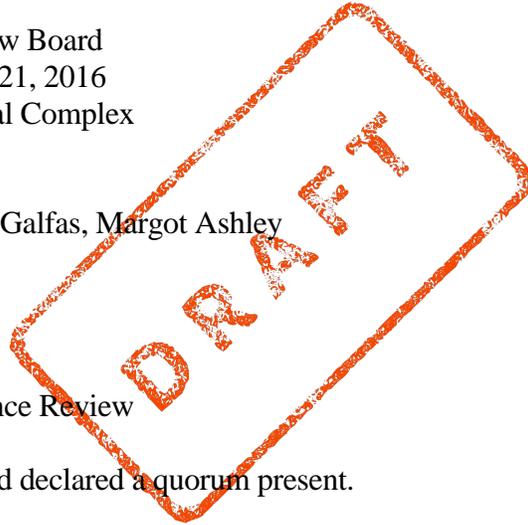




Alcohol Review Board  
Thursday July 21, 2016  
Lilburn Municipal Complex

Present: Chairman: Jimi Taylor  
Board Members: John Lazenby, Demetrius Galfas, Margot Ashley  
Counsel: Angela Couch  
Records: Kaleigh Frederick

Guests: Molly Frasier, GUIDE  
Representatives of Businesses for Compliance Review



Ms. Taylor called the meeting to order at 6:00 PM and declared a quorum present.

**OLD BUSINESS:**

Minutes of the Special Called Meeting for June 23, 2016 were approved unanimously as written. The motion was made by Mr. Galfas and seconded by Mr. Lazenby.

**NEW BUSINESS:**

Ms. Taylor explained that legal counsel was delayed due to traffic, and, to avoid delay for those present, she would begin the meeting. (Ms. Couch arrived within five minutes.)

**Compliance review of the supervised action plan presented by Kroger at 4155 Lawrenceville Highway**

Tim Hendricks, assistant co-manager for Kroger, represented Kroger and reported that all cashiers have signed the policy for alcohol sales, completed 20-minute online computer course developed by Kroger Company and attended a two-hour training session with managers from the district level. This includes both cashiers and relief staff. These steps were completed in mid-June. New hires will follow the same level of training. The store is setting up on-going training for new hires at the district level.

Mystery shoppers from Training Institute for Responsible Vendors (TIRV) have been through the store five times and the store has scored 100% each visit. After making the purchase, the shopper observes other cashiers to verify they are also following procedure for alcohol sales.

Ms. Taylor observed that the June meeting was very long and store representatives were excused with a roll call at the end of the meeting, but no representative of Kroger was present. Mr. Hendricks submitted a letter from Mr. Chupp explaining that he neglected to put the meeting on his calendar.

The supervised action plan for Kroger was scheduled to end with this meeting.

Mr. Lazenby made a motion that due to the absence at last month's meeting, Kroger supervised action plan will be modified to extend their supervisory period to August 18<sup>th</sup> to require attendance at the next ARB meeting. Mr. Galfas seconded the motion and the vote was unanimously in favor.

**Compliance review of the supervised action plan presented by CVS at 5575 Lawrenceville Highway**

Wayne Woods, District Manager for CVS, introduced Andrew Waggoner, the new manager of CVS at 5575 Lawrenceville Highway. Mr. Woods reported that after the violation, alcohol sales policy



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was reviewed with all pharmacy and front-end employees, with training by TIRV. All new hires will also complete the course. This training will be completed by all cashiers and pharmacists bi-annually, starting in August. As included in the supervised action plan, copies of underage licenses have been posted for reference.

Mr. Waggoner explained that the manager uses a log to track sales of all alcohol. In addition, the store uses Fraud Fighter, a CVS instrument to scan identification for validity. If the machine is not available, cashiers also have access to hand-held wands to verify ID. Finally, TIRV Shoppers have completed compliance checks and the store scored 100% at the last check. The results of future checks will be sent directly to the City.

This being the third meeting for CVS, Mr. Woods and Mr. Waggoner were excused from attendance at future meetings.

