

ALCOHOL REVIEW BOARD

Thursday June 23, 2016

City Hall Auditorium

Present: Chairman: Kathy Rall  
Board Members: John Lazenby, Demetrius Galfas, Jimi Taylor, Margot Ashley  
Counsel: Angela Couch  
Police Liaison: Lt Chris Dusik  
Records: Kaleigh Frederick, Licensing and Revenue Manager

Guests: Officer Callaway, Snellville Police Department; Regina Miller, Gwinnett Coalition for HHS; Representatives of all SAP Reviews; Court Reporter hired by Highway 29 Package; Mr. Michael Sard, Attorney; Gail and Gary Anglin, Patrick Anglin

The meeting was called to order at 6:00 PM

Ms. Couch swore in Mr. Demetrius Galfas as the appointee of Councilman Burchik.

**OLD BUSINESS:**

Approval of Minutes of April 18, 2016 Meeting: Mr. Lazenby made a motion, seconded by Ms. Taylor to accept the minutes as written—with one paragraph regarding decisions made about Armeen added to minutes presented at last month's meeting. The vote was unanimously in favor.

Approval of Minutes of May 19, 2016 Meeting: Ms. Taylor made a motion, seconded by Mr. Lazenby to accept the minutes as written. The vote was unanimously in favor.

Approval of Special Called Meeting Minutes, May 31, 2016: Mr. Lazenby made a motion, seconded by Ms. Taylor to accept the minutes as written. The vote was unanimously in favor.

**NEW BUSINESS:**

**Show Cause Hearing for Agraffe dba Highway 29 Package, located at 4132 Lawrenceville Highway, for selling alcohol to an underage customer.**

Ms. Rall turned the meeting over to Ms. Couch to lead during the Show Cause Hearing. Michael Sard represented Gail Anglin, owner; Patrick Anglin, employee and manager; and Gary Anglin, spouse and present for support. In an opening statement, Mr. Sard stated that he hoped to make sure the family is treated fairly and consistently with other businesses in Lilburn. He noted that having the deliberations in open session already creates a hearing process that is fairer.

Ms. Couch entered the following documents as evidence in this case:

March 25, 2016	Lilburn Police Department Incident Report
March 29, 2016	Notice of Show Cause Hearing on April 18, 2016
	Acknowledgement of receipt signed by Robert Michael Dunn
April 19, 2019	Supervised Action Plan from Alcohol Review Board to

	Agraffe
April 26, 2016	Acknowledgement of receipt signed by Patrick Anglin
May 5, 2016	Petition to Appeal to Lilburn City Council by Agraffe City of Lilburn Council minutes showing reversal of the decision from the ARB, as set forth in the April 19, 2016 Supervised Action Plan.
May 10, 2016	Notice of Show Cause Hearing to appear May 19, 2016
May 13, 2016	Motion to Reset Hearing to June 23, 2016 meeting
May 16, 2016	Notice of Show Cause Hearing to appear June 23, 2016
April 25, 2011	City Memorandum re: violation of alcohol ordinance at Highway 29 Package Store regarding advertising using coupons from Lt Rick Holmes to Chief Hedley.
April 27, 2011	Letter of Warning regarding Alcohol License Violation to Luxomni Corporation, including advertising restrictions from the City of Lilburn Alcohol Ordinance
Dec 20, 2013	Notice of Violation of Alcohol Ordinance (sale of alcohol to minors), Supervised Action Plan (Luxomni Corporation)
Aug 20, 2015	Alcohol Review Board Minutes in which transfer of ownership to Gail Anglin was approved
Aug 27, 2015	Letter from Kaleigh Frederick to inform Gail Anglin of approval of change of ownership for Hwy 29 Package contingent on state licensure
Oct 5, 2015	Letter from Kaleigh Frederick to inform Gail Anglin of Violation of Alcohol Ordinance related to failure to obtain State Licensure while selling alcohol, including Sec 6-67 of Alcohol Ordinance
	Acknowledgement of receipt signed by Robert Michael Dunn
Dec 17, 2015	State of Georgia License to sell Alcohol issued to Gail Anglin
June 20, 2016	Letter from Chief Bruce Hedley to Alcohol Review Board

Mr. Sard stated that he had objections to several of these documents because they violate the rules of evidence and are irrelevant to the topic of this hearing. He noted that in several instances, documents make allegations without proof of the evidence and are therefore hearsay. Ms. Couch noted that strict rules of evidence do not apply to the hearing as set forth in the City of Lilburn Alcohol Ordinance.

