Haccp Certification (<https://www.beveragetraining.com/haccp-certification/>)
Hccp Certification Course (<https://www.beveragetraining.com/haccp-certification-course/>)
Haccp Food Safety Training (<https://www.beveragetraining.com/haccp-food-safety-training/>)

STATES

Arizona (<https://www.beveragetraining.com/arizona-liquor-license-title-4-certification/>)
California (<https://www.beveragetraining.com/california/>)
Oregon OLCC Permit (<https://www.beveragetraining.com/oregon-olcc-permit/>)
Wisconsin Responsible Beverage Server Training (<https://www.beveragetraining.com/wisconsin/>)
Pennsylvania RAMP Certification (<https://www.beveragetraining.com/pennsylvania-ramp-tips-certification/>)
RAMP Certification (<https://www.beveragetraining.com/plcb-ramp-certification/>)
Utah Alcohol Certification (<https://www.beveragetraining.com/utah-alcohol-certification-and-utah-beverage-server-training/>)
Utah Alcohol Server Training (<https://www.beveragetraining.com/utah-alcohol-server-training/>)
Illinois BASSET Certification (<https://www.beveragetraining.com/basset-certification/>)
Illinois Basset Alcohol Certification (Basset Alcohol Training) (<https://www.beveragetraining.com/illinois-basset-alcohol-certification-basset-alcohol-training/>)

Texas (<https://www.beveragetraining.com/tabc-certification/>)
What is a Texas TABC Certification? (<https://www.beveragetraining.com/what-is-a-texas-tabc-certification/>)
TABC Certification Online (<https://www.beveragetraining.com/tabc-certification-online/>)
Arlington TABC Certification (<https://www.beveragetraining.com/arlington-tabc-certification/>)
San Antonio TABC Certification (<https://www.beveragetraining.com/san-antonio-tabc-certification/>)
Houston TABC Certification (<https://www.beveragetraining.com/houston-tabc-certification/>)
Austin TABC Certification (<https://www.beveragetraining.com/austin-tabc-certification/>)
Food Protection Course (<https://www.beveragetraining.com/food-protection-course/>)
Food Safety Certification in Minnesota (<https://www.beveragetraining.com/food-safety-certification-in-minnesota/>)
Food Safety Manager Certification in Idaho (<https://www.beveragetraining.com/food-safety-manager-certification-in-idaho/>)
Food Safety Certification in California (<https://www.beveragetraining.com/food-safety-certification-in-california/>)
Food Safety Certification in Florida (<https://www.beveragetraining.com/food-safety-certification-in-florida/>)
TIPS Certification (<https://www.beveragetraining.com/tips-certification/>)

ACB PACKAGE COVER PAGE

ACB CASE NO.:	21-020
ESTABLISHMENT:	THE LOCAL BAR & GRILL**
ESTABLISHMENT ADDRESS:	120 S. ERWIN STREET
LICENSEE:	GIPSON, Dean
HEARING DATE:	MARCH 10, 2021

DOCUMENTS WITHIN PACKAGE:

Notice Letter with Plea Offer/Consent Order - Acknowledgment Copy
by Establishment

Alcohol License

Business License

Field Report

Investigative Summary

Receipt for Purchase

Citation to Employee

****COUNSEL FOR ESTABLISHMENT, TAFF WREN, ADVISED HIS
CLIENT REQUESTED A HEARING ON THIS MATTER**

ARCHER & LOVELL, P.C.

ATTORNEYS AT LAW
102 LEAKE STREET
P O BOX 1024
CARTERSVILLE, GEORGIA 30120

David G. Archer
E. Keith Lovell

Phone: (770) 386-1116
Fax: (770) 382-7484

February 22, 2021

Dean Gipson
The Local Bar and Grill LLC
120 S. Erwin St.
Cartersville, GA 30120

*VIA REGULAR MAIL AND VIA HAND DELIVERY TO THE
ESTABLISHMENT LOCATION IN CARTERSVILLE,
GEORGIA*

IN RE: **NOTICE OF SUSPENSION, PROBATION, FINE AND/OR REVOCATION
HEARING BEFORE THE CARTERSVILLE ALCOHOL CONTROL
BOARD ON MARCH 10, 2021 AT 10:00 AM**
Alcohol License Certificate Number: LL202002536
Customer Number: LCB201700128
License Type: Pouring: Beer, Wine, Distilled Spirits, Sunday Sales
License Holder: Dean Gipson / The Local Bar and Grill LLC
Establishment: The Local Bar and Grill

Dear Mr. Gipson:

You are hereby notified by the Mayor and City Council of the City of Cartersville, Georgia, that Harlee Kay Roland, an employee of The Local Bar and Grill LLC was charged and issued a citation for selling alcohol to minors on January 26, 2021. Harlee Kay Roland is scheduled for trial on July 12, 2021, at 3:00 pm in the City of Cartersville Municipal Court for the citation of selling to minors.

Selling alcohol to minors is a violation of the City of Cartersville Code of Ordinance Section 4-21. It is also a violation by the license holder, pursuant to Sec. 4-13 of the City of Cartersville Code of Ordinances. The Alcohol Control Board of the City of Cartersville has scheduled a hearing to determine whether or not your City of Cartersville Alcohol License should be fined, suspended, revoked, placed on probation and/or any combination thereof pursuant to City of Cartersville Code of Ordinances Sections 4-203 and 4-209.

You and/or your employee have been charged with two (2) violations of the City of Cartersville Alcohol Ordinance, specifically, Sections 4-13 and 4-21 of the City of Cartersville Code of Ordinances. You, as the license holder, are subject to a fine of up to \$1,000.00 on each violation, and up to three (3) years' probation on each violation for a total of \$2,000.00 and/or 6 years' probation. Additionally, the Alcohol Control Board reserves the right to suspend and/or revoke your license(s) for each violation.

Please be advised that if found guilty of the alleged violations, you have the right to appeal pursuant to the requirements of City of Cartersville Code of Ordinances Section 4-209(c)(1), (2) and (3).

The Local Bar and Grill LLC
February 22, 201
Notice of Hearing – Alcohol Control Board
Establishment: The Local Bar and Grill
Page 2

You are hereby ordered to be and appear at said Alcohol Control Board hearing at 10:00 am on March 10, 2021, at the City Council Chambers, Third Floor, City Hall, Cartersville, Georgia, to show cause why your license should not be suspended, probated, revoked and/or a fine imposed. You have the right to plead guilty, not guilty, or no contest to the charges. Grounds for this hearing is that your establishment violated Sections 4-13 and 4-21 of the City of Cartersville Code of Ordinances.

IN LIEU OF A HEARING, THE ALCOHOL CONTROL BOARD HAS AUTHORIZED A PLEA AGREEMENT WITH YOU, SINCE THIS IS YOUR FIRST VIOLATION, UPON THE FOLLOWING CONDITIONS: YOU ENTER A PLEA OF “NO-CONTEST,” PAY A FINE IN THE AMOUNT OF \$1,000.00, AND THREE (3) YEARS’ PROBATION. IF YOU WISH TO ACCEPT THIS PLEA AGREEMENT, THE ATTACHED ORDER MUST BE SIGNED, AND PAYMENT IN THE AMOUNT OF \$1,000.00 MUST BE DELIVERED TO:

**ALCOHOL LICENSING CLERK
OFFICE OF COMMUNITY DEVELOPMENT
CITY HALL - 2ND FLOOR
10 NORTH PUBLIC SQUARE
CARTERSVILLE, GA 30120**

OR VIA MAIL TO:

**COMMUNITY DEVELOPMENT DEPARTMENT
PO BOX 1390
CARTERSVILLE, GA 30120**

SAID PAYMENT AND SIGNED ORDER MUST BE RECEIVED BY FRIDAY, MARCH 5, 2021, NO LATER THAN 4:30 PM. IF SAID ORDER AND PAYMENT IS NOT RECEIVED BY SAID DATE AND TIME, THE PLEA OFFER IS WITHDRAWN, AND THE HEARING SHALL BE HELD AS STATED ABOVE ON MARCH 10, 2021, 10:00 AM.

This hearing does not concern any other licenses which are held by the license holder. This letter is being sent pursuant to the requirement of the City of Cartersville Code of Ordinance Section 4-209(e).

Additionally, you have the right to be represented by counsel and to all subpoena powers which are available to the Alcohol Control Board at said hearing.

The Local Bar and Grill LLC
February 22, 201
Notice of Hearing – Alcohol Control Board
Establishment: The Local Bar and Grill
Page 3

This 22nd day of February, 2021.

Very truly yours,

ARCHER & LOVELL, P.C.

14 E. Keith Lovell

E. Keith Lovell
Assistant Attorney for the City of Cartersville

EKL/slf

cc: City Manager, City of Cartersville
Planning and Development Director, City of Cartersville
Chief of Police, City of Cartersville
City Clerk, City of Cartersville

Enclosure

.....
This letter was served upon Laken Bennett at
The Local Bar & Grill on the 23 day of February, 2021 by the
undersigned Police Officer/Code Enforcement Officer and service is hereby acknowledged.

Laken Bennett
Signature of Person Served

[Signature]
POLICE OFFICER/CODE ENFORCEMENT OFFICER

BEFORE THE ALCOHOL CONTROL BOARD
CITY OF CARTERSVILLE

CITY OF CARTERSVILLE, GEORGIA	)	CARTERSVILLE ALCOHOL
	)	CONTROL BOARD
Licensor,	)	VIOLATION HEARING NO: 21-____
)	
v.)	
)	
DEAN GIPSON,)	
)	
Licensee.)	
)	
Establishment:)	
THE LOCAL BAR AND GRILL)	
120 S. ERWIN STREET)	
CARTERSVILLE, GA)	
)	
Alcohol License Certificate No:)	
LL202002536)	

CONSENT JUDGMENT AND ORDER

On January 26, 2021, License Holder committed a violation of the City of Cartersville Code of Ordinances, specifically Section 4-21 as stated in the Notice Letter of February 22, 2021.

The Licensee consents to the jurisdiction of the Alcohol Control Board in this matter. As this is a first offense, the Alcohol Control Board has offered a plea deal to the Licensee of a fine in the amount of \$1,000.00 and three (3) years' probation. Licensee has reviewed this plea individually and/or with legal counsel of their choosing, and hereby consents to said Judgment.

This Plea Offer is only valid until March 5, 2021. If received after March 5, 2021, 4:30 p.m., said Plea Offer is NULL AND VOID.

In lieu of a hearing, the Licensee enters a plea of NO CONTEST to the violations of City of Cartersville Code of Ordinances 4-21 and the Board accepts the Licensee's plea of no contest and imposes the following penalties:

- 1) A fine in the amount of: \$1,000.00 per violation; and

Consent Judgment and Order
Licensee: Dean Gipson
Establishment: The Local Bar and Grill
Page 2

2) Probation for three (3) years to begin on March 5, 2021 and ending March 4, 2024.

Licensee agrees to accept the plea deal and waives the right to appeal to the Mayor and City Council.

Payment of the fine and presentation of the signed Plea Deal 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 Friday, March 5, 2021, no later than 4:30 p.m.

BE IT AND IT IS ORDERED, this 10th day of March, 2021.

CONSENTED TO BY AND PREPARED BY:

E. Keith Lovell
Assistant City Attorney
City of Cartersville
Georgia Bar No. 459390
Archer & Lovell PC
PO Box 1024
Cartersville, GA 30120

LICENSEE HAS READ, UNDERSTANDS, CONSENTS AND AGREES TO THIS CONSENT JUDGMENT AND ORDER, AND HAS SIGNED THIS CONSENT JUDGMENT AND ORDER THIS ____ DAY OF _____, 2021.

DEAN GIPSON
OR AUTHORIZED REPRESENTATIVE

Print Name of Authorized Representative if not Licensee

Signing: _____

Title/Position of Person Signing if not Licensee: _____

Consent Judgment and Order
Licensee: Dean Gipson
Establishment: The Local Bar and Grill
Page 3

CERTIFICATE OF SERVICE

This is to certify I have this day served the above Licensee, or counsel of record, via mail to the address listed on Licensee's Alcohol License, with a copy of the within and foregoing Consent Judgment and Order, this 10th day of March, 2021.