**Compliance review of the supervised action plan presented by UTTAM Inc. dba Burns Food Mart, 505 Pleasant Hill Road.**

The City of Lilburn received a request from UTTAM on July 18, 2016 to be excused from this meeting. This request was granted.

**Compliance review of the supervised action plan presented by Exxon Food Mart, 5355 Lawrenceville Highway**

No representative for Exxon Food Mart was present for the meeting.

**Compliance review of the supervised action plan presented by Sweet Beverage World, 501 Indian Trail Road**

Mr. Kuncha Chen represented Sweet Beverage World and reported that they are continuing the practices discussed at the last meeting. They have not had any issues except with regular customers complaining about having to show identification.

This being the third meeting for Sweet Beverage World, Mr. Chen was excused from attending future meetings.

**Compliance review of the supervised action plan presented by Armeen Inc dba Rockbridge Food Mart, 5474 Lawrenceville Hwy**

No representative of Armeen was present for the meeting.

**Compliance review of the supervised action plan presented by ASAS Inc dba Rocky Food Mart, 5044 Lawrenceville Hwy**

No representative of ASAS was present for the meeting.

**Compliance review of the supervised action plan presented by Aswan Corporation at 331 Rockbridge Road**

Mr. Anwarali Ratani represented Aswan and reported that they are still waiting for the cash registers to be changed to require entry of the date of birth. The delay is due to the installers' being short-handed. He anticipates that it will be completed in August or September. They have hired no new employees.

Mr. Lazenby made a motion for a modified action plan for Aswan, requiring that by September 2, 2016, Aswan send a letter to the City confirming installation of the software for the cash registers and that the time period of the supervised action plan be extended to September 5th. Mr. Galfas seconded and the vote was unanimous in favor.



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This being the third meeting, Mr. Ratani was excused from future meetings.

### **Compliance review of the supervised action plan presented by Kim's Shell Station at 331 Rockbridge Road**

Mr. Kim represented Kim's Shell and reported that since the citation, he and his son have had weekly meetings to discuss ways to prevent future issues. They are checking identification for all customers and have placed signs in the window. Ms. Taylor noted that Kim's Shell has missed two meetings since the citation and emphasized to Mr. Kim that he or a representative must attend the next two consecutive meetings of the Alcohol Review Board.

Mr. Lazenby made a motion, seconded by Mr. Galfas, for a modified supervised action plan requiring attendance at the next two consecutive meetings, beginning with the meeting on August 18th. The vote was unanimous in favor of the motion.

### **Compliance review of the supervised action plan presented by Highway 29 Liquor at 4132 Lawrenceville Highway**

Patrick Anglin represented Highway 29 Liquor and reported that the store has been following the action plan since the beginning of the probationary period, in spite of having filed the appeal. As previously reported all staff has been retrained and TIRV has completed shopper compliance checks twice. In both instances, the store scored 100%. They are continuing to utilize the security company but are considering going to a non-armed guard.

Mr. Anglin reported that the store used Sheriffs on Friday and Saturday nights for two hours, due to higher volume of sales. However, he noted that now there are usually three employees on site at all times, increasing the sense of safety.

The store will be closed Sunday, July 25 to Thursday, July 28 with the license suspension.

Deliveries may be made during that time, but no sales will occur. A sign on the door states the closure is "Due to Alcohol Violation". Mr. Anglin feels this will give them reason to explain why they are checking identification of all customers. They have hired no new employees.

The store has a written policy in place regarding carding all customers. Mr. Anglin will present this at the next meeting. This is the first of three meetings for Highway 29 Liquor, with the next on August 18<sup>th</sup>.

### **Request for absence from hearings**

Due to several requests for absence from the Review meetings, the board felt the need to establish protocol for future situations to allow decision making to be expedient and consistent. Following discussion regarding the granting of continuance for review and show cause hearings, the following concerns were raised:

1. What type of hearing is it (show cause versus compliance hearing)
2. Has the licensee missed any previous meetings
3. What is the reason? Dealing with a significant medical emergency and/or death of an immediate family member are good reasons; getting your friends and family to the airport is not.