Ms. Couch swore in Lt. Chris Dusik and asked him to inform the Board about the sale of alcohol in question. Lt. Dusik stated that he has been employed as a police officer with Lilburn for eleven years. He reported he was involved in the compliance checks for all businesses in Lilburn that sell alcohol during which forty businesses were visited on March 25, 2016. The intent of the checks was to verify compliance in not selling to underage customers. The decoy, an 18-year-old male, and his security escort entered Hwy 29 Package store and purchased a 25-ounce can of Bud Lite. The cashier did not request identification nor ask the decoy's age. The decoy completed the purchase then exited the building and presented the beer can to Lt. Dusik. The cashier was cited for the underage sale, at which time she seemed confused about which customer had been underage. When

he was described, she stated that she remembered him. Lt. Dusik acknowledged that the picture of the beer can entered into evidence looked like the beer purchased on March 25.

Mr. Sard questioned how long Lt. Dusik has been employed with Lilburn Police Department and how long has he been conducting these checks in Lilburn (11 years). Mr. Sard noted that Agraffe obtained its license to sell alcohol in August 2015 and questioned whether this event in March 2016 was the first time that they have had a violation for selling (yes). Mr. Sard also reinforced there was no previous history of selling to underage customers. Additional questions: What time the compliance checks began (3 PM), what time they finished (past midnight); how many businesses were visited (about 40 or 50) and whether they had time to complete all checks that one night (yes). Mr. Sard had reviewed the body camera video from Lt. Dusik on that particular day and questioned whether they were able to complete all compliance checks during that one day (they had). He asked who had arranged for the decoy (Sgt. Thornton, as coordinator of the Police Explorers); what criteria were used in the selection of the decoy (no criminal history). Mr. Sard wondered who had instructed the decoy to dress as he had (no one), and who had instructed him to conceal his face with a baseball cap (his face could be seen with the cap on). He questioned whether the decoy wore sunglasses when entering the stores, as he was seen to wear them at certain times (No, only when outside in the sun). Mr. Sard verified that Lt. Dusik was not present inside the store during the purchase of the alcohol. He also questioned whether Lt. Dusik had written the police report (he had not). Mr. Sard then noted that if Lt. Dusik was outside during the sale and the police report was written by another officer, all evidence, including the report and the testimony of Lt. Dusik, was hearsay. Mr. Sard noted that with no one present to attest to the veracity of the statement, all of his testimony should be stricken from the record. Lt. Dusik confirmed that he was present when the cashier recalled selling to the decoy with the white hat. He had instructed the decoy to pick up the alcoholic beverage, go to the counter and not to lie about his age but to report that he did not have any identification on him. Mr. Sard requested a copy of the driver's license to verify that the young man is indeed underage. Lt. Dusik stated that he made a copy of the license that evening, had instructed the young man to leave his license at the Police station while they completed the compliance checks. Mr. Sard questioned Lt. Dusik whether the picture is similar to the way the decoy looked the day of the checks (yes, with a different colored shirt, wearing a white baseball hat, blue jeans and unshaven). A copy of the ID was placed in evidence.

Ms. Couch swore in Officer Jacob Callaway from Snellville Police Department. Officer Callaway stated that he works for patrol in Snellville and was on an undercover assignment with Lilburn Police Department on March 25, 2016. He was in civilian clothes—not wearing his uniform—although he carried his badge and ID, not displayed. He was present to serve as security for the decoy, to make sure the decoy was safe at all times, to observe the sales within the store during the compliance check and to make sure that information provided was truthful. He noted that the decoy would state that he was 18 years old when asked by cashiers in other stores. They arrived at Highway 29 Package store at 2135 hours and he and the decoy entered the store. Officer Callaway maintained visual contact at all times, although he was not immediately beside the cash register. The decoy obtained the container of beer, stood in line and placed the beer on the counter. At no time did the cashier ask his age or request identification. Both individuals then exited the building and presented Lt. Dusik with the purchased item and described the cashier. The cashier was the only one behind the counter and was a Hispanic female wearing a Northface jacket.