E. Keith Lovell

E. Keith Lovell, Assistant City Attorney
City of Cartersville

PO Box 1024
Cartersville, Georgia 30120
(770) 386-1116

Alcohol License City of Cartersville, Georgia



Business Mailing Address:

DEAN GIPSON
THE LOCAL BAR AND GRILL LLC
120 S ERWIN ST
CARTERSVILLE, GA 30120

Certificate Number
LL202002536

Business Address	120 S ERWIN ST
Alcohol License Type	Pouring: Beer, Wine, Distilled Spirits, Sunday Sales
Business Type	722513 - Limited-Service Restaurants 722410 - Alcoholic Beverages
Customer Number	LCB201700128
Certificate Issued to	THE LOCAL BAR AND GRILL LLC
Certificate Amount	\$ 2,700.00
Expiration Date	12/31/2021

Date Issued: November 23, 2020

Director of Planning and Development

DISPLAY IN A CONSPICUOUS PLACE. MAY BE
REVOKED FOR CAUSE

MISC00000889315

Occupational Tax Certificate City of Cartersville, Georgia



Business Mailing Address:

DEAN GIPSON
THE LOCAL BAR AND GRILL LLC
120 S ERWIN ST
CARTERSVILLE, GA 30120

Certificate Number
0001202000962

Business Address: 120 S ERWIN ST

Business Type: 722513 - Limited-Service Restaurants
722410 - Alcoholic Beverages

Customer Number: LCB201700128

Certificate Issued To: THE LOCAL BAR AND GRILL LLC

Certificate Amount: 180.00

Expiration Date: 12/31/2021

Date Issued: November 23, 2020

Director of Planning and Development

DISPLAY IN A CONSPICUOUS PLACE. MAY BE
REVOKED FOR CAUSE

MISC00000889315

CARTERSVILLE POLICE DEPARTMENT
FIELD CASE REPORT CASE# 2021-00001431

EVENT	REPORTED DATE/TIME 01/26/2021 21:34	OCCURRED INCIDENT TYPE Traffic/City	
	OCCURRED FROM DATE/TIME 01/26/2021 21:24	OCCURRED THRU DATE/TIME 01/26/2021 21:45	LOCATION OF OCCURRENCE The Local 120 S ERWIN ST SE CARTERSVILLE, GA

OFFENSES	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT
	01	4-21 Purchase by or sales to underaged persons	1	Completed

SUBJECT	JACKET/SUBJECT TYPE Adult Suspect		NAME (LAST FIRST MIDDLE SUFFIX) ROLAND, HARLEE KAY							
	DOB 01/29/1993		AGE or AGE RANGE 27		ADDRESS (STREET CITY STATE ZIP) 11 TUMLIN ST SE F CARTERSVILLE, GA 30120					
	RACE White		SEX Female		HEIGHT or RANGE 5'6 5'6		WEIGHT or RANGE 150 150		HAIR Brown	EYE Brown
	DL NUMBER/STATE 055425140 / GA		PRIMARY PHONE (404)387-6673			PHONE #2		PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE Business Victim		NAME (LAST FIRST MIDDLE SUFFIX) CITY OF CARTERSVILLE ,							
	DOB		AGE or AGE RANGE		ADDRESS (STREET CITY STATE ZIP) 1 N ERWIN ST SE CARTERSVILLE, GA 30120					
	RACE		SEX		HEIGHT or RANGE		WEIGHT or RANGE		HAIR	EYE
	DL NUMBER/STATE		PRIMARY PHONE			PHONE #2		PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE Officer Complainant		NAME (LAST FIRST MIDDLE SUFFIX) HICHEZ, O A							
	DOB		AGE or AGE RANGE		ADDRESS (STREET CITY STATE ZIP) 195 CASSVILLE RD SE CARTERSVILLE, GA 30120					
	RACE		SEX		HEIGHT or RANGE		WEIGHT or RANGE		HAIR	EYE
	DL NUMBER/STATE		PRIMARY PHONE (770)382-2526			PHONE #2		PHONE #3		

REPORTING OFFICER 177 Hichez	DATE 01/26/2021	REVIEWED BY Hichez, O.A.	DATE 01/27/2021
--	---------------------------	------------------------------------	---------------------------

CARTERSVILLE POLICE DEPARTMENT
FIELD CASE REPORT CASE# 2021-00001431

ADDITIONAL SUBJECTS

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE, SUFFIX)					
	Officer <input type="checkbox"/> Other <input type="checkbox"/>	HERRON, D W					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
	195 CASSVILLE RD SE CARTERSVILLE, GA 30120						
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
	DL NUMBER/STATE	PRIMARY PHONE		PHONE #2	PHONE #3		
		(770)382-2526					

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE, SUFFIX)					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
			SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE	PRIMARY PHONE		PHONE #2	PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE, SUFFIX)					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
			SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE	PRIMARY PHONE		PHONE #2	PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE, SUFFIX)					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
			SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE	PRIMARY PHONE		PHONE #2	PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE, SUFFIX)					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
			SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE	PRIMARY PHONE		PHONE #2	PHONE #3		

REPORTING OFFICER	DATE	REVIEWED BY	DATE
177 Hichez	01/26/2021	Hichez, O.A.	01/27/2021

CARTERSVILLE POLICE DEPARTMENT
FIELD CASE REPORT CASE# **2021-00001431**

NARRATIVE

On Tuesday, January 26, 2021, between the hours of 1800-2300, the Cartersville Police Department's Criminal Investigation Division conducted alcohol license compliance checks at businesses within the City of Cartersville.

During the compliance checks, multiple businesses were checked for their compliance with the regulations for identifying and selling alcohol to minors. During the compliance check, Harlee Roland was working as the clerk at The Local Bar & Grill, 120 South Erwin Street, Cartersville, GA. Ms. Roland was discovered to be selling alcohol to an underage minor, even after checking the minor's ID.

Ms. Roland was issued a misdemeanor citation form for Sale of Alcohol to Minor, City Ordinance 4-21; citation # 2021-1431.

A copy of the citation was attached to the case file.

Nothing further.

REPORTING OFFICER	DATE	REVIEWED BY	DATE
177 Hichez	01/26/2021	Hichez, O.A.	01/27/2021



Cartersville Police Department

Criminal Investigation Division

Investigative Summary

Case Number : 2021-1431
Investigator : O.A. Hichez
Date : 01/26/2021
Reference : Alcohol Purchase at The Local Bar & Grill

On Tuesday, January 26, 2021, Sgt. A.L. Belcher, Inv. A.D. Payne, Inv. D.W. Herron, and I, conducted an alcohol license compliance check at The Local Bar and Grill, 120 South Erwin Street, Cartersville, GA. The compliance check was conducted utilizing Confidential Informant (CI) #20-05 (an underage cooperating citizen). Prior to the operation, the CI and his/her vehicle were searched for contraband, none was located. The CI was checked for personal money and found to have none. The CI was issued \$10 of prerecorded government funds and equipped with an audio/video recording device. The CI was instructed to enter the business and attempt to purchase alcohol at the bar. Investigator Herron and I monitored a live video feed nearby.

At 9:20 P.M., the CI entered the business. Upon the CI entering the business, the audio/video recording device lost connection with our monitoring device. At 9:23 P.M., the CI left the business and met with Investigators at a prearranged location. The CI informed Investigators he/she entered the business and sat at the bar. Once at the bar, the CI requested a Bud Light draft beer. The bartender, described as a white female with dark colored hair, who was wearing shorts, asked the CI for a Georgia ID. The CI provided a Georgia ID to the female bartender, who looked at the Georgia ID, and proceeded to serve

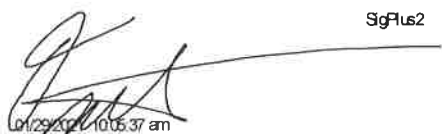
the CI with the alcoholic beverage. The CI uttered the \$10 of prerecorded government funds to the bartender for the Bud Light draft beer. The CI received \$6.50 in change and obtained a receipt, showing the cost of the Bud Light draft beer to be \$3.48.

Sgt. Belcher, Inv. Payne and I entered The Local Bar & Grill and met with the only on-duty female bartender who was wearing shorts, Harlee Roland (DOB: 01/29/1993). Ms. Roland became visibly emotional to seeing Investigators enter the business and was very apologetic. I explained the alcohol license compliance check and alcohol license regulations to Ms. Roland.

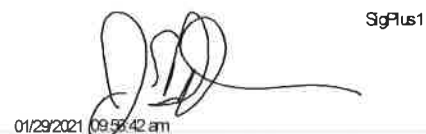
Ms. Roland was issued a Misdemeanor Citation Form (#2021-1431) for City Ordinance 4-21 Sale of Alcohol to a Minor.

I met with the CI and recovered the remaining government funds that he/she was provided. The remaining government funds and a voucher were turned over to Sgt. Belcher at the conclusion of the operation.

This case is cleared by arrest.

 SgFlus2
01/29/2021 10:05:37 am

Reporting Investigator Signature / Date

 SgFlus1
01/29/2021 09:59:42 am

Approving Supervisor Signature / Date

STATE OF GEORGIA
UNIFORM CITATION, ACCUSATION & SUMMONS
GA 0080100 NCIC NUMBER

CITATION NUMBER
2021-1431

COURT COPY

Page 1 of 2

COUNTY OF PARTON		AGENCY CARTERSVILLE P.D.			LATITUDE	AGENCY INCIDENT/CASE NO 2021-1431
CITY OF (IF APPLICABLE) CARTERSVILLE					LONGITUDE	COURT CASE NUMBER
DAY OF WEEK TUESDAY	MONTH JANUARY	DAY 26	YEAR 2021	TIME OF DAY 2140		
LOCATION OF OCCURRENCE 120 S ERWIN STREET				LOCATION DESCRIPTION THE LOCAL BAR & GRILL		

PERSON(S)

OFFENDANT	NAME (FIRST) CHARLEE	NAME (MIDDLE) KAY	NAME (LAST) ROLAND	DATE OF BIRTH & AGE 01/29/1993 27	SEX M	RACE W	HAIR B	HT 506	WG 150	HAIR BRO	EYES BRO	
	CITY CARTERSVILLE			PLACE OF BIRTH	IDENTIFICATION NUMBER 055425140	STATE GA	TYPE OF ID DLN	ID EXPIRES 01/29/2025				
	SCARS/MARKS/TATTOOS					ENDORSEMENTS NONE						
	STREET 11 TUMLIN ST APT F				CITY CARTERSVILLE		STATE GA	ZIP CODE 30120	PROBATION/PAROLE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
	DATE OF ARREST 01/26/2021			LOCATION OF ARREST 120 S ERWIN STREET								
DEFENDANT EMAIL					DEFENDANT CELL # 404-387-8673							

VEHICLE(S)

TAG / REG	STATE	EXPIRATION	VIN	YEAR	MAKE	MODEL	COLOR
-----------	-------	------------	-----	------	------	-------	-------

CHARGE(S)

IN VIOLATION OF <input type="checkbox"/> GEORGIA CODE CODE SECTION	CODE DESCRIPTION	VIOLATION LEVEL <input checked="" type="checkbox"/> MUST APPEAR BEFORE JUDGE
IN VIOLATION OF <input type="checkbox"/> COUNTY ORDINANCE CODE SECTION	<input checked="" type="checkbox"/> CITY ORDINANCE CODE DESCRIPTION 4-21 SALES TO UNDERAGE PERSON	

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION
SAID ACCUSED DID SELL A BUD LIGHT DRAFT (AN ALCOHOLIC BEVERAGE) TO AN UNDERAGE PERSON

OFFICER NAME HICHEZ O A	OFFICER'S SIGNATURE
ID NO 177	ORGANIZATION UNIT CID

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE

**CARTERSVILLE MUNICIPAL COURT
178 WEST MAIN STREET
CARTERSVILLE GEORGIA 30120**

PHONE: **(770)607-6307**

DEFENDANT SIGNATURE:

COURT DATE: **07/12/2021**

COURT TIME: **0300 PM**

To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party, on their behalf, to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA

STATE OF GEORGIA
CITATION, ACCUSATION, & SUMMONS
GA 0080100 NCIC NUMBER
CITATION NUMBER
2021-1431

DEFENDANT COPY

NOTICE TO APPEAR

If you do NOT sign the summons, you may be arrested and held in custody until bail is determined.

You have been served with a citation and summons. Signing the summons is not agreement with the charge or the information contained on the front of this citation. It is an agreement to appear at the time and place shown on the summons. By signing the summons and providing your e-mail address and/or cellular phone number, you agree that the court may use these, in addition to your address, to contact you. **If you do not appear in court to answer the charge, a warrant will be issued for your arrest.**

SPECIAL CONDITIONS

All charges require that you DO NOT VIOLATE THE LAW WHILE YOUR CASE IS BEING RESOLVED.

If you are charged with a violation of O.C.G.A. § 16-7-21 (CRIMINAL TRESPASS); O.C.G.A. § 16-8-14 (THEFT BY SHOPLIFTING); or O.C.G.A. § 16-8-14.1 (REFUND FRAUD), the Court requires that you:

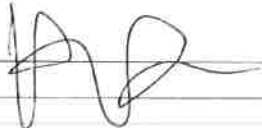
- 1) DO NOT RETURN TO THE LOCATION WHERE THE OFFENSE IS ALLEGED TO HAVE HAPPENED; &
- 2) DO NOT HAVE CONTACT WITH ANY VICTIM(S) OR WITNESS(ES) NAMED IN THE CITATION;

These conditions remain in place until the Court modifies the conditions of your release or your charges are disposed of.

If you are to be released, any additional Bond Procedures will be explained to you.

WAIVER AND PLEA OF GUILTY FOR CHARGES NOT REQUIRING A COURT APPEARANCE
[DOES NOT APPLY IF "MUST APPEAR BEFORE JUDGE" BOX ON REVERSE SIDE IS CHECKED]

I, the undersigned, do hereby enter my written, rather than personal appearance in the court case resulting from the charge on the reverse side of this citation. I understand that by paying my fine and not personally appearing before the court I am waiving any right that I might have had to a trial by judge or jury and to be represented by counsel. I further understand that by paying the fine, I have pled guilty to the offense as charged. I further agree to mail this waiver and plea to the address shown below or to deliver it in person to the court. **This waiver will not be accepted for any charge requiring a court appearance before a judge.**

SIGNATURE OF ACCUSED		DATE	_____
SIGNATURE OF ATTORNEY	_____	BAR NO	_____

HOW TO CONTACT THE COURT

Requests to continue a case or change a court date must be in writing only, received prior to the court date, and approved by the court. You CANNOT be imprisoned solely for inability to pay a fine, but you MAY face imprisonment for failing to appear at a scheduled court date.

[Each agency should insert specific appearance instruction here and may include: methods for contacting the court, website information, map diagrams, any alternative dispute resolution which may be available, e-filing options, or procedures for resolving court conflicts or signing up for electronic notifications from the court.]