Mr. Lazenby made a motion, seconded by Mr. Galfas to allow the Chair's discretion on request for continuance from businesses notified for Review and/or Show Cause hearing, basing decisions on the three above-mentioned areas of concern. The above issues will be incorporated as policy decisions. The vote was unanimous in favor of the motion.



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Discussion of the absences from meetings without notification resulted in the following conclusions:

1. Business must notify in writing seven (7) days prior to the meeting unless there is a medical emergency.
2. The following will be issued with letter sent prior to the probationary period:
  - a. 1<sup>st</sup> offense Extend probation period to allow attendance at three consecutive meetings
  - b. 2<sup>nd</sup> offense Repeat suspended license for the same number days as the original suspension
  - c. 3<sup>rd</sup> Offense Revoke alcohol sales license for the remainder of the license period

Mr. Lazenby made a motion to accept these criteria to make this a written part of all future supervised action plans, seconded by Mr. Galfas and unanimously approved.

**Decisions re: businesses absent from ARB Meeting**

In regard to the absence of Lilburn Exxon Food Mart from this meeting, Mr. Lazenby made a motion to revoke the license for alcohol sales effective immediately. Mr. Galfas seconded and the vote was unanimous in favor. This decision can be appealed to the City Council.

Mr. Lazenby made a motion to issue a modified supervised action plan for Armeen to extend the duration of the supervisory period to August 28<sup>th</sup>, due to their absence at tonight’s meeting. The motion was seconded by Mr. Galfas and the vote was unanimous in favor.

Mr. Lazenby made a motion to issue a modified supervised action plan for ASAS to extend the duration of the supervisory period to August 28<sup>th</sup>, due to their absence at tonight’s meeting. The motion was seconded by Mr. Galfas and the vote was unanimous in favor.

**Alcohol Ordinance Changes**

Mr Lazenby proposed tabling this topic to the next meeting. However, Ms. Couch observed that the Council requested the changes in early June so delay by the ARB results in the Council’s not receiving the proposed changes until the September meeting. All present agreed to proceed with the discussion.

Following are changes discussed in May and in July. Underscores within a sentence indicate proposed change.

**ABO Revisions**

May 2016 Discussion

**Sec 6.26 Violations and Penalties.**

Inserted “subjected to supervised action plan”. And added city council opinions or modification of punishment.

**Sec 6-60.1 Alcohol Review Board.**

July 2016 Discussion

**Sec 6.26 Violations and Penalties.**

Added: the holder of a license issued by the City.  
Removed: licensed dealer in distilled spirits at retail.

**Sec 6.27 (d) Per drink excise tax.**

added: subjected to a supervised action plan

**Sec 6-60.1 Alcohol Review Board.**

**(c) Appointments, term replacement.**



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Resignation of member and replacement appointment. Appointment by Mayor within 14 days if not completed by Council member.

**(l) Meetings.**

ARB may reschedule regular meeting as needed to achieve quorum.

**(m) Decisions final and without delay**

Decisions final subject to remedy for aggrieved party at law or in equity as may otherwise be set forth in this Chapter.

**Sec 6-63 License; Criteria for Issuance.**

- (a) Addresses potential lapse of Business License
- (o)(7)b ARB can look at invoices of package stores (not by Council). The store would be subject to supervised action plan.

**Sec 6-67 Tranferability.**

- (c) If change of license (surrender or sever association) due to change in partnership (death)...can continue under previous license for 45 days as long as the business has filed for a new license.
- (e) Change of ownership can continue to sell under the previous license for 30 days as long as the new owner has filed for a new license within seven days of the change of ownership.
- (f) Proposed removal of last sentence: If there is revocation of license, no license issued old or new owner from one year of the violation.

**Sec 6-69 Expiration and Renewal.**

- (c) If there has been any citation of store, applicant, employees, the renewal must be brought be before the ARB. Otherwise renewals without concerns will be handled by the Licensing and Revenue Manager.

**Section 6-70 Supervised Action Plan, Suspension and Revocation**

Change throughout document: The City Council will have input on the punishment for businesses in violation

**Sec 6-63 License; Criteria for Issuance.**

- (o)(7)b. added: at the discretion of the ARB and/or Mayor and Council, after a hearing as provided for in this chapter, result in revocation or suspension of such license or subject the license to a supervised action plan.