Mr. Sard had no questions for this witness.

Once he completed his testimony, Ms. Couch then checked that the Board members did not have additional questions for either officer. She then released Officer Callaway to complete other duties.

Mr. Sard noted that the notification letters, motions and appeal documents are acceptable, but the letter from Chief Hedley dated June 20, 2016 describes the procedures of the compliance check, but is unnecessary, repetitive and hearsay and should be stricken. Ms. Couch noted that the letter was intended as a position statement on behalf of the Police in the absence of the Chief.

Additional documents of concern because of hearsay without substantiation include:

- Memorandum from Chief Hedley of April 25, 2011
- Letter from Ms. Couch on April 27, 2011
- Letter from Randy Burdette on Dec 20, 2013 to Luxomni

He noted that the documents are beyond the scope of this hearing, have no relevance to the present case and are for a different licensee. In addition, he noted that the documents (Aug 27, 2016 and Oct 15, 2015 letters from the City of Lilburn to Agraffe) from the Board make allegations for which there is no substantiation, that there was no prosecution, and that most of these document refer to past conduct without additional proof. Mr. Sard contended that Agraffe and Luxomni are separate entities and should be treated as such.

Mr. Lazenby and Ms. Rall pointed out to Mr. Sard that Mr. Anglin is the same person in both businesses, has completed the training of all staff and has been the manager of the store the entire time; he has the same awareness of the law and carries the same responsibility. The concern of the Alcohol Review Board is to protect the community and to make sure that this type of incident does not happen again. When the change of ownership occurred in August, the Board spoke seriously with Mr. Anglin about the responsibilities of selling alcohol before granting the license. At that time, Mr. Anglin agreed to all that was said.

Ms. Couch observed that because the documents in question are from the ARB, the Board can take notice of its own documents. Some members of the Board were present during the 2011 and 2013 events. The Board had requested the documents for reference.

Concern was expressed by the Board that the owner of the business was no longer present. Mr. Sard explained that Mrs. Anglin was not feeling well and was in the hallway. Ms. Taylor encouraged that she return so there are no further misunderstandings or miscommunications.

Ms. Ashley noted that Mr. Anglin has reported that he is the manager of the store and was the manager of Luxomni and trained the employees until after this most recent incident in March 2016. Therefore there is a continuation of the issue. Mr. Sard disagreed.

Mr. Sard continued expressing concerns about additional documentation:

- Letter from Aug 27, 2015 to Agraffe LLC from Ms. Frederick
- Letter from Oct 5, 2015 to Agraffe with attachment from Ms. Frederick

He noted that the content of the letters is purely hearsay, they makes allegations that are unsubstantiated and there was no prosecution for any of the claims made. Mr. Lazenby read through the Aug 27 letter, verifying with Mr. Sard that each statement made was correct and that all were statements of fact. Mr. Sard stated that the letter has nothing to do with this hearing. He contended that the Board should only be considering issues from 2016 licensure.

Mr. Sard presented an [Agraffe Exhibit Package](#) to each member of the Board and to the Court Reporter. The documents presented were the result of an open records request to the City of Lilburn and included the following:

1. April 18, 2016 Meeting Minutes of ARB (incomplete, executed at June meeting)  
Summary of ARB Hearing April 18, 2016
2. May 19, 2016 Meeting Minutes of ARB
3. Documents for Agraffe
4. Documents for CVS
5. Documents for Kroger
6. Documents for ASWAN
7. March 29, 2016 Letter to PALOO1507 Exxon  
April 19, 2016 Letter to Lilburn Exxon
8. Documentation for ASAS
9. Documentation for UTTAM
10. Documentation for ARMEEN
11. Documentation for Sweet Beverage World
12. June 16, 2016 Letter from Sard and Leff for open records request  
June 20, 2016 Return of documents for Open Records Request, with exception of  
Lilburn Exxon because it is on appeal.

Mr. Sard requested that the updated minutes of the April meeting be included in the record. A copy was provided to Mr. Sard. The exhibit package will be included as part of the record for this hearing with the updated minutes from April.

Mr. Sard noted that the summary of ARB Hearing for April at the end of Tab 1 is the only document that he added to the records provided through the open records request in sections 1-11. The summary was created by Mr. Sard. He stated that, in spite of having an appeal in process, Agraffe proceeded with the supervised action plan mandated at the April meeting. This included training by the Training Institute for Responsible Vendors on May 11, 2016. Policy contracts and test results for those attending were provided in the report. Agraffe selected this company because it was recommended by the City. Training for all employees prior to this was completed by Patrick Anglin, as store manager. Mr. Sard noted that Mr. Anglin has 20 years' experience in the Atlanta area. The new policy for the company is to require identification of all customers. Signs have been posted to notify customers of this change. The uniformed security guard is present six hours a day, seven days a week, helps deter underage customers, and costs about \$3000 per month. A copy of an underage driver's license is displayed at all cash registers.

Mr. Lazenby pointed out that all these actions are in keeping with the Supervised Action Plan from April 19, 2016 that is in place and was under appeal. He questioned whether the employees are having any difficulty with the Supervised Action Plan. Mr. Anglin replied that they have had customers who were frustrated with having to show identification when they were born in 1928, but the cashiers have continued to ask for ID. Mr. Anglin verified that the employee who made the sale has been fired and he continues to be vigilant that nothing like this will happen in the future.

Mr. Sard then swore in Patrick Anglin to testify before the Board: He lives in Dunwoody and is an employee of Agraffe, since Agraffe started doing business in the City in August 2015. He affirmed that the statements he made prior to being sworn in should also be considered under oath. He stated that he developed the proposed action plan in concert with Mr. Sard. Mr. Anglin stated that he had trained all employees, including Andrea Pacheco, the employee who sold to the decoy.

Returning to the Exhibit Package, Mr. Sard stated that Tab 4 thru Tab 11 are documents for other businesses called to the Show Cause meeting in April, including the Notice letter for Show Cause Hearing for all businesses involved and proposed action plans from the companies who presented them. He also noted that some companies did not provide initial proposals. The purpose of these records is to show that all companies were first time violators. Mr. Sard opined that the cases were so similar that the hearings in April were done in summary format rather than individually. He created a summary of the actions taken by the City, the actions taken by the licensee and the actions before the Board which are included at the end of Tab 1. When asked by Ms. Couch, he said he was not aware of whether the other stores served their suspensions or not. He understands that Lilburn Exxon has appealed and therefore limited information was provided to him. He feels it is important to bring these other businesses up for comparison. Tab 12 is a request for open records by Sard and Leff from the City of Lilburn and the City's letter of response.

Mr. Sard noted that Agraffe was required to provide a valid business license in their Supervised Action Plan from April. He questioned whether other stores were reviewed in regard to the status of their business license at the time of their application for alcohol license. He requested record of late-filed business license from Jan 1, 2011 to Jun 15, 2016. The letter from Ms. Couch related only the allegation against Agraffe. Ms. Couch then stated that since Agraffe has since obtained their business license for 2016, the Board will not be addressing that further. The license was not in place in April and since it is in place now, it needs no further discussion.

Mr. Sard continued his summary noting that all except Agraffe were two-day suspensions (except for the one business that did not show up, which received a three day suspension.) Agraffe was given a five-day suspension. Mr. Sard continued to compare Agraffe to Exxon, until Ms. Couch informed him that Exxon is not comparable and should not be included in this discussion, because their case is on appeal.

Mr. Sard swore in Gail Anglin who stated she lives in Chamblee. She avowed that she holds the business and alcohol licenses for the business, as well as being the owner. She is not actively involved in day-to-day business but oversees the finances, signs the checks, is involved in major business decisions and from time to time in hiring and firing employees. She is in direct communication with Mr. Anglin in regard to management concerns and training. She was aware that Mr. Anglin was conducting the training of all employees, including training the cashier who sold to the decoy. She and Mr. Anglin also talked about the decision to switch to TIRV for training. She was involved in the decision to fire the employee who sold to the decoy. Due to her illness, Mrs. Anglin was excused as long as her representative is present. She opted to take a seat in the room.

Mr. Sard then asked Mr. Patrick Anglin to describe the situation with the sale of Luxomni to Agraffe: Mr. Anglin explained that he and his brother Gary had been co-owners of Luxomni LLC until Gary became ill and died. Gail Anglin was owner of the building throughout. Because of business debt and the business' being in arrears, Mr. Anglin opted to sell the business to Gail Anglin in August 2015. Gary was in the store only twice a week, while Patrick managed the store on a daily basis. Mr. Anglin stated that he manages the store daily, all employees report to him and he makes the policy decisions.

Ms. Couch questioned Mr. Anglin regarding the issuance of an alcohol license by the City in August 2015 and obtaining the state license five months later in December 2015. As a result of this delay, the store was operating under Mrs. Anglin's business license and Mr. Anglin's state alcohol

sales license from August until December. Mr. Sard objected to this line of questioning as not being relevant to the issue of illegal alcohol sales. Duly noted, Ms. Couch continued the question, asking for Mr. Anglin's response. He stated that documentation must be filed online at one time to the State after the City license is obtained. The State had a significant backlog so there was a lapse of time between the two licensures. Ms. Couch noted that Mr. Anglin was aware of the need for Agraffe to obtain licensure from the state but did not take action until after the City sent a letter notifying Agraffe of violation of the ordinance in October. Mr. Anglin reported calling Chief Hedley to state that Luxomni still had a valid business license in October, as well as the alcohol license that was issued to Luxomni earlier in the year. He continued that it was confusing that Agraffe had to obtain a local license in the same time span. He stated that if the City chooses to recognize this as the same business, there have been two citations. He added that the 3-day closure in December 2013 almost put the store out of business and the action taken by the Police at that time was difficult, requiring that all employees leave the store within five minutes of receiving the letter.

Ms. Taylor explained that it is not the intent of the ARB to put anyone out of business: she was on the Board at the time of the December suspensions and reported that the concern was to prevent further breaking of the law, no matter whose corporation it is. Finally, she stated that no matter which company was in place, Mr. Anglin was the manager throughout and Highway 29 Package has been cited on two separate occasions for sales to underage customers. All the requirements of the Supervised Action Plan in April were from the proposal of Highway 29 Package.

Mr. Sard pointed out that these are two separate companies and should be treated as such. This is a first time violation for Agraffe and it is entitled to fair judgment as a separate entity.

Mr. Patrick Anglin acknowledged that Highway 29 Package has been cited twice for sale to underage customers while he has been managing.

Mr. Lazenby observed that even though they run a business in Lilburn, neither of the Anglins lives here. The members of the Alcohol Review Board live here and want Lilburn to be as safe as possible for the other residents.

Mr. Sard reiterated his objections to the questioning about Luxomni and requested that it be struck from the record, as it has nothing to do with Agraffe.

Ms. Couch then questioned Mr. Anglin regarding the use of coupons in April, 2011 as a means of advertising. This was in direct violation of the City Ordinance. Mr. Anglin recalled the incident but noted that it was only a letter, not a citation and that the store was not placed under a Supervised Action Plan.

Mr. Sard stated that he objects to all testimony concerning Luxomni because it is not relevant to the present issue. He questioned the intent of the Board to penalize a business that has been in the City for 35 years. Finally, he noted that there are certain coupons permitted by state regulation that supersede City ordinance.