STATE OF GEORGIA
CITATION, ACCUSATION, & SUMMONS
GA 0080100 NCIC NUMBER
CITATION NUMBER

COURT COPY

2021-1431

ARRESTING OFFICER CERTIFICATE

The undersigned being duly sworn upon his/her oath, deposes and states that s/he has just and reasonable grounds to believe, and does believe that the person named on the reverse side committed the offense therein set forth, contrary to the law.

Sworn and subscribed before me this 26 day of Jan, 2021.
Karen Wardach
Notary Public, Bartow County, GA
My Commission Expires February 27, 2024
Officer [Signature] Badge # 179

PROSECUTING OFFICIAL CERTIFICATE

IN THE _____ COURT OF _____

On behalf of the people of the State of Georgia, the undersigned, as prosecuting attorney for the city or county and state aforesaid, does hereby charge and accuse the person named on the reverse side of this citation with the offense named on the reserve side of this citation and that said offense was committed in the city/county and at the location named and at the time named on the reverse side of this citation. This offense was committed contrary to the laws of this state, the good order, peace and dignity thereof.

DISTRICT ATTORNEY/SOLICITOR/PROSECUTING OFFICIAL _____

APPEARANCE, PLEA, AND WAIVER

I, _____ have been advised that I am being charged with the offense named on the reserve side of this citation and that the minimum punishment that I can receive is _____ months imprisonment and/or a \$ _____ fine; and that the maximum punishment that I can receive is _____ months imprisonment and/or a \$ _____ fine. I have been advised of my rights to be represented by an attorney or that an attorney will be provided for me if I am determined to be indigent; to plead not guilty and be tried by a judge or jury; to confront the witnesses against me; and to not give incriminating evidence against myself. I hereby waive these rights; state that I have not been induced by any threat or promise to enter this plea, and do freely and voluntarily enter my plea.

This _____ day of _____, 20____.

ACCUSED _____
ATTORNEY _____

As Judge of the _____ COURT of _____, I have advised the above named accused as indicated of his/her rights, the nature of the charge against him/her, and possible consequences of the plea as entered. I am satisfied that there is a factual basis for the plea which the accused has entered and that it was entered freely and voluntarily with the nature of the charge and the consequences of the plea.

JUDGE _____

DISPOSITION AND SENTENCE

COURT: _____ COURT DATE: _____ CASE #: _____
DEFENDANT PLEA: GUILTY NOT GUILTY Nolo Contendere IN PERSON BY MAIL
TRIAL: JURY NON-JURY BENCH VERDICT: GUILTY NOT GUILTY ATTORNEY: _____
OTHER ACTION: BOND FORFEITURE NOL PROS NO RECORD DEAD DOCKET DISMISSED
 1st OFFENDER CONDITIONAL DISCHARGE
SENTENCE: Fine / Fee \$ _____ Probation _____
CONDITIONS/OTHER: _____
JUDGE: _____

[Each agency should insert specific appearance instruction here and may include: methods for contacting the court, website information, map diagrams, any alternative dispute resolution which may be available, e-filing options, or procedures for resolving court conflicts or signing up for electronic notifications from the court.]

From: Dan Porta
Sent: Thursday, March 25, 2021 4:54 PM
To: Calvin Cooley; Calvin Cooley (Cco4702115@aol.com);
cartersvillemayor@yahoo.com; Cary Roth;
Gary Fox; Gary Fox; Jayce Stepp; Jayce Stepp (jstepp@bcgga.com); Jayce
Stepp - Forward; Kari Hodge;
Kari Hodge 1; Matt Santini; Taff Wren
Cc: Keith Lovell - Forward; F.L. McCann; Julia Drake; Connie Salter
Subject: FW: [External]The Local Bar & Grill Appeal - Exhibits Used at
ACB Hearing
Attachments: The Local's New Server & Bartender Packet
[Ordinances.&.Notice.Ackngmt.Form].pdf;
New Server Notice & Acknowledgement [SIGNED_All.Servers].pdf; TIPS
Certificates & TIPS Information
Form [The.Locals.Servers.&.Bartenders].pdf

Mayor and City Council,

Please see the following email from the Local Bar & Grill attorney. I
would expect this information to be
included in your City Council packet when this item is on the Council
agenda.

Thanks,
Dan Porta
City Manager
City of Cartersville
770-387-5684

From: Taff Wren <taff@rtwlawpc.com>
Sent: Thursday, March 25, 2021 3:59 PM
To: Dan Porta <dporta@cityofcartersville.org>
Subject: [External]The Local Bar & Grill Appeal - Exhibits Used at ACB
Hearing

CAUTION:This email originated from outside the organization. Do not click
links or open
attachments unless you recognize the sender and know the content is safe.

Dan,

The The Local Bar & Grill's Licensee has asked that I also
forward to you, all the exhibits that were provided to the
Alcohol Control Board at the hearing, so that council will
have them at the appeal. Attached please find the
following:

1. The Local Bar & Grill Server Packet - this packet
contains the ordinances specifically related to the
nature of the server/bartenders job, specifically:
? underage sales [Sec(s) 4.13 & 4.21];
? sales prohibited to certain persons (Sec.
4.16);

? unlawful sales times (Sec. 4.9);
? employee IDs cards (Sec. 4.151); and,
? pouring times (Sec. 4.120).

o Every time a new server/bartender is hired Licensee makes sure these specific statutes are provided to them and gone over with them in aims of preventing another situation like the current one.

o Also, in the packet is the Server/Bartender Notice and Acknowledgement Form that states that the Server/Bartender has reviewed these ordinances, is aware of the ramifications if they violate them, and potential penalties they may face, both from the City and Licensee...

2. Signed New Server Notice(s) and Acknowledgement(s) - all current servers/bartenders have signed this form and are attached;

3. TIPS Certificates - several of the bartenders, plus the restaurant manager, have taken this course and hopefully the two new servers will have completed the certification by the beginning of April 2021:

o TIPS is an online server/bartender training and certification course that is geared towards training individuals on how to properly perform their job, which aides in their ability to follow local ordinances and state laws, like the prohibition of sale of alcohol to minors... See, the information handout provided and attached with the certificates

o I have included the certificates from the server/bartenders and restaurant manager that have completed and passed the course/certification.

Furthermore, the Licensee is shall be at the meeting as well as new counsel,

John Clayton, to answer any questions. I will not only be recusing myself from

any discussion of this matter, but being present at work session discussion and

during the meeting. Upon submitting this email I shall also be recusing myself from providing any additional representation to the Licensee regarding

this matter. He has been notified to seek additional, or other counsel, if he

would like to be represented moving forward, but if not, that he would need to

handle things from this point on. If you have any questions, regarding the

appeal or the information provided to you, please contact Dean Gipson, Licensee at (678) 667-6305 or dean_gipson@yahoo.com.

With Warm Regards,
Taff Wren, Lawyer
128 West Cherokee Ave
Cartersville, Georgia 30120
770-877-1834.P

taff@rtwlawpc.com

TAFF WREN, P.C.

IMPORTANT NOTICE(S):

I.

NEW ADDRESS NOTICE: The Law Office of Taff Wren, PC's new address is: 128 West Cherokee Avenue, Cartersville, Georgia 30120.

II.

H This communication may contain privileged or confidential information (as previously mentioned) covered by the Electronic Communications Privacy Act 18 U.S.C. Sections 2510-2511 and other applicable law and is intended for the recipient referenced in the email address/subject/greeting/else where in the body of the message. Ere go vis-a-vis, unless expressly indicated in the above transmittal (i.e. subject line or body), the information herein is privileged and confidential material solely intended for the recipient indicated and/or referenced in the greeting or elsewhere on/in the email... If READER IS NOT the indicated recipient, you are hereby notified to reply and inform the sender of the error - you are not the intended recipient - and are further notified any dissemination, distribution or copying of this communication is prohibited. Govern Yourself Accordingly!

III.

The rules imposed by IRS Circular 230 require us to state that, unless it is expressly state below or in an attachment affixed hereto, any opinions expressed with respect to a significant tax issue are not intended or written by the practitioner to be used, and cannot be used by the receipt for the purpose(s) of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction(s) or tax-related matter(s) that may be addressed herein. Govern yourself accordingly, Sir/Madame!

/s/ W. G.

e

TAFF WREN, P.C., LAWYER
128 W. Cherokee Avenue
Cartersville, Georgia 30120
taff@rtwlawpc.com

Meeting: April 15, 2021 Item 11.



THE LOCAL BAR & GRILL SERVER PACKET

Sec. 4-9. - Sale unlawful at certain times.

It shall be unlawful for any person to sell any malt beverage and wine and distilled spirits on any Christmas Day or on any day prior to 6:00 a.m. or after 12:00 p.m., unless specifically provided for herein. Additionally, it shall be unlawful for any person to sell by package distilled spirits on Thanksgiving Day.

(Ord. No. 81-05, § I, 10-6-05; Ord. No. 07-06, § 1, 3-2-06; Ord. No. 23-11, § 2, 12-1-11)

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

Each pouring licensee shall keep a copy of this article in the licensed premises and shall instruct any person working there with respect to the terms hereof and each licensee, the licensee's agents and employees selling, pouring and serving distilled spirits shall at all times be familiar with the terms hereof. The licensee shall be responsible for any acts of agents or employees which are in violation of this article or of the laws of the state or the rules and regulations of the state revenue commissioner.

(Ord. No. 81-05, § I, 10-6-05)

Sec. 4-16. - Sales to certain persons prohibited.

No malt beverage and wine and/or distilled spirits licensee or employee thereof shall give, sell or offer to sell, pour or serve any distilled spirits to any person who is noticeably intoxicated, or who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to the pouring licensee or employee thereof.

(Ord. No. 81-05, § I, 10-6-05)

Sec. 4-21. - Purchase by or sales to underaged persons.

- (a) No license holder and/or employee of a package outlet, pouring outlet, or other licensed establishment shall knowingly furnish, sell or offer for sale any malt beverages, wine or distilled spirits to a person under twenty-one (21) years of age. This prohibition shall not apply with respect to the sale of any malt beverages, wine or distilled spirits to a person when such person has furnished proper identification showing that the person to whom the malt beverages, wine and distilled spirits are being sold is twenty-one (21) years of age or older. In this subsection, "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph or both, and giving such person's date of birth, including, but not limited to, a passport, military identification card, driver's license, or identification card authorized under an act to require the state department of public safety to issue identification cards to handicapped persons who do not have a motor vehicle driver's license. "Proper identification" does not include a birth certificate.
- (b) Subsection (a) shall not apply to the following:
 - (1) Whenever a malt beverage, wine or distilled spirits is purchased for medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in the state;
 - (2) Whenever malt beverages or wine are purchased for consumption at a religious ceremony.
- (c) The licensee shall post in the most conspicuous place in his establishment a sign for each license printed in letters at least four (4) inches high containing the following language for each license issued.
"SALE OF MALT BEVERAGES, WINE OR DISTILLED SPIRITS TO MINORS STRICTLY PROHIBITED."

- (d) It shall be unlawful for any minor to falsely misrepresent his age in any manner whatsoever. It shall be unlawful for any minor to drink, or possess any alcoholic beverages, except as stated in subsection (a) of this section, or except as provided in O.C.G.A. § 3-3-23.
- (e) The municipal court, in accordance with O.C.G.A. § 36-32-10, is granted jurisdiction to try and dispose of a first offense violation of O.C.G.A. § 3-3-23, relating to furnishing alcoholic beverages to, and purchase and possession of alcoholic beverages by, a person under twenty-one (21) years of age, if the offense occurred within the corporate limits of the city. O.C.G.A. § 36-32-10 is incorporated herein by reference.

(Ord. No. 81-05, § I, 10-6-05)

Sec. 4-151. - Employee identification cards.

- (a) Any person, including the licensee, who works in a pouring outlet or package wine outlet shop which provides wine samples selling, pouring, serving alcoholic beverages or providing samples shall apply to the police department for a distilled spirits and/or malt beverage and wine employee identification card, which card shall expire on the person's birthday and be renewable on or before that time. The fee for the initial card shall be twenty-five dollars (\$25.00). The fee for a replacement card shall be twenty-five dollars (\$25.00). The fee for renewal of such card shall be ten dollars (\$10.00). In the event that a renewal of such card is late, an additional fee of twenty-five dollars (\$25.00) will be assessed for all renewals after the renewal date for each individual. Fees shall be paid to the City of Cartersville Police Department.
- (b) While on duty in a pouring outlet or package wine shop, every person required to hold an employee identification card under subsection (a), shall visibly wear his employee identification card on their person at all times.
- (c) Pouring outlet or package wine shop employees shall make themselves available for photographing, fingerprinting and such other investigating as may be required by the police department.
- (d) The police department shall investigate the employee applicants. A distilled spirits and beer/wine pouring employee or package wine outlet employee identification card shall not be issued to any person who has pled guilty to, or has been convicted of a felony within the last five (5) years; shall not have been convicted, within five (5) years of the date of the application, of a felony or any violation of the laws of this state or any other state relating to the sale of alcoholic liquor or malt beverages; in an establishment that sells, serves, or distributes alcoholic beverages, after being issued a license any charge for selling/pricing alcoholic beverages to a minor; and shall not have had revoked, for cause, such as a violation of regulations or improper operation, within five (5) years next preceding his application, any license issued to him by any state, county or municipality to sell alcoholic liquor or malt beverages of any kind. The police department shall report any other detrimental information about an application to the alcohol control board, and may prohibit the issuance of a distilled spirits and beer/wine pouring identification card where the applicant's record indicates such employment would adversely affect the public health, safety or welfare, or violate the law.
- (e) No licensee under the provisions of this article shall hire any person, nor any person to work or assist in a pouring outlet or package wine outlet until such person has procured a distilled spirits and/or malt beverage and wine employee identification card.
- (f) The police department may provisionally grant an identification to an applicant, pending investigation and report. Where the report, when reviewed, is unfavorable as set out in subsection (d), the department may revoke the card and demand its return.
- (g) The police department may, after reasonable notice and hearing (unless waived), revoke an identification card and demand its surrender where the employee violates the provisions of this article, or becomes one who adversely affects the public health, safety and welfare.
- (h) It shall be unlawful for an employee whose card has been revoked, and upon whom demand for surrender of a card has been made, to refuse to so surrender, or to alter, conceal, deface or destroy the card.