**Sec 6-67 Tranferability.**

- (e) If no new application for license is made within seven (7) days of the change in ownership, the license shall stand automatically revoked.
- (f) ... no license issued to old or new owner for 90 days after the violation.

**Sec 6-69 Expiration and Renewal.**

- (c) clear up language for readability

**Sec 6-102 Severability**

If portion of ordinance declared invalid or unconstitutional, the validity of the Ordinance as a whole will not be affected.

**Section 6-70 Supervised Action Plan, Suspension and Revocation**

**Sec 6-70 (j)(1)**



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Allows for supervised action plan to continue beyond the end of the licensure year. ARB will notify when supervised action plan is issued

**Sec 6-70 (j)(2)d.**

add "aggravating"

**Sec 6-70 (j)(2)g.**

added "whether the situation involves a violation of a supervised action plan and/or suspension previously imposed by the ARB."

**Sec 6-70 (j)(3)**

Allows for five days delay in enactment to allow time for appeal after an initial hearing.

**Sec 6-70 (j)(3)**

added "This subparagraph shall not apply to any supervised action plan and/or suspension entered pursuant to Section 6-71 (a)."

**Section 6-71 Hearing**

**Section 6-71 (a) Emergency review hearing by ARB**

**Section 6-71 Hearing**

**Section 6-71 (a) Emergency review hearing by ARB**

Sec 6-71(a)(2)j.

added "whether the situation is a violation of a supervised action plan and/or suspension previously imposed by the ARB or City Council."

**Sec 6-71 (a)(10)**

Emergency hearing does not require stay of punishment if there were an appeal. Gives the Council the opportunity to affirm, reverse or modify punishment once ARB has ruled.

**Sec 6-71 (a)(10)**

Additional parameters for guidelines to Council for ruling on findings of the ARB Emergency Review Hearing, including opportunity to modify findings.

**Sec 6-71 (a)(11)**

Appeal of ARB decision on Emergency Hearing to City Council does not require stay of punishment unless so stated by the Council in its decision.

**Section 6-71 (b) Regularly scheduled review hearings of ARB**

**Sec 6-71 (b)(7)**

Appeals for regular hearings will have a stay of punishment for 45 days or the next City Council meeting. Gives the Council the opportunity to affirm, reverse or modify punishment once ARB has ruled.

**Section 6-71 (b) Regularly scheduled review hearings of ARB**

**Sec 6-71 (c)(7)**

Added: parameters for guidelines to Council for ruling on findings of the ARB regularly scheduled review hearings of ARB, including opportunity to modify findings. Also, describes parameters for modifications by the Council reflecting similar parameters used by the ARB.

**Sec 6-71(c)(8)**

Filing of appeal regarding decision of the City Council will not include stay of punishment unless previously specified.



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**Sec 6-71(c)**

Added: Hand-delivery to the physical location will serve as delivery to the business unless specified by the licensee in writing at the time license is granted and/or at each renewal

**Sec 6-71 (d)**

Parameters for show-cause hearing continuance request: must be in writing delivered seven (7) days prior to the meeting. The chair may grant or deny the request for good cause shown. For appeal before the Council, the City Manager may grant or deny for good cause shown.

Mr. Lazenby made a motion to accept the changes as written (see attached), seconded by Mr. Galfas. The vote was unanimous in favor of the motion.

Ms. Taylor called for Public Comment. Mr. Patrick Anglin raised concerns about the previous conversation about change of ownership and licensure. His concern related to a potential default by the new owner after the thirty day period, leaving the previous owner without a license to operate. Ms. Couch suggested that he was inquiring regarding a provisional or contingent license which would require policy decisions by the City Council. Ms. Ashley suggested that Mr. Anglin raise his concerns with the City Manager, Bill Johnsa.

**ADJOURNMENT**

Mr. Galfas made a motion to adjourn, seconded by Mr. Lazenby. The vote was unanimously in favor to adjourn at 7:50 PM.

\_\_\_\_\_  
Kathy Rall, Chair  
Alcohol Review Board

\_\_\_\_\_  
Date

Respectfully submitted,  
Margot Ashley