Ms. Couch explained that the purpose of this Board is to deter future wrongdoing. Because Mr. Anglin was consistently the manager throughout this period, it is the responsibility of the Board to consider previous violations as well. She asked Mr. Anglin the terms of the Supervised Action Plan from December 2013, noting that he appeared as the representative of Luxomni at that time. Mr.

Anglin responded that he did not remember specifics. He appeared before the ARB at that time and had trained the employees. He noted that if he could have, he would have appealed the decision, but the Officers who delivered the suspension letter demanded that they close and leave the store within five minutes or be taken to jail. Mr. Sard interjected that this was a violation of their Constitutional Rights. He also moved to strike all testimony in relation to this questioning. Mr. Anglin stated he was not present for the sale, but did not contest it at the hearing. If he had known that the store would be closed for two days, three days before Christmas, he would have appealed the decision. He noted that, in the past, he has had letters from the Police Chief commending them for carrying on good business practices and the store continues working with GUIDE to utilize their materials.

Ms. Ashley noted that ARB is not affiliated with GUIDE (Gwinnett United in Drug Education).

Ms. Taylor observed that someone has suggested that the Board has made a decision on past history. She has served on the Alcohol Review Board for many years but has not seen most of this information prior to this hearing. The concern of the Board is that alcohol was sold to a minor. All the rest of this proceeding has been about something that isn't as significant as it has been made to appear. She noted that Mr. Anglin had the opportunity of a hearing in 2013 and he chose not to do so. No matter the name of the business, the law should be adhered to. Even though Mr. Sard seems to imply that the Board has broken laws, the only law broken was sale of alcohol to a minor. She also noted the other businesses who have been waiting for their Review of Supervised Action Plans for 90 minutes.

Mr. Patrick Anglin said that he does not want to suggest that there was a witch hunt. He would prefer not continue the conversation further, but wished to be treated fairly and was willing to have the two violations taken into consideration. He was simply requesting equal treatment and fairness.

Mr. Sard noted that suspension for five days versus two days for all other stores is unfair.

Ms. Couch verified that there was no further evidence to be presented by Hwy 29 Package nor additional questions from the members of the Board.

Ms. Couch noted that Board members had questions about past decisions by the ARB relating to violations of the Lilburn Alcohol Beverage Ordinance. Section 6-70(j)(2)a states that the Board must consider consistencies of penalties mandated by the ordinance and actions by the Board. Having reviewed past minutes of the ARB, she presented a history of actions by the ARB relating to multiple violations:

<u>Store</u>	<u>1<sup>st</sup> Violation- suspension</u>	<u>2<sup>nd</sup> Violation</u>	<u>3<sup>rd</sup> Violation</u>
Thirsty's	2 day	5 day	revoked
Haven Lounge	7 day	10 day	
Contigo Peru	30 day		
Oyster Barn		5 day	

She noted that Supervised Action Plans were developed based on the particular circumstances of each store.

Mr. Sard noted that these were all stores which sell food or other items. Every day of closure is very significant to a liquor store because it is not able to be open at all and no revenue is generated. The

closing of a liquor store has a geometrically larger impact.

Ms. Couch closed the evidence portion of the hearing and allowed Mr. Sard to discuss legal considerations.

### **Summary**

Mr. Sard noted that the City Alcohol Sales License is not valid without the License issued by the State and the State License is not valid without the City License. Because the license was issued to Agraffe at the same time that there was a license for Luxomni, there was confusion.

Then he directed the attention of the Board to Section 6-70(h) of the Lilburn Alcohol Ordinance and stated that the Anglins had no knowledge of the intent of the cashier to sell to an underage customer. He noted that the owners did not condone the sale but could not prevent her actions. It was his contention that the elements of the Ordinance were not proven by the evidence presented and that Agraffe is not in violation of Section 6-70(h). He also contended that the Anglins were proactive in presenting a proposed action plan at the first Show Cause Hearing. This communicated that they were trying to be proactive while other businesses were not. Ms. Rall noted that the other businesses were small businesses and did not retain attorneys. Mr. Sard also noted that because of the actions of Agraffe and himself, the ARB would be deliberating in open session. He wished to reinforce that his other legal objections should be observed. Mr. Sard presented the Board with a document entitled "Objections for the Record for Hearing before the Alcohol Review Board." Finally, he stated that this case is about the conduct of the employee and that the owners have not been shown to be in possession of knowledge to prevent her action.