(Ord. No. 81-05, § I, 10-6-05; Ord. No. 59-06, § 1, 8-3-06; Ord. No. 08-10, § 19, 3-18-10)

Sec. 4-120. - Pouring outlets.

The following provisions shall apply to pouring outlets:

- (1) The building or proposed building where pouring will take place shall meet all requirements of the city building inspector.
- (2) No percentage leases of buildings for pouring shall be permitted.
- (3) No pouring shall be permitted between the hours of 1:30 a.m. Sunday and 11:00 a.m. Sunday, or between the hours of 12:30 a.m. and 10:00 a.m. Monday through Thursday and/or between the hours of 1:30 a.m. and 10:00 a.m. Friday and Saturday except as provided in subsection (9) herein.
- (4) No wine or malt beverages or distilled spirits may be consumed on the premises of the pouring outlet between the hours of 2:00 a.m. Sunday and 11:00 a.m. Sunday, or between the hours of 12:30 a.m. and 10:00 a.m. Monday through Thursday and/or between the hours of 2:00 a.m. and 10:00 a.m. Friday and Saturday except as provided in subsection (9) herein.
- (5) In no event shall wine or malt beverages or distilled spirits be sold or delivered during the prohibited hours, set forth in subsections (3) and (4), based upon any devise or scheme, including the timely sale of tickets, chits and decanters.
- (6) It shall be unlawful to employ knowingly in any pouring outlet in any capacity whatsoever, including that of performer, entertainer or musician, any person who has pleaded guilty to or been convicted of any felony involving moral turpitude, or any crime relating to the manufacture or sale of intoxicating beverages within the last five (5) years.
- (7) It shall be the duty of the management of a pouring outlet to maintain a copy of this division at the outlet and to instruct each employee on the terms thereof.
- (8) As permitted by the City of Cartersville Code of Ordinances, outdoor pouring shall be allowed at sidewalk, or right-of-way cafes.
- (9) On New Year's Eve only, the pouring hours shall be extended to 1:30 a.m., and the hours of consumption shall be extended until 2:00 a.m.

(Ord. No. 52-08, § 1, 12-4-08; Ord. No. 15-10, §§ 1—3, 6-3-10; Ord. No. 32-19, § 1.B., 8-15-19)

Editor's note— Ord. No. 52-08, § 1, adopted Dec. 4, 2008, deleted the former § 4-120, and enacted a new § 4-120 as set out herein. The former § 4-120 pertained to similar subject matter. See the Code Comparative Table for complete derivation.



**THE LOCAL BAR & GRILL'S
NEW SERVER NOTICE AND ACKNOWLEDGMENT OF
CITY ORDINANCES PERTAINING TO SELLING ACOHOL TO MINORS,
PENALTIES FOR VIOLATING ORDINACES, &
WORK RELATED PENALTIES**

By signing this document, the undersigned, a server at the Local Bar & Grill has been provided a new server packet which contains all relevant ordinances concerning the sale of alcohol to minors. Further, undersigned server has been provided and reviewed these ordinances, as well as, the ordinances that pertain to employee identification cards, noticeably intoxicated individuals and pouring/closing times.

The undersigned also acknowledges that should they serve alcoholic beverage(s) to a minor can be criminally prosecuted. Undersigned server further acknowledges that should they violate any ordinance that relates to the license holder, or any of the ordinances expressly provided to them in their packet, said server shall be terminated immediately, and should the license holder face any fines as a result of the server's actions, shall be required to reimburse the license holder for the fine imposed.

By signing this document the undersigned server acknowledges, understands and consents to the terms expressed herein, and that they have reviewed and are aware of the ordinances provided in the packet, as well as, any and all penalties they may face should they violate said ordinances.

Lastly said server acknowledges that they were shown and had an opportunity to read through the Local's city ordinance binder containing all relevant ordinances to the sale and pouring of alcoholic beverages.

Said server acknowledges, understands and consents on this __ day of _____, 20__.

(signature) (SEAL)

(print name)



**THE LOCAL BAR & GRILL'S
NEW SERVER NOTICE AND ACKNOWLEDGMENT OF
CITY ORDINANCES PERTAINING TO SELLING ACOHOL TO MINORS,
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Lastly said server acknowledges that they were shown and had an opportunity to read through the Local's city ordinance binder containing all relevant ordinances to the sale and pouring of alcoholic beverages.

Said server acknowledges, understands and consents on this 8 day of March, 2021.

Kendall Steiner (SEAL)
(signature)
Kendall Steiner
(print name)



**THE LOCAL BAR & GRILL'S
NEW SERVER NOTICE AND ACKNOWLEDGMENT OF
CITY ORDINANCES PERTAINING TO SELLING ACOHOL TO MINORS,
PENALTIES FOR VIOLATING ORDINANCES, &
WORK RELATED PENALTIES**

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Lastly said server acknowledges that they were shown and had an opportunity to read through the Local's city ordinance binder containing all relevant ordinances to the sale and pouring of alcoholic beverages.

Said server acknowledges, understands and consents on this 9 day of March, 2021.


(signature) (SEAL)
Robin Steiner
(print name)



**THE LOCAL BAR & GRILL'S
NEW SERVER NOTICE AND ACKNOWLEDGMENT OF
CITY ORDINANCES PERTAINING TO SELLING ACOHOL TO MINORS,
PENALTIES FOR VIOLATING ORDINACES, &
WORK RELATED PENALTIES**

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Lastly said server acknowledges that they were shown and had an opportunity to read through the Local's city ordinance binder containing all relevant ordinances to the sale and pouring of alcoholic beverages.

Said server acknowledges, understands and consents on this 8 day of March, 2020.

Laken Bennett (SEAL)
(signature)

Laken Bennett
(print name)



**THE LOCAL BAR & GRILL'S
NEW SERVER NOTICE AND ACKNOWLEDGMENT OF
CITY ORDINANCES PERTAINING TO SELLING ACOHOL TO MINORS,
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Lastly said server acknowledges that they were shown and had an opportunity to read through the Local's city ordinance binder containing all relevant ordinances to the sale and pouring of alcoholic beverages.

Said server acknowledges, understands and consents on this 0 day of March, 2021.

T Grant (SEAL)
(signature)

Tori Grant
(print name)

ID#: 5277079 Name: Robin S Steiner

Exam Date: 1/10/2020

Expiration Date: 1/10/2023



eTIPS On Premise 3.0

CERTIFIED

Issued: 1/10/2020

Expires: 1/10/2023

ID#: 5277079

Robin S Steiner
The Local Bar & Grill
120 S Irwin Street
Cartersville, GA 30120

For service visit us online at www.gettips.com

ID#: 5277079 Name: Robin S Steiner

Exam Date: 1/10/2020

Expiration Date: 1/10/2023



eTIPS On Premise 3.0

CERTIFIED

Issued: 1/10/2020

Expires: 1/10/2023

ID#: 5277079

Robin S Steiner
The Local Bar & Grill
120 S Irwin Street
Cartersville, GA 30120

For service visit us online at www.gettips.com

ID#: 4627183 Name: Lauren A Steiner
Exam Date: 9/14/2017 Expiration Date: 9/14/2020



eTIPS On Premise 3.0

CERTIFIED

Issued: 9/14/2017

Expires: 9/14/2020

ID#: 4627183

Lauren A Steiner
The Local Bar and Grill
Cartersville
120 S Erwin St
Cartersville, GA 30120-3575

For service visit us online at www.gettips.com



with you as proof of your TIPS certification.

Meeting: April 15, 2021 Item 11.

ID#: 5277136 Name: Kendall S Steiner

Exam Date: 1/10/2020 Expiration Date: 1/10/2023



eTIPS On Premise 3.0

CERTIFIED

Issued: 1/10/2020

Expires: 1/10/2023

ID#: 5277136

Kendall S Steiner
Local Bar and Grill
120 S Erwin St
Cartersville, GA 30120-3575

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TIPS CERTIFICATION

Home (<https://www.beveragetraining.com/>) / TIPS Certification

If you will sell or serve alcohol, it is crucial you get certified in proper alcohol training. Since there are numerous rules and regulations concerning age requirements for whom alcohol can be served to in a restaurant or other establishment, knowing how to properly perform your job will save you many unnecessary headaches along the way. By completing a TIPS Certification course, you'll be able to have complete confidence while on the job.



How Do I Get Started?

To get started gaining your TIPS bartender certification (<https://www.beveragetraining.com/pennsylvania-ramp-tips-certification/>), you'll simply choose which course is best for you and your employment situation from the various options. After doing so, you'll be able to complete your TIPS certification online at your own pace from home, work, or wherever you might be at the time. Upon doing so and passing the TIPS exam, you'll receive your certification by mail within 10 business days.

What is TIPS Certification?

This training course, which can be completed online within 2-3 hours, focuses on various issues specifically related to serving alcohol at restaurants, hotels, bars, and other establishments, which can also include private parties and on-premise liquor license holders where alcohol is served by the drink. Valid for three years upon completion, the course covers such topics as how to prevent intoxication, underage drinking, and drunk driving among those to whom alcohol is sold or served.

Who Needs to be TIPS Certified?

As for who needs TIPS alcohol certification, this includes anyone who serves alcohol in an establishment that holds a liquor license. Common occupations requiring TIPS alcohol certification include bartenders, servers, managers, and hosts or hostesses.

Why Should I Gain TIPS Certification?

Since TIPS is recognized around the world as the leader in education and training for those who sell and serve alcohol, gaining this certification ensures you will have the knowledge and skills required to do your job in the best possible manner. Due to its skills-based training format, you will be able to work well in a variety of environments. Thus, it not only makes you a desirable job candidate, but also helps with creating a safe work environment, providing legal protection, and helping you avoid mistakes that can lead to penalties and fines linked to illegal alcohol sales.

Which TIPS Certification Course Should I Choose?

When choosing a certification course, it will largely come down to the type of job you have or aspire to have later on. Since there are four different TIPS alcohol certification courses from which to choose, always make sure you choose the one that best fits your needs. To make sure any questions you have are answered, here are basic descriptions of all four courses and the differences

TIPS for On-Premise

If you are seeking TIPS bartender certification, the TIPS for On-Premise course is probably the course for you. The most popular course offering, the On-Premise course is a five-hour course that covers essential topics related to the sale and serving of alcohol in bars, hotels, and other places. If you are currently working as a server in these or other related settings or plan to do so in the near future, the TIPS On-Premise course is highly recommended.

On-Premise (<https://getti.ps/36aVB3j>)

TIPS for Off-Premise

If you are currently working in a grocery store, liquor store, gas station, or convenience store and are in need of TIPS certification online (<https://www.beveragetraining.com/pennsylvania-ramp-tips-certification/>), the TIPS for Off-Premise course should be the course you complete. A three-hour program that covers all the essential elements associated with selling alcohol in these businesses, the Off-Premise course will help make sure you don't mistakenly sell alcohol to underage or intoxicated customers.

Off-Premise (<https://getti.ps/2RvWy0l>)

TIPS for Gaming

If you want to work in a casino or perhaps on a riverboat where gambling takes place, it is vital you complete the TIPS for Gaming online course. Like the On-Premise course, this can also be completed in five hours. Focused on various issues that may arise with guests who are being served complimentary cocktails while participating in various gaming activities, it also trains you in how to deal with guests who may be staying on-site at the property.

Gaming (<https://getti.ps/2uo71Dv>)

TIPS for Concessions

Finally, if you are working in such venues as stadiums, arenas, theaters, or perhaps at amusement parks, fairs, or concerts and festivals, completing the three-hour TIPS for Concessions online course will give you the training needed to handle various situations involving alcohol at these sites and events.

Concessions (<https://getti.ps/30HRU47>)

By completing whichever TIPS certification courses you may need, both you and your employer will not only meet state and local training requirements, but also ensure no violations of rules and regulations pertaining to the sale and serving of alcohol take place. In doing so, you gain peace of mind on the job, knowing you have the knowledge and skills needed to deal with various situations.

CONTACT

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Oregon OLCC Permit (<https://www.beveragetraining.com/oregon-olcc-permit/>)
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CITY COUNCIL ITEM SUMMARY

MEETING DATE:	April 15, 2021
SUBCATEGORY:	Violation
DEPARTMENT NAME:	Clerk
AGENDA ITEM TITLE:	The Page AKA Corona's
DEPARTMENT SUMMARY RECOMMENDATION:	Dongsik Kwak, license holder for The Page aka Corona's, located at 212 S Tennessee St. is in violation of selling alcohol to an underage individual. The license holder was given an opportunity to sign a consent order, pay \$1,000 fine by Friday, March 5 th and subject to 3 years' probation considering this was a 1 st offense. Mr. Kwak failed to return the consent order and pay the fine. Mr. Kwak has decided to appeal his case before Mayor and City Council.
LEGAL:	N/A

ARCHER & LOVELL, P.C.

ATTORNEYS AT LAW
102 LEAKE STREET
P. O. BOX 1024
CARTERSVILLE, GEORGIA 30120

David G. Archer
E. Keith Lovell

(770) 386-1116
Fax (770) 382-7484

MEMORANDUM

TO: Mayor & City Council
CC: Randy Mannino, Planning & Development Director
Frank McCann, Chief of Police
Dan Porta, City Manager
FROM: E. Keith Lovell (EKL)
DATE: April 6, 2021
RE: Appeals of Alcohol Control Board Orders from
March 10, 2021 and March 24, 2021 ACB Hearings

- El Nopal
- Short Trip/Easy Trip 2
- The Local Bar & Grill
- The Page fka Corona's

The City has received four (4) notices of appeal from the Orders issued as a result of the March 10, 2021 and March 24, 2021 Alcohol Control Board hearings. Each establishment violated City of Cartersville Alcohol Control Ordinances, specifically Section 4-21 selling alcohol to a minor and Section 4-13, responsibility of Licensee for violations. Each of these cases have been placed on the April 15, 2021 City Council Agenda for the Mayor and City Council to hear the appeals. At the bottom of this Memo are the standards for the Mayor and City Council to consider if making any reduction to the penalties imposed by the ACB, and the procedures for appeals.

The record of each appeal is attached for your consideration. Additionally, part of the record includes the video of the incident in question, and although not a part of your package, will be available at the Council Meeting if you want to review. A brief summary of each appeal is listed out below:

1) *El Nopal (first time offender)*. Counsel for licensee/owner, Jana Allen, filed an appeal of the ACB March 10, 2021 Order. This licensee sent his wife/co-owner to the City to pay the fine and return the consent order on the last day due and after discussions with Planning & Development staff realized a reduction of the probation could not be provided by said staff. Licensee failed to appear for the ACB hearing, and the Board entered an order finding the licensee Guilty, imposing a \$1,000.00 fine and 3 years' probation. After the wife of licensee realized the failure to appear before the ACB, Jana Allen was hired and immediately contacted the City attorney's office. Licensee is actually hospitalized at this time. An actual hearing for this establishment was placed on the March 24, 2021 calendar and a motion for reconsideration was presented by counsel, Jana Allen. The Board considered the motion and denied the same. The appeal of the March 10, 2021 order requests a higher fine and reduction of the 3 years' probation period via an alternative method of punishment (community service or similar). As the establishment had two (2) violations, the maximum penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

Memo to Planning & Development & Public Works
Memo from E. Keith Lovell
Date: April 6, 2021
Re: Appeals of ACB March 10, 2021 Orders
Page 2

2) *Short Trip/Easy Trip2 (first time offender)*. The licensee holder/owner filed an appeal of the decision of the ACB March 10, 2021 Order. This licensee failed to return the Consent Order delivered to it and failed to appear for the ACB hearing. The Board entered an order finding the licensee Guilty, imposing a \$1,000.00 fine and 3 years' probation. This appeal just asks for reconsideration. As the establishment had two (2) violations, the maximum penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

3) *The Local Bar & Grill (first time offender)*. Counsel for licensee, Taff Wren, filed an appeal of the ACB March 10, 2021 Order. At said hearing, the establishment pled No Contest and a fine of \$1,000.00 was imposed and three (3) years' probation. This appeal asks for leniency/reduction of the probation period. As the establishment had two (2) violations, the maximum penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

4) *The Page fka Corona's (first time offender)*. The co-owner of the establishment filed an appeal of the decision. At said hearing, the co-owner of the establishment pled Guilty and a fine of \$1,000.00 was imposed and three (3) years' probation. This appeal is asking for reconsideration of the fine and/or probation. As the establishment had three (3) violations, the maximum penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

The recommended penalties pursuant to Section 4-209(c) are as follows:

Sec. 4-209. - Action by alcohol control board,

(c) Subject to the notice, hearing and appeal rights of a licensee as provided in this chapter, if the alcohol control board determines that a violation has occurred and been adjudicated guilty or the licensee has pled guilty or no contest it is authorized to levy the following fines and penalties. The board has the right to impose additional penalties or waive any of the penalties imposed based upon the facts of the incident as presented to them.

For violations within a three-year period involving the same license, owners or location the following recommended guidelines are hereby adopted.

Offense	Fine	Probation	Suspension/Revocation
First	Up to \$1,000.00	3 years	None
Second	Up to \$1,000.00	3 years	30 days suspension
Third	Up to \$1,000.00	3 years	Revocation; no reapplication for one year

Memo to Planning & Development & Public Works
Memo from E. Keith Lovell
Date: April 6, 2021
Re: Appeals of ACB March 10, 2021 Orders
Page 3

The procedures for an appeal are outlined in Section 4-209(e)(4), and are as follows:

- (4) The notice of appeal to the mayor and city council shall be in writing and accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The notice of appeal must be filed in writing at the office of planning and development. The grounds for the appeal shall be limited to issues that were addressed in the hearing. Upon receipt of a notice of appeal, the city manager shall submit the entire record of the case to the mayor and city council and the planning and development director or his/her designee may also submit a memorandum in response to the memorandum filed by the licensee. The planning and development director or his/her designee shall place the appeal on the agenda of the next regular council meeting occurring not less than ten (10) or more than thirty (30) days after receipt of the appeal, unless the parties stipulate to another date. The appellant shall have the right to be represented by legal counsel. At the hearing, the mayor and city council will receive oral arguments on the written memoranda and the evidence in the record. The right to offer oral argument may be waived. No additional evidence or arguments shall be permitted at the council meeting, and the council shall base its decision on the memoranda, oral arguments, if any, and other evidence in the record. Following the appeal hearing, the council may sustain, overrule or modify the order. In lieu of suspension or revocation, the mayor and city council may impose a fine upon any licensee, such fine as set forth in this chapter, for each violation occurring on the licensed premises. The mayor and city council shall also have the option to remand the matter to the alcohol control board for a de novo hearing or for the taking of additional evidence on specific points. The mayor and city council have thirty (30) days from the date of the hearing to render a decision in this matter. If the city council does not refer the matter back to the alcohol control board the decision of the mayor and city council shall be final and the appellant shall have the right to seek a writ of certiorari to the superior court of the county within thirty (30) days of the final action of the mayor and city council. The final action of the city council shall be reduced to a written order signed by the mayor. The original of the mayor's order shall be filed in the record of the case, and a copy of the order shall be included in the minutes of the mayor and city council meeting. It shall be the responsibility of the city clerk to provide a copy of the order to the appellant.

Memo to Planning & Development & Public Works
Memo from E. Keith Lovell
Date: April 6, 2021
Re: Appeals of ACB March 10, 2021 Orders
Page 4

CITY OF CARTERSVILLE ORDINANCE – STANDARDS TO CONSIDER IF REDUCING PENALTIES:

Sec. 4-209. - Action by alcohol control board.

- (f) The penalties for establishments and license holders may be mitigated if such establishments are found to have maintained an effective compliance program. Factors to be considered are:
- (1) Whether and to what extent the establishment requires its servers to attend alcohol ordinance compliance seminars.
 - (2) Whether the establishment conducts its own "secret shopper" or internal "sting" operations.
 - (3) Whether the establishment has a written policy dealing with the problems of minors attempting to obtain alcohol at such establishment.
 - (4) Whether the establishment has appropriate signs and other displays such as "We ID" or "If you're a minor, the soft drinks are this way".
 - (5) The degree to which the establishment has procedures in place to monitor its servers for compliance with the ordinance.
 - (6) Whether the establishment makes available a copy of the ordinance to its servers.
 - (7) Extent to which the establishment has met the other requirements of the ordinance.
 - (8) Other evidence demonstrating the establishment's compliance with the ordinance and prevention of underage drinking in the establishment and the community at large.

4) THE PAGE FKA CORONA'S

- **Hearing notice for appeal before Mayor & Council**
- **Notice of appeal**
- **March 10, 2021 ACB Order**
- **Minutes of March 10, 2021 ACB hearing**
- **ACB Package for March 10, 2021 hearing**

ARCHER & LOVELL, P.C.

ATTORNEYS AT LAW
102 LEAKE STREET
P O BOX 1024
CARTERSVILLE, GEORGIA 30120

David G. Archer
E. Keith Lovell

Phone (770) 386-1116
Fax (770) 382-7484

March 26, 2021

Mr. Dongsik Kwak
YD Enterprises, Inc.
212 S. Tennessee Street
Cartersville, GA 30120

*VIA CERTIFIED MAIL/RETURN RECEIPT
AND VIA HAND DELIVERY TO THE
ESTABLISHMENT*

Mr. William Watkins
PO Box 2365
Cartersville, GA 30120

VIA CERTIFIED MAIL/RETURN RECEIPT

IN RE: **NOTICE OF HEARING ON APPEAL – APRIL 15, 2021, 7:00 P.M.**
Alcohol License Certificate Number: LL202002506
License Type: Pouring: Beer, Wine, Distilled Spirits, Sunday Sales
License Holder: Dongsik Kwak
Establishment: The Page fka Corona's, 212 S. Tennessee Street, Cartersville, GA

Gentlemen:

The City of Cartersville received your appeal to the Order issued by the Alcohol Control Board for the alcohol licensee listed above. **You are hereby notified that the Mayor and City Council of the City of Cartersville, Georgia, will hear said appeal at 7:00 pm on April 15, 2021, at the City Council Chambers, Third Floor, City Hall, 10 North Public Square, Cartersville, Georgia 30120.**

Below is a brief synopsis of the case and your appeal:

The Page fka Corona's (first time offender). The co-owner of the establishment filed an appeal of the decision. At said hearing, the co-owner of the establishment pled Guilty and a fine of \$1,000.00 was imposed and three (3) years' probation. This appeal is asking for reconsideration of the fine and/or probation. As the establishment had three violations, the recommended penalties were fines of up to \$1,000.00 on each violation, plus, three (3) years' probation on each violation.

And, below is City of Cartersville Ordinance, Sec. 4-209(c)(4), as it relates to appeals and the process.

- (4) The notice of appeal to the mayor and city council shall be in writing and accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The notice of appeal must be filed in writing at the office of planning and development. The grounds for the appeal shall be limited to issues that were addressed in the hearing. Upon receipt of a notice of appeal, the city manager shall submit the entire record of the case to the mayor and city council and the planning and development director or his/her designee may also submit a memorandum in response to the memorandum filed by the licensee. The planning and development director or his/her designee shall place the appeal on the agenda of the next regular council meeting

Dongsik Kwak/William Watkins
March 26, 2021
Notice of Appeal Hearing – Mayor & City Council
Establishment: The Page fka Corona's
Page 2

occurring not less than ten (10) or more than thirty (30) days after receipt of the appeal, unless the parties stipulate to another date. The appellant shall have the right to be represented by legal counsel. At the hearing, the mayor and city council will receive oral arguments on the written memoranda and the evidence in the record. The right to offer oral argument may be waived. No additional evidence or arguments shall be permitted at the council meeting, and the council shall base its decision on the memoranda, oral arguments, if any, and other evidence in the record. Following the appeal hearing, the council may sustain, overrule or modify the order. In lieu of suspension or revocation, the mayor and city council may impose a fine upon any licensee, such fine as set forth in this chapter, for each violation occurring on the licensed premises. The mayor and city council shall also have the option to remand the matter to the alcohol control board for a de novo hearing or for the taking of additional evidence on specific points. The mayor and city council have thirty (30) days from the date of the hearing to render a decision in this matter. If the city council does not refer the matter back to the alcohol control board the decision of the mayor and city council shall be final and the appellant shall have the right to seek a writ of certiorari to the superior court of the county within thirty (30) days of the final action of the mayor and city council. The final action of the city council shall be reduced to a written order signed by the mayor. The original of the mayor's order shall be filed in the record of the case, and a copy of the order shall be included in the minutes of the mayor and city council meeting. It shall be the responsibility of the city clerk to provide a copy of the order to the appellant.

Very truly yours,

ARCHER & LOVELL, P.C.

E. Keith Lovell

E. Keith Lovell
Assistant Attorney for the City of Cartersville

EKL/slf

cc: City Manager, City of Cartersville
Planning and Development Director, City of Cartersville
Chief of Police, City of Cartersville
City Clerk, City of Cartersville

.....
This letter was served upon William D. Watkins at 212 S. Tennessee Street, Cartersville, GA on the 26 day of MARCH, 2021 by the undersigned Police Officer/Code Enforcement Officer and service is hereby acknowledged.



Signature of Person Served



POLICE OFFICER/CODE ENFORCEMENT OFFICER

APPEAL TO THE MAYOR AND CITY COUNCIL

VIOLATION HEARING NO: 21-021

On the behalf of The Page Bar and Grill fka Corona's whose principle address is 212 South Tennessee Street Cartersville, I'm asking for leniency for the violation that was committed on February 03, 2021.

As I know that stupidity is no excuse, I'm being honest with you as to why I'm here before you in the first place. I was asked to invest in this bar back in December of 2020. My investment was suppose to be in the amount of \$25,000.00. I was supposed to be a silent partner who was suppose to be able to collect a check once a month and check on the place from time to time.

I have since spent \$45,000.00 on this place and not worked from December 22, 2020 until January 15, 2021 due to trying to secure my investment.

I own a trucking company who is contracted to the military. I have a PSS Security Clearance which would tell you that I don't do anything purposely to jeopardize my career. I explained this to the Alcohol Board on March 10, 2021. I have since purchased a book called "Running a Bar for Dummies" as well as watch every episode of Bar Rescue that I can when time permits.

