



Alcohol Review Board
Thursday, June 15, 2017
Lilburn Municipal Complex
Council Chambers

Present: Chair: John Lazenby
At-Large: Margot Ashley, Demetrius Galfas, Kathy Rall, Jimi Taylor
Records Clerk: Kaleigh Frederick
Legal Counsel: Angela Couch

Mr. Lazenby called the meeting to order at 6:30 pm and declared a quorum present.

OLD BUSINESS:

Mr. Galfas made a motion to approve the regular Meeting Minutes of May 18, 2017, seconded by Ms. Rall. The vote was unanimously in favor.

NEW BUSINESS:

The owner, Maria Leiva has applied for an alcohol license to sell beer at El Paraiso Express, located at 550 Pleasant Hill Road Suite A-206.

Mr. Lazenby called Maria Leiva, with El Paraiso Express to present her request. Julian Hernandez who serves as the business' accountant, accompanied her as translator. Ms. Leiva is the previous owner of a snack bar located next to a convenience store, which does not sell alcohol. She decided to expand to a full-service restaurant. Mr. Hernandez explained that all customers who appear to be less than 50 years old are required to display identification before sale of alcohol occurs. Servers are instructed to track the amount of beer that is sold to a customer and limit amounts to prevent overindulging. There are currently three employees, all of whom are licensed to serve alcohol and are TIPs certified. Mr. Hernandez has also downloaded information on safe alcohol sales that he shares with the employees. Signage in the restaurant indicates the intention to check identification. Mr. Lazenby emphasized how seriously the Alcohol Review Board takes selling to underage customers and encouraged Ms. Leiva to ensure training and controls continue to be in place. The background check is complete, but fingerprint results are pending. This location has not held an alcohol license previously, so approval will be by the City Council. Mr. Galfas made a motion, contingent on the results of the fingerprint report, to recommend to the City Council to grant this license. Ms. Rall seconded the motion and the vote was unanimous in favor. Ms. Couch explained that Ms. Leiva should appear before the City Council on July 10th for final approval of the alcohol sales permit.

Supervised Action Plan compliance review with Patel & Ali Inc. dba Gulf Food Mart located at 127 Arcado Road.

Himanshu Patel represented Gulf Food Mart and reported that he has not hired any new employees. Employees continue to check identification and to be diligent in not selling to underage customers.

With nothing additional to report, he was excused.

Supervised Action Plan compliance review with ANB Inc, dba Depot Package located at 4280 LAWRENCEVILLE HWY.

Brian Nguyen appeared for Depot Package. He reported that his employees continue to check all identification and to be diligent in not selling to underage customers. He continues to advertise for two additional employees but has not found a suitable hire. He stated that he will ensure adequate training of any new hires when they occur. With nothing further to report, he was excused.

Supervised Action Plan compliance review with Lilburn Ventures dba Neighbor's Market located at, 646 Indian Trail.

Zain Sohinaï represