



Alcohol Review Board  
Special Called Meeting Minutes  
Tuesday May 31, 2016  
Conference Room

Present: Thomas Mitchell, Atty.; Kathy Rall, Chair; Margot Ashley, Jimi Taylor, Kaleigh Frederick,  
Lilburn Police Lt. Chris Dusik  
Guests: Molly Vance, GUIDE; Lilburn Police Sgt. Tim Allen

Ms. Rall called the meeting to order at 6:30 PM, declaring a quorum present.

Mr. Mitchell, of Carothers and Mitchell, was present as legal representation on behalf of the Alcohol Review Board.

**NEW BUSINESS:**

Show Cause hearing for Exxon Food Mart located at 5355 Lawrenceville Highway, for violation of the Supervised Action Plan and license suspension.

Ms. Rall turned the meeting over to Mr. Mitchell who explained that the following will be entered into evidence for this hearing:

- Show Cause letter for the May 19<sup>th</sup> hearing
- Minutes of May 19, 2016 meeting
- Signed Supervised Action Plan
- Lilburn Police report, picture
- Show Cause letter for May 31<sup>st</sup> hearing
- Memo reporting John Lazenby's opinion, in his absence

He then swore in the witnesses: Sgt Allen and Mr. Mohsin.

The license for alcohol sales was issued to Mr. Mohsin on November 24, 2015.

Mohammed Mohsin represented Lilburn Exxon Food Mart, and immediately apologized for his absence at the meeting on May 19<sup>th</sup>. He explained that he manages two stores, including one in downtown which is in a rough neighborhood and occupies a large part of his time. The night of the hearing, he forgot because of events at the other store, not leaving that location until 7:00 PM. He stated that he will not miss another meeting no matter what happens, for the rest of the year.

One of his clerks, Saleam, sold alcohol on Tuesday, May 24<sup>th</sup> when the alcohol sales license was suspended. Mr. Mohsin had directly spoken with all his employees, telling them not to sell, but did not reach that particular employee until after the sale was made. He understood that the daytime manager was going to place signs stating there would be no alcohol sales.

With detailed questioning, he recounted that Saleam is the clerk who sold to the underaged decoy, signed for and received the letter on May 20<sup>th</sup> directing Exxon Food Mart to suspend sales on May 24 and 25 --and sent a picture of that letter to Mr. Mohsin's supervisor (but not to him)-- and then sold alcohol the day of the suspended license claiming to be unaware of the suspension. She did not tell her co-workers of the presence or contents of the letter.

Mr. Mohsin stated that Saleam has to pay attorney fees for the criminal defense of the alcohol sale. "As soon as this gets settled, she will not be working for me anymore." He acknowledged that he



does not feel she is a reliable employee but he does not have anyone else to take the position at this time. It will take about a week to hire a new person.

Mr. Mohsin said that after the illegal sale, signs were posted in the store on the beer cases, windows and at the checkout counter that there would be no alcohol sales, but there was no obstacle to prevent customers' picking up beer or wine. He suspected that the clerk was kind of irate because of the attorney fees and may have taken down the "No Alcohol Sales" signs.

With further questioning, he reported that he had not been to the store in two days, but relied on his Assistant Manager to take care of the situation. When he called the "guy in charge" during the day, "he didn't know anything about the letter". He was not sure that any tape or signs were put around the alcohol.

Mr. Mohsin noted that his daytime manager of this store is always well informed, except that in this instance the daytime manager was not aware of the letter. He stated that alcohol sales amount to about 15-20% of the store's income, but that doesn't take into account the snacks, cigarettes and other items that are purchased at the same time as the beer or wine.

Ms. Rall and Taylor described the action of other businesses, removing the alcohol from view, taping the coolers shut and requiring that employees sign the notice that there would be no alcohol sales. None of these actions occurred in Mr. Mohsin's case.

Lt. Dusik explained to Mr. Mohsin that the Alcohol Review Board is an administrative hearing, while the alcohol sale to a minor takes place in Municipal Court and is a criminal case. Mr. Mohsin is not responsible for the citation of the clerk for the criminal case; that is completely the responsibility of the employee who sold the alcohol. He is responsible to make his store safe and compliant with the law.

Sgt. Allen reported that on Tuesday May 24<sup>th</sup>, he was sitting in the parking lot of the Exxon and noticed a customer coming out with a six-pack of beer. He took a picture of the customer and then went into the store. He took the email the patrol officers received regarding the license suspension. The clerk reported that she thought she only had to ask for ID when selling alcohol, based on a sign at the cash register; she reported that she didn't know about the suspended license because she had been off for three days and just got back to work.

The evidence portion of the hearing was closed and the board members began deliberations. Several areas of concern were expressed:

- Selling to underage customers endangers the purchaser, but can also endanger the community
- There must be more time for this location when alcohol cannot be sold. One or two additional days is not enough.
- Considering that the Council wants stricter enforcement, a stronger message needs to be sent.
- We want business in Lilburn, but we want to have a safe community.
- First response of the board members was to revoke the license but upon hearing the situation, it seems that the owner needs to get his store in order and train a new reliable employee. Lilburn is just as important as any situation in downtown Atlanta to have a safe community here.
- Mr. Mohsin needs to have more involvement with the Lilburn store.
- If there is a repeat of this scenario, the license will be revoked.

The supervised action plan from the May 19<sup>th</sup> meeting required the following:



Suspend alcohol sales for two days beginning May 24<sup>th</sup>  
Report to the ARB meetings until Dec. 31 with the first meeting being on June 23<sup>rd</sup>;  
License will be revoked if no one present  
Present Action Plan of how to prevent this happening in future, due by June 16<sup>th</sup>  
Written explanation of absence from the May 19<sup>th</sup> meeting, due by June 16<sup>th</sup>  
Appeal can be filed within five business days to the City Council

Ms. Taylor made a motion that alcohol license for Exxon Food Mart should be suspended for 30 days beginning on Wednesday, June 8<sup>th</sup> and concluding no later than July 8<sup>th</sup>. Ms. Ashley seconded and the motion was approved unanimously.

Mr. Mitchell wrote the details on a prepared letter which was signed by Ms. Rall, with copies retained for records. Mr. Mohsin was handed his copy.

Ms. Rall called for public comment. There was none.

Ms. Ashley made a motion to adjourn, seconded by Ms. Taylor, at 7:05.

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Kathy Rall, Chair ARB

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Date

Respectfully submitted,  
Margot Ashley