With that said, I will agree that I had two bar tenders at the Bar on February 03, 2021. One of them took the patron's money and the other one served the beer. When I got to the bar, officer Payne I'm guessing explained to me what had happened. I apologized to him and told him i would take care of it. I terminated one of the bartenders after I made sure I wasn't breaking any laws by doing so. The other bartender is my wife of 31 years and as much as I wanted to terminate her, it was not in my best interest to do so. We have since hired a doorman to check IDs at the door, hired two well seasoned bar tenders who Id at the bar, hired a manager to manage what the bartenders are doing, and upgraded the camera system so I can see what's going on in my absence.

I'm also working with an entity who is preparing literature for everyone associated with the establishment to further educate us on the rules and regulations of the bar and alcohol business.

After my case, I walked out due to anxiety. I later returned for the remainder of the hearing. I heard someone ask if there could be something done along the line of a training kiosk when you go for your pouring license. I would love to help out with this if possible as I hold a hazmat endorsement in which we have to do some type of training on yearly. In my opinion, the liquor license should be renewed every year or maybe every two years and you should have to pass a knowledge based test on the rules and regulations of serving alcohol.

In my closing, I'm throwing myself at the mercy of the Council and the Mayor for several reasons. First, I've spent a great deal out of my our savings on what was supposed to be an investment that I was never suppose to run and manage in the first place. Second, while it is not my intentions to make mistakes, I know we're human and should there be another mistake or violation made of any kind within this three year probation period, it would be detrimental to the business as I am still in the learning process myself. Third, I'm trylng to recoup our investment/ savings so I may have an exit strategy of the bar business altogether.

I know we did something wrong and therefore need to be reprimanded for it however, it was definitely unintentional. I also want to apologize for taking up your time.

Respectfully

William D Watkins

VIOLATION HEARING NO: 21-021

BEFORE THE ALCOHOL CONTROL BOARD
CITY OF CARTERSVILLE

CITY OF CARTERSVILLE, GEORGIA	)	CARTERSVILLE ALCOHOL
	)	CONTROL BOARD
Licensor,	)	VIOLATION HEARING NO: 21-021
)	
v.	)	HEARING DATE: 3/10/2021
)	
DONGSIK KWAK,)	
)	
Licensee.)	
)	
Establishment: The Page Bar fka Corona's)	
)	
Address: 212 S. Tennessee Street)	
Cartersville, GA)	
)	
Pouring: Beer, Wine, Distilled Spirits,)	
Sunday Sales)	
)	
Alcohol License Certificate Number:)	
LL202002506)	

ORDER

On March 10, 2021, the Cartersville Alcohol Board held a hearing on alleged violations of the City of Cartersville Code of Ordinances, specifically Section 4-13 and Section 4-21 as stated in the Notice Letter of February 22, 2021.

William Watkins, co-owner of the Establishment, appeared on behalf of the Licensee, and pled GUILTY to the charges of selling alcohol to a minor on February 3, 2021.

After consideration, and on motion, the Board unanimously accepted the Licensee's plea of GUILTY and imposed the following penalty:

1. A fine in the amount of: \$1,000.00; and
2. Three (3) years' probation from March 10, 2021 through and including March 11, 2024.

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 Wednesday, March 24, 2021, 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 March 24, 2021, 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 10th day of March, 2021.

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 via certified mail, return receipt requested, to the address provided by the Licensee at the Hearing, this 12th day of March, 2021.

14 E. Keith Lovell

E. Keith Lovell, Assistant City Attorney
City of Cartersville

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

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, 3rd 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, 5th 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: 2nd violation

Mr. Lovell gave an overview of the violation stating this is Applebee's 2nd 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 underage 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.: 1st 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 recuses himself as well.

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.: 1st 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.: 1st 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.: 1st 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: 1st 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.: 1st 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.: 1st 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, 3rd 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.

Date Approved

/s/ _____
Chairman

/s/ _____
Secretary

ACB PACKAGE COVER PAGE

ACB CASE NO.:	21-021
ESTABLISHMENT:	THE PAGE BAR FKA CORONAS**
ESTABLISHMENT ADDRESS:	212 S. TENNESSEE STREET
LICENSEE:	KWAK, Dongsik
HEARING DATE:	MARCH 10, 2021

DOCUMENTS WITHIN PACKAGE:

Notice Letter with Plea Offer/Consent Order - Acknowledgment Copy
by Establishment

Alcohol License

Business License

Field Report

Investigative Summary

Receipt for Purchase

Citation to Employee ** - 2 employees cited - one took order &
handed over drink and other cashed out

ARCHER & LOVELL, P.C.

ATTORNEYS AT LAW
102 LEAKE STREET
P. O. BOX 1024
CARTERSVILLE, GEORGIA 30120

David G Archer
E. Keith Lovell

Phone: (770) 386-1116
Fax: (770) 382-7484

February 22, 2021

Dongsik Kwak
YD Enterprises, Inc.
212 S. Tennessee Street
Cartersville, GA 30120

*VIA REGULAR MAIL AND VIA HAND DELIVERY TO THE
ESTABLISHMENT LOCATION IN CARTERSVILLE,
GEORGIA*

IN RE: **NOTICE OF SUSPENSION, PROBATION, FINE AND/OR REVOCATION
HEARING BEFORE THE CARTERSVILLE ALCOHOL CONTROL
BOARD ON MARCH 10, 2021 AT 10:00 AM**
Alcohol License Certificate Number: LL202002506
Customer Number: LCB201700041
License Type: Pouring: Beer, Wine, Distilled Spirits, Sunday Sales
License Holder: Dongsik Kwak / Corono's
Establishment: The Page Bar

Dear Mr. Kwak:

You are hereby notified by the Mayor and City Council of the City of Cartersville, Georgia, that Christian Joy Crespo-Kuykendall and Delores Elaine Watkins, employees of YD Enterprises, Inc. were each charged and issued a citation for selling alcohol to minors on February 3, 2021. (One person took the order and handed the beverage over and the other person rang up the transaction.) Christian Joy Crespo-Kuykendall and Delores Elaine Watkins are both scheduled for trial on July 12, 2021, at 3:00 pm in the City of Cartersville Municipal Court for the citation of selling to minors.

Selling alcohol to minors is a violation of the City of Cartersville Code of Ordinance Section 4-21. It is also a violation by the license holder, pursuant to Sec. 4-13 of the City of Cartersville Code of Ordinances. The Alcohol Control Board of the City of Cartersville has scheduled a hearing to determine whether or not your City of Cartersville Alcohol License should be fined, suspended, revoked, placed on probation and/or any combination thereof pursuant to City of Cartersville Code of Ordinances Sections 4-203 and 4-209.

You and/or your employee have been charged with two (2) violations of the City of Cartersville Alcohol Ordinance, specifically, Sections 4-13 and 4-21 of the City of Cartersville Code of Ordinances. You, as the license holder, are subject to a fine of up to \$1,000.00 on each violation, and up to three (3) years' probation on each violation for a total of \$2,000.00 and/or 6 years' probation. Additionally, the Alcohol Control Board reserves the right to suspend and/or revoke your license(s) for each violation.

YD Enterprises, Inc.
February 22, 201
Notice of Hearing – Alcohol Control Board
Establishment: The Page Bar
Page 2

Please be advised that if found guilty of the alleged violations, you have the right to appeal pursuant to the requirements of City of Cartersville Code of Ordinances Section 4-209(e)(1), (2) and (3).

You are hereby ordered to be and appear at said Alcohol Control Board hearing at 10:00 am on March 10, 2021, at the City Council Chambers, Third Floor, City Hall, Cartersville, Georgia, to show cause why your license should not be suspended, probated, revoked and/or a fine imposed. You have the right to plead guilty, not guilty, or no contest to the charges. Grounds for this hearing is that your establishment violated Sections 4-13 and 4-21 of the City of Cartersville Code of Ordinances.

IN LIEU OF A HEARING, THE ALCOHOL CONTROL BOARD HAS AUTHORIZED A PLEA AGREEMENT WITH YOU, SINCE THIS IS YOUR FIRST VIOLATION, UPON THE FOLLOWING CONDITIONS: YOU ENTER A PLEA OF "NO-CONTEST," PAY A FINE IN THE AMOUNT OF \$1,000.00, AND THREE (3) YEARS' PROBATION. IF YOU WISH TO ACCEPT THIS PLEA AGREEMENT, THE ATTACHED ORDER MUST BE SIGNED, AND PAYMENT IN THE AMOUNT OF \$1,000.00 MUST BE DELIVERED TO:

**ALCOHOL LICENSING CLERK
OFFICE OF COMMUNITY DEVELOPMENT
CITY HALL - 2ND FLOOR
10 NORTH PUBLIC SQUARE
CARTERSVILLE, GA 30120**

OR VIA MAIL TO:

**COMMUNITY DEVELOPMENT DEPARTMENT
PO BOX 1390
CARTERSVILLE, GA 30120**

SAID PAYMENT AND SIGNED ORDER MUST BE RECEIVED BY FRIDAY, MARCH 5, 2021, NO LATER THAN 4:30 PM. IF SAID ORDER AND PAYMENT IS NOT RECEIVED BY SAID DATE AND TIME, THE PLEA OFFER IS WITHDRAWN, AND THE HEARING SHALL BE HELD AS STATED ABOVE ON MARCH 10, 2021, 10:00 AM.

This hearing does not concern any other licenses which are held by the license holder. This letter is being sent pursuant to the requirement of the City of Cartersville Code of Ordinance Section 4-209(e).

YD Enterprises, Inc.
February 22, 201
Notice of Hearing – Alcohol Control Board
Establishment: The Page Bar
Page 3

Additionally, you have the right to be represented by counsel and to all subpoena powers which are available to the Alcohol Control Board at said hearing.

This 22nd day of February, 2021.

Very truly yours,

ARCHER & LOVELL, P.C.

E. Keith Lovell

E. Keith Lovell
Assistant Attorney for the City of Cartersville

EKL/slf
cc: City Manager, City of Cartersville
Planning and Development Director, City of Cartersville
Chief of Police, City of Cartersville
City Clerk, City of Cartersville
Enclosure

.....

This letter was served upon Delores Watkins at 212 S Tennessee St on the 24 day of February, 2021 by the undersigned Police Officer/Code Enforcement Officer and service is hereby acknowledged.

Delores Watkins
Signature of Person Served

[Signature]
POLICE OFFICER/CODE ENFORCEMENT OFFICER

BEFORE THE ALCOHOL CONTROL BOARD
CITY OF CARTERSVILLE

CITY OF CARTERSVILLE, GEORGIA	)	CARTERSVILLE ALCOHOL
	)	CONTROL BOARD
Licensor,	)	VIOLATION HEARING NO: 21-_____
)	
v.)	
)	
DONGSIK KWAK,)	
)	
Licensee.)	
)	
Establishment:)	
THE PAGE BAR F/K/A CORONA'S)	
212 N. TENNESSEE STREET)	
CARTERSVILLE, GA)	
)	
Alcohol License Certificate No:)	
LL202002506)	

CONSENT JUDGMENT AND ORDER

On February 3, 2021, License Holder committed a violation of the City of Cartersville Code of Ordinances, specifically Section 4-21 as stated in the Notice Letter of February 22, 2021.

The Licensee consents to the jurisdiction of the Alcohol Control Board in this matter. As this is a first offense, the Alcohol Control Board has offered a plea deal to the Licensee of a fine in the amount of \$1,000.00 and three (3) years' probation. Licensee has reviewed this plea individually and/or with legal counsel of their choosing, and hereby consents to said Judgment.

This Plea Offer is only valid until March 5, 2021. If received after March 5, 2021, 4:30 p.m., said Plea Offer is NULL AND VOID.

In lieu of a hearing, the Licensee enters a plea of NO CONTEST to the violations of City of Cartersville Code of Ordinances 4-21 and the Board accepts the Licensee's plea of no contest and imposes the following penalties:

- 1) A fine in the amount of: \$1,000.00 per violation; and

Consent Judgment and Order
Licensee: Dongsik Kwak
Establishment: The Page Bar fka Corona's
Page 3

CERTIFICATE OF SERVICE

This is to certify I have this day served the above Licensee, or counsel of record, via mail to the address listed on Licensee's Alcohol License, with a copy of the within and foregoing Consent Judgment and Order, this 10th day of March, 2021.