Ms. Couch pointed out that Paragraph 10 of the document seems to be a notice objection even though there was agreement that no objection would be given as to notice. Mr. Sard stated that he was contending that it was not shown in this hearing that the Agraffe owner knew that the employee would sell illegally.

Ms. Couch closed the summary portion of the hearing.

### **Deliberation**

Ms. Couch noted that because of the reversal of the April decision by the City Council, this hearing is starting anew, with no ceiling or floor for suspension times. The Board is charged with maintaining consistency in decision making, with the intent to deter future actions, to have a positive impact on the community, to consider mitigating and aggravating circumstances and to take corrective action for the business.

Ms. Rall noted that the store has been able to do many of the things directed by the Supervised Action Plan because of the delay related to their filing the appeal. Because the store has more to lose, they also need to take more responsibility to prevent illegal actions. Because the same manager has been present throughout with management and training, there is no reason to ignore previous decisions.

Mr. Lazenby made a motion to suspend the license for five days and for Agraffe to report to the Board for review of the action plan for the rest of the year. Ms. Taylor seconded and discussion ensued.

During deliberation, the following points were considered:

- Even though ownership of the store has changed, it is managed under similar circumstances by the same person
- The manager has experience and management background and has been responsible for training and supervising all employees in handling alcohol and making sales.

- Other businesses have had management present as the representative of the company and the managers have discussed issues with their owners. In those cases, because there was poor direction by the owner, the license was revoked.
- The two violation incidents should be considered in this decision, even though this is two separate corporations:
  - The previous violations cannot be ignored when the manager has been consistently training and managing, and the current owner has talked with the manager regarding these actions.
  - The Board is not confined to the calendar year for consideration of incidents
- Appearance of Agraffe before the ARB meetings for the rest of 2016
  - Other businesses were required to appear for three ARB meetings
- Owner of the current store appeared, but all evidence was presented by the manager
- The Supervised Action Plan will extend to the end of 2016
- If the 5-consecutive day suspension begins immediately (June 24<sup>th</sup>-June 29<sup>th</sup>), it will miss the July 4<sup>th</sup> weekend;
  - Ms. Couch made an agreement with Mr. Sard that there would be a five-day stay to file appeal to the City Council. If the Council affirms the decision, it can be appealed to Gwinnett Superior Court, then the Court of Appeals and finally the Georgia Supreme Court. The ordinance states that there will be a 15-day period for appeal, but the agreement as to the stay was for only five days.
  - The Board cannot cherry pick the effective days to miss particular dates. In the past the Board has diligently avoided weekends and holidays but this may be too lenient.
- The Alcohol Review Board hopes that the company will prosper, but we cannot be selective in decision making
- Security guard is not required by the Board.
  - The security guard was a decision of Agraffe in their initial proposal. At their suggestion, it was included in the Supervised Action Plan in April.

The following decisions were reached by the Board:

<b><i>Decision</i></b>	<b><i>Motion</i></b>	<b><i>Second</i></b>	<b><i>Vote</i></b>
5 consecutive days immediate suspension effective 6/24/16-6/29/16 (stay for 5 days: 6/29/16-7/3/16)	Lazenby	Taylor	5-0
Attend 3 consecutive regularly scheduled meetings of ARB beginning on July 21	Lazenby	Rall	5-0
Training of all new employees within 10 days of hire through the rest of 2016, with certificate from TIRV to City within 5 days	Lazenby	Galfas	5-0
Written policy for ID check of all customers regardless of age until December 2016	Lazenby	Galfas	5-0
Post signs notifying customers of policy to check all IDs	Galfas	Lazenby	5-0
Post copies of underage licenses for the remainder of 2016	Lazenby	Rall	5-0
Under Supervised Action Plan in place for remainder of 2016	Lazenby	Galfas	5-0