E. Keith Lovell

E. Keith Lovell, Assistant City Attorney
City of Cartersville

PO Box 1024
Cartersville, Georgia 30120
(770) 386-1116

Alcohol License City of Cartersville, Georgia



Business Mailing Address:

DONGSIK KWAK
YD ENTERPRISES, INC.
212 S TENNESSEE ST
CARTERSVILLE, GA 30120

Certificate Number
LL202002506

Business Address	212 TENNESSEE ST
Alcohol License Type	Pouring: Beer, Wine, Distilled Spirits, Sunday Sales
Business Type	722511 - Full-Service Restaurants 722410 - Alcoholic Beverages
Customer Number	LCB201700041
Certificate Issued to	CORONA'S
Certificate Amount	\$ 2,000.00
Expiration Date	12/31/2021

Date Issued: February 05, 2021

Director of Planning and Development

DISPLAY IN A CONSPICUOUS PLACE. MAY BE
REVOKED FOR CAUSE

MISC00000889315

Occupational Tax Certificate City of Cartersville, Georgia



Business Mailing Address:

DONGSIK KWAK
YD ENTERPRISES, INC.
212 S TENNESSEE ST
CARTERSVILLE, GA 30120

Certificate Number
0001202000934

Business Address: 212 TENNESSEE ST

Business Type: 722511 - Full-Service Restaurants
722410 - Alcoholic Beverages

Customer Number: LCB201700041

Certificate Issued To: CORONA'S

Certificate Amount: 90.00

Expiration Date: 12/31/2021

Date Issued: December 30, 2020

Director of Planning and Development

DISPLAY IN A CONSPICUOUS PLACE. MAY BE
REVOKED FOR CAUSE

MISC00000889315

CARTERSVILLE POLICE DEPARTMENT
FIELD CASE REPORT CASE# 2021-00001951

EVENT	REPORTED DATE/TIME 02/03/2021 21:40	OCURRED INCIDENT TYPE Traffic/City	
	OCURRED FROM DATE/TIME 02/03/2021 21:30	OCURRED THRU DATE/TIME 02/03/2021 21:50	LOCATION OF OCCURENCE THE PAGE 212 S TENNESSEE ST SE CARTERSVILLE, GA

OFFENSES	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT
	01	4-21 Purchase by or sales to underaged persons	1	Completed

SUBJECT	JACKET/SUBJECT TYPE Adult Suspect		NAME (LAST, FIRST, MIDDLE, SUFFIX) CRESPO-KUYKENDALL, CHRISTIAN JOY									
	DOB 01/18/1982		AGE or AGE RANGE 39		ADDRESS (STREET, CITY, STATE, ZIP) 1944 POINSETTA DR ACWORTH, GA 30102							
	RACE White		SEX Female		HEIGHT or RANGE 5'07 5'07		WEIGHT or RANGE 210 210		HAIR Brown		EYE Brown	
	DL NUMBER/STATE 2100789190 / NV			PRIMARY PHONE (470)315-5478			PHONE #2			PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE Adult Suspect		NAME (LAST, FIRST, MIDDLE, SUFFIX) WATKINS, DELORIS ELAINE									
	DOB 11/18/1972		AGE or AGE RANGE 48		ADDRESS (STREET, CITY, STATE, ZIP) 343 RICHARDS RD NE WHITE, GA 30184							
	RACE White		SEX Female		HEIGHT or RANGE 5'5 5'5		WEIGHT or RANGE 135 135		HAIR Brown		EYE Green	
	DL NUMBER/STATE 055154609 / GA			PRIMARY PHONE (404)434-4398			PHONE #2			PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE Business Victim		NAME (LAST, FIRST, MIDDLE, SUFFIX) CITY OF CARTERSVILLE,									
	DOB		AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP) 1 N ERWIN ST SE CARTERSVILLE, GA 30120							
	RACE		SEX		HEIGHT or RANGE		WEIGHT or RANGE		HAIR		EYE	
	DL NUMBER/STATE			PRIMARY PHONE (770)387-7404			PHONE #2			PHONE #3		

REPORTING OFFICER 147 Payne	DATE 02/03/2021	REVIEWED BY Belcher, A.L.	DATE 02/05/2021
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CARTERSVILLE POLICE DEPARTMENT
FIELD CASE REPORT CASE# 2021-00001951

ADDITIONAL SUBJECTS

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE, SUFFIX)				
	Adult Complainant	PAYNE, A D				
	DOB	ADDRESS (STREET, CITY, STATE, ZIP)				
	AGE or AGE RANGE	195 CASSVILLE RD SE CARTERSVILLE, GA 30120				
RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
DL NUMBER/STATE	PRIMARY PHONE		PHONE #2		PHONE #3	
(770)382-2526						

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE, SUFFIX)				
	DOB	ADDRESS (STREET, CITY, STATE, ZIP)				
	AGE or AGE RANGE					
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE	PRIMARY PHONE		PHONE #2		PHONE #3	

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE, SUFFIX)				
	DOB	ADDRESS (STREET, CITY, STATE, ZIP)				
	AGE or AGE RANGE					
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE	PRIMARY PHONE		PHONE #2		PHONE #3	

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE, SUFFIX)				
	DOB	ADDRESS (STREET, CITY, STATE, ZIP)				
	AGE or AGE RANGE					
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE	PRIMARY PHONE		PHONE #2		PHONE #3	

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE, SUFFIX)				
	DOB	ADDRESS (STREET, CITY, STATE, ZIP)				
	AGE or AGE RANGE					
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
DL NUMBER/STATE	PRIMARY PHONE		PHONE #2		PHONE #3	

REPORTING OFFICER	DATE	REVIEWED BY	DATE
147 Payne	02/03/2021	Belcher, A.L.	02/05/2021

CARTERSVILLE POLICE DEPARTMENT
FIELD CASE REPORT CASE# **2021-00001951**

NARRATIVE

On Wednesday, February 3, 2021, between the hours of 1700-2200, the Cartersville Police Department's Criminal Investigation Division conducted alcohol license compliance checks at businesses within the City Of Cartersville.

During the compliance checks, multiple businesses were checked for their compliance with the regulations for identifying and selling alcohol to minors. During the compliance check, Christian Crespo-Kuykendall and Deloris Watkins were both working as bartenders at The Page, 212 S. Tennessee St. Mrs. Watkins and Ms. Crespo-Kuykendall were observed selling alcohol to an underage minor, not checking or asking for identification. Mrs. Watkins asked the underage minor what she wanted to drink, while Ms. Crespo-Kuykendall was standing next to her. The underage minor stated a Budlight, and Ms. Crespo-Kuykendall was observed going to the cooler and retrieving said drink. Mrs. Watkins then cashed out the minor.

Mrs. Watkins and Ms. Crespo-Kuykendall were both issued a misdemeanor citation form for Sale of Alcohol to Minor, City Ordinance 4-21; citation # 2021-1951, due to both of their roles in the sale of alcohol to the underage minor.

A copy of the citation was attached to the case file.
Nothing further.

REPORTING OFFICER	DATE	REVIEWED BY	DATE
147 Payne	02/03/2021	Belcher, A.L.	02/05/2021



Cartersville Police Department

Criminal Investigation Division

Investigative Summary

Case Number : 2021-1951
Investigator : Payne, A.D.
Date : 02/03/2021
Reference : Alcohol Purchase from The Page

On Wednesday, February 3, 2021, Sgt. Belcher, Sgt. Hichez, Inv. Herron, Inv. Reed and I, conducted an alcohol license compliance check at The Page Bar, 212 S Tennessee St., Cartersville, GA. The compliance check was conducted utilizing Confidential Informant (CI) #21-05 (an underage cooperating citizen). Prior to the operation, the CI and his/her vehicle were searched for contraband, and none was located. The CI was checked for personal money and found to have none. The CI was issued \$10 of government funds and equipped with an audio/video recording device. The CI was instructed to enter the business and attempt to purchase alcohol at the bar. Sgt. Belcher and I monitored a live video feed nearby.

At 9:29 P.M., the CI entered the business and sat directly at the bar. At 9:30 P.M., Mrs. Watkins asked the underage minor what she wanted to drink, while Ms. Crespo-Kuykendall was standing next to her. The underage minor stated a Bud Light, and Ms. Crespo-Kuykendall was observed going to the cooler and retrieving said drink. Mrs. Watkins then cashed out the minor and gave her a receipt. The CI paid a total of \$3.21 for the Bud Light. The CI left the business and met with Investigators at a prearranged location. Physical and technical surveillance was maintained throughout the entirety of the operation.

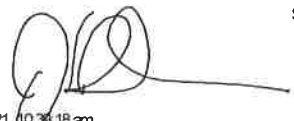
Sgt. Belcher, Inv. Reed, and I, made contact with Mrs. Watkins and Ms. Crespo-Kuykendall, Sgt. Belcher explained the alcohol license compliance check and alcohol license regulations to them. Mrs. Watkins and Ms. Crespo-Kuykendall were both issued a misdemeanor citation form for Sale of Alcohol to Minor, City Ordinance 4-21; citation # 2021-1951, due to both of their roles in the sale of alcohol to the underage minor.

I met with the CI and recovered the remaining government funds that he/she was provided. I also recovered the audio/video recording device from the CI. The video footage was entered into evidence. The remaining government funds and a voucher were turned over to Sgt. Belcher at the conclusion of the operation.

This case is cleared by arrest.

 ^{SgPlus1}
02/18/2021 10:23:20 am

Reporting Investigator Signature / Date

 ^{SgPlus2}
02/18/2021 10:38:18 am

Approving Supervisor Signature / Date

ville F
V

The Page Bar And Grill

The Page Bar And Grill Main Store
gator_n_bait@yahoo.com

Receipt of Purchase(Exc 02/03/2021 9:31:05 pm
Tax)
Staff Deloris
Device Till2

1-10

PRODUCT	PRICE	QTY	TOTAL
Bud Light	\$3.00	1	\$3.00
Total Qty		1	

Sub Total	\$3.00
Tax	\$0.21
Total	\$3.21

Purc

TENDER	AMOUNT
Cash	\$10.00
- Change	\$6.79

TAX RATE	PERCENTAGE	TAX
Sales tax	7.00%	\$0.21

Please retain your receipt for refunds within 14 days from the date of purchase

Thank you for shopping with us

2

as



RECB0002JDJC7JHQTFUO

1

STATE OF GEORGIA
UNIFORM CITATION, ACCUSATION & SUMMONS

GA 0080100
CITATION NUMBER
2021-1951 A

NCIC NUMBER

COURT COPY

Page 1 of 2

COUNTY OF BARTOW	AGENCY CARTERSVILLE P.D.	LATITUDE	AGENCY INCIDENT / CASE NO 2021-1951
CITY OF (IF APPLICABLE) CARTERSVILLE		LONGITUDE	COURT CASE NUMBER 21000 131
DAY OF WEEK WEDNESDAY	MONTH FEBRUARY	DAY 03	YEAR 2021
LOCATION OF OCCURRENCE 212 S TENNESSEE STREET			LOCATION DESCRIPTION THE PAGE BAR

PERSON(S)

DEFENDANT	NAME (FIRST) DELORES	NAME (MIDDLE) ELAINE	NAME (LAST) WATKINS	DATE OF BIRTH & AGE 11/18/1972 41	JUV W	R W	S F	HGT 605	WGT 135	HAIR BRO	EYES GRN	
	DOB	PLACE OF BIRTH	DLN / ID NUMBER 058154809	STATE GA	TYPE OF ID ID	ID EXPIRES 08/03/2022	SCARS/MARKS/TATTOOS					ENDORSEMENTS
	STREET 343 RICHARDS RD	CITY WHITE	STATE GA	ZIP CODE 30184	PROBATION / PAROLE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		DATE OF ARREST 02/03/2021					LOCATION OF ARREST 212 S TENNESSEE ST
	DEFENDANT EMAIL			DEFENDANT CELL # 404-434-4398								

VEHICLE(s)

TAG / REG	STATE	EXPIRATION	VIN	YEAR	MAKE	MODEL / COLOR
-----------	-------	------------	-----	------	------	---------------

CHARGE(S)

IN VIOLATION OF <input type="checkbox"/> GEORGIA CODE	VIOLATION LEVEL <input checked="" type="checkbox"/> MUST APPEAR BEFORE JUDGE
CODE SECTION	CODE DESCRIPTION
IN VIOLATION OF <input type="checkbox"/> COUNTY ORDINANCE	<input checked="" type="checkbox"/> CITY ORDINANCE
CODE SECTION	CODE DESCRIPTION
4-21	SALES TO UNDERAGE PERSON

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION
SAID ACCUSED DID SELL A DRAFT BUD LIGHT (AN ALCOHOLIC BEVERAGE) TO AN UNDERAGE PERSON.

OFFICER NAME PAYNE, A.D.	OFFICER'S SIGNATURE <i>Payne AD</i>
ID NO 147	ORGANIZATION / UNIT CID

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE

CARTERSVILLE MUNICIPAL COURT
178 WEST MAIN STREET
CARTERSVILLE GEORGIA 30120

PHONE: (770)607-6307

DEFENDANT SIGNATURE:
[Signature]

COURT DATE: 07/12/2021
COURT TIME: 0300 PM

To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing.

STATE OF GEORGIA
CIVIL SERVICE COMMISSION

STATE OF GEORGIA
CITATION, ACCUSATION, & SUMMONS
GA 0080100 NCIC NUMBER
CITATION NUMBER
2021-1951

DEFENDANT COPY

NOTICE TO APPEAR

If you do NOT sign the summons, you may be arrested and held in custody until bail is determined.

You have been served with a citation and summons. Signing the summons is not agreement with the charge or the information contained on the front of this citation. It is an agreement to appear at the time and place shown on the summons. By signing the summons and providing your e-mail address and/or cellular phone number, you agree that the court may use these, in addition to your address, to contact you. **If you do not appear in court to answer the charge, a warrant will be issued for your arrest.**

SPECIAL CONDITIONS

All charges require that you **DO NOT VIOLATE THE LAW WHILE YOUR CASE IS BEING RESOLVED.**

If you are charged with a violation of O.C.G.A. § 16-7-21 (CRIMINAL TRESPASS); O.C.G.A. § 16-8-14 (THEFT BY SHOPLIFTING); or O.C.G.A. § 16-8-14.1 (REFUND FRAUD), the Court requires that you:

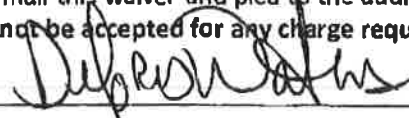
- 1) DO NOT RETURN TO THE LOCATION WHERE THE OFFENSE IS ALLEGED TO HAVE HAPPENED; &
- 2) DO NOT HAVE CONTACT WITH ANY VICTIM(S) OR WITNESS(ES) NAMED IN THE CITATION;

These conditions remain in place until the Court modifies the conditions of your release or your charges are disposed of.

If you are to be released, any additional Bond Procedures will be explained to you.

WAIVER AND PLEA OF GUILTY FOR CHARGES NOT REQUIRING A COURT APPEARANCE
[DOES NOT APPLY IF "MUST APPEAR BEFORE JUDGE" BOX ON REVERSE SIDE IS CHECKED]

I, the undersigned, do hereby enter my written, rather than personal appearance in the court case resulting from the charge on the reverse side of this citation. I understand that by paying my fine and not personally appearing before the court I am waiving any right that I might have had to a trial by judge or jury and to be represented by counsel. I further understand that by paying the fine, I have pled guilty to the offense as charged. I further agree to mail this waiver and plea to the address shown below or to deliver it in person to the court. **This waiver will not be accepted for any charge requiring a court appearance before a judge.**

SIGNATURE OF ACCUSED  DATE 2-3-21

SIGNATURE OF ATTORNEY _____ BAR NO _____

HOW TO CONTACT THE COURT

Requests to continue a case or change a court date must be in writing only, received prior to the court date, and approved by the court. You CANNOT be imprisoned solely for inability to pay a fine, but you MAY face imprisonment for failing to appear at a scheduled court date.

[Each agency should insert specific appearance instruction here and may include: methods for contacting the court, website information, map diagrams, any alternative dispute resolution which may be available, e-filing options, or procedures for resolving court conflicts or signing up for electronic notifications from the court.]

STATE OF GEORGIA
CITATION, ACCUSATION, & SUMMONS
GA 0080100 NC# NUMBER
CITATION NUMBER

COURT COPY

2021-19

ARRESTING OFFICER CERTIFICATE

The undersigned, being duly sworn upon his/her oath, deposes and states that s/he has just and reasonable grounds to believe, and does believe, that the person named on the reverse side committed the offense therein set forth, contrary to the law.

Sworn and subscribed before me this 03 day of February, 2021.



Officer Payre AD

Badge # 147

PROSECUTING OFFICIAL CERTIFICATE

IN THE _____ COURT OF _____

On behalf of the people of the State of Georgia, the undersigned, as prosecuting attorney for the city or county and state aforesaid, does hereby charge and accuse the person named on the reverse side of this citation with the offense named on the reserve side of this citation and that said offense was committed in the city/county and at the location named and at the time named on the reverse side of this citation. This offense was committed contrary to the laws of this state, the good order, peace and dignity thereof.

DISTRICT ATTORNEY/SOLICITOR/PROSECUTING OFFICIAL _____

APPEARANCE, PLEA, AND WAIVER

I, _____ have been advised that I am being charged with the offense named on the reserve side of this citation and that the minimum punishment that I can receive is _____ months imprisonment and/or a \$ _____ fine; and that the maximum punishment that I can receive is _____ months imprisonment and/or a \$ _____ fine. I have been advised of my rights to be represented by an attorney or that an attorney will be provided for me if I am determined to be indigent; to plead not guilty and be tried by a judge or jury; to confront the witnesses against me; and to not give incriminating evidence against myself. I hereby waive these rights; state that I have not been induced by any threat or promise to enter this plea, and do freely and voluntarily enter my plea.

This _____ day of _____, 20____.

ACCUSED _____
ATTORNEY _____

As Judge of the _____ COURT of _____, I have advised the above named accused as indicated of his/her rights, the nature of the charge against him/her, and possible consequences of the plea as entered. I am satisfied that there is a factual basis for the plea which the accused has entered and that it was entered freely and voluntarily with the nature of the charge and the consequences of the plea.

JUDGE _____

DISPOSITION AND SENTENCE

COURT: _____ COURT DATE: _____ CASE #: _____

DEFENDANT PLEA: GUILTY NOT GUILTY NOLO CONTENDERE IN PERSON BY MAIL

TRIAL: JURY NON-JURY BENCH VERDICT: GUILTY NOT GUILTY ATTORNEY: _____

OTHER ACTION: BOND FORFEITURE NOL PROS NO RECORD DEAD DOCKET DISMISSED
 1st OFFENDER CONDITIONAL DISCHARGE

SENTENCE: Fine / Fee \$ _____ Probation _____

CONDITIONS/OTHER: _____

JUDGE: _____

[Each agency should insert specific appearance instruction here and may include: methods for contacting the court, website information, map diagrams, any alternative dispute resolution which may be available, e-filing options, or procedures for resolving court conflicts or signing up for electronic notifications from the court.]

STATE OF GEORGIA
UNIFORM CITATION, ACCUSATION & SUMMONS
GA 0080100 NCIC NUMBER

CITATION NUMBER
2021-1951

COURT COPY

Page 1 of 2

COUNTY OF BARTOW	AGENCY CARTERSVILLE P.D.	LATITUDE	AGENCY INCIDENT/ CASE NO 2021-1951
CITY OF (IF APPLICABLE) CARTERSVILLE		LONGITUDE	COURT CASE NUMBER 21000130
DAY OF WEEK WEDNESDAY	MONTH FEBRUARY	DAY 03	YEAR 2021
TIME OF DAY 2140			
LOCATION OF OCCURRENCE 212 S TENNESSEE STREET		LOCATION DESCRIPTION THE PAGE BAR	

PERSON(S)

NAME (FIRST) CHRISTIAN	NAME (MIDDLE) JOY	NAME (LAST) CRESPO-KUYKENDALL	DATE OF BIRTH & AGE 01/18/1982 39	JUV	R	S	HGT	WGT	HAIR	EYES	
DTN	PLACE OF BIRTH	CLN/ID NUMBER 2100789190	STATE NV	TYPE OF I.D. ID	ID EXPIRES 01/18/2025	ENDORSEMENTS					
SCARS/MARKS/TATTOOS											
STREET 1944 POINSATTE DRIVE	CITY ACWORTH	STATE GA	ZIP CODE 30102	PROBATION/PAROLE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
DATE OF ARREST 02/03/2021	LOCATION OF ARREST 212 S TENNESSEE ST		DEFENDANT CELL # 470-316-5478								
DEFENDANT EMAIL											

VEHICLE(S)

TAG / REG	STATE	EXPIRATION	VIN	YEAR	MAKE	MODEL / COLOR
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CHARGE(S)

IN VIOLATION OF <input checked="" type="checkbox"/> GEORGIA CODE CODE SECTION	CODE DESCRIPTION	VIOLATION LEVEL <input checked="" type="checkbox"/> MUST APPEAR BEFORE JUDGE
IN VIOLATION OF <input type="checkbox"/> COUNTY ORDINANCE <input checked="" type="checkbox"/> CITY ORDINANCE CODE SECTION	CODE DESCRIPTION 4-21 SALES TO UNDERAGE PERSON	

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant did commit, at the place and time aforementioned, the above violation(s) of law.

SHORT NARRATIVE DESCRIPTION
SAID ACCUSED DID SELL A DRAFT BUD LIGHT (AN ALCOHOLIC BEVERAGE) TO AN UNDERAGE PERSON.

OFFICER NAME PAYNE, A.D.	OFFICER'S SIGNATURE <i>Payne AD #147</i>
ID NO 147	ORGANIZATION / UNIT CID

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE CARTERSVILLE MUNICIPAL COURT 178 WEST MAIN STREET CARTERSVILLE GEORGIA 30120	DEFENDANT SIGNATURE: <i>[Signature]</i>
PHONE: (770)607-6307	COURT DATE: 07/12/2021
	COURT TIME: 0300 PM

To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any

STATE OF GEORGIA
CITATION, ACCUSATION, & SUMMONS
GA 0080100 NCIC NUMBER
CITATION NUMBER
2021-1951

DEFENDANT COPY

NOTICE TO APPEAR

If you do NOT sign the summons, you may be arrested and held in custody until bail is determined.

You have been served with a citation and summons. Signing the summons is not agreement with the charge or the information contained on the front of this citation. It is an agreement to appear at the time and place shown on the summons. By signing the summons and providing your e-mail address and/or cellular phone number, you agree that the court may use these, in addition to your address, to contact you. **If you do not appear in court to answer the charge, a warrant will be issued for your arrest.**

SPECIAL CONDITIONS

All charges require that you DO NOT VIOLATE THE LAW WHILE YOUR CASE IS BEING RESOLVED.

If you are charged with a violation of O.C.G.A. § 16-7-21 (CRIMINAL TRESPASS); O.C.G.A. § 16-8-14 (THEFT BY SHOPLIFTING); or O.C.G.A. § 16-8-14.1 (REFUND FRAUD), the Court requires that you:

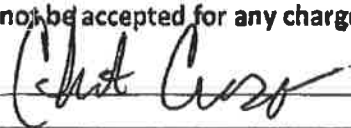
- 1) DO NOT RETURN TO THE LOCATION WHERE THE OFFENSE IS ALLEGED TO HAVE HAPPENED; &
- 2) DO NOT HAVE CONTACT WITH ANY VICTIM(S) OR WITNESS(ES) NAMED IN THE CITATION;

These conditions remain in place until the Court modifies the conditions of your release or your charges are disposed of.

If you are to be released, any additional Bond Procedures will be explained to you.

WAIVER AND PLEA OF GUILTY FOR CHARGES NOT REQUIRING A COURT APPEARANCE
[DOES NOT APPLY IF "MUST APPEAR BEFORE JUDGE" BOX ON REVERSE SIDE IS CHECKED]

I, the undersigned, do hereby enter my written, rather than personal appearance in the court case resulting from the charge on the reverse side of this citation. I understand that by paying my fine and not personally appearing before the court I am waiving any right that I might have had to a trial by judge or jury and to be represented by counsel. I further understand that by paying the fine, I have pled guilty to the offense as charged. I further agree to mail this waiver and plea to the address shown below or to deliver it in person to the court. **This waiver will not be accepted for any charge requiring a court appearance before a judge.**

SIGNATURE OF ACCUSED  DATE 2/3/21
SIGNATURE OF ATTORNEY _____ BAR NO _____

HOW TO CONTACT THE COURT

Requests to continue a case or change a court date must be in writing only, received prior to the court date, and approved by the court. You CANNOT be imprisoned solely for inability to pay a fine, but you MAY face imprisonment for failing to appear at a scheduled court date.

[Each agency should insert specific appearance instruction here and may include: methods for contacting the court, website information, map diagrams, any alternative dispute resolution which may be available, e-filing options, or procedures for resolving court conflicts or signing up for electronic notifications from the court.]

STATE OF GEORGIA
CITATION, ACCUSATION, & SUMMONS
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COURT COPY

2021-1951

ARRESTING OFFICER CERTIFICATE

The undersigned being duly sworn upon his/her oath, deposes and states that s/he has just and reasonable grounds to believe, and does believe that the person named on the reverse side committed the offense therein set forth, contrary to the law.

Sworn and subscribed before me this 03 day of February.
Notary / (deputy) Clerk _____ Officer Payne AD Badge # 147



PROSECUTING OFFICIAL CERTIFICATE

IN THE _____ COURT OF _____

On behalf of the people of the State of Georgia, the undersigned, as prosecuting attorney for the city or county and state aforesaid, does hereby charge and accuse the person named on the reverse side of this citation with the offense named on the reserve side of this citation and that said offense was committed in the city/county and at the location named and at the time named on the reverse side of this citation. This offense was committed contrary to the laws of this state, the good order, peace and dignity thereof.

DISTRICT ATTORNEY/SOLICITOR/PROSECUTING OFFICIAL _____

APPEARANCE, PLEA, AND WAIVER

I, _____ have been advised that I am being charged with the offense named on the reserve side of this citation and that the minimum punishment that I can receive is _____ months imprisonment and/or a \$ _____ fine; and that the maximum punishment that I can receive is _____ months imprisonment and/or a \$ _____ fine. I have been advised of my rights to be represented by an attorney or that an attorney will be provided for me if I am determined to be indigent; to plead not guilty and be tried by a judge or jury; to confront the witnesses against me; and to not give incriminating evidence against myself. I hereby waive these rights; state that I have not been induced by any threat or promise to enter this plea, and do freely and voluntarily enter my plea.

This _____ day of _____, 20____.

ACCUSED _____
ATTORNEY _____

As Judge of the _____ COURT of _____, I have advised the above named accused as indicated of his/her rights, the nature of the charge against him/her, and possible consequences of the plea as entered. I am satisfied that there is a factual basis for the plea which the accused has entered and that it was entered freely and voluntarily with the nature of the charge and the consequences of the plea.

JUDGE _____

DISPOSITION AND SENTENCE

COURT: _____ COURT DATE: _____ CASE #: _____
DEFENDANT PLEA: GUILTY NOT GUILTY NOLO CONTENDERE IN PERSON BY MAIL
TRIAL: JURY NON-JURY BENCH VERDICT: GUILTY NOT GUILTY ATTORNEY: _____
OTHER ACTION: BOND FORFEITURE NOL PROS NO RECORD DEAD DOCKET DISMISSED
 1st OFFENDER CONDITIONAL DISCHARGE
SENTENCE: Fine / Fee \$ _____ Probation _____
CONDITIONS/OTHER: _____
JUDGE: _____

[Each agency should insert specific appearance instruction here and may include: methods for contacting the court, website information, map diagrams, any alternative dispute resolution which may be available, e-filing options, or procedures for resolving court conflicts or signing up for electronic notifications from the court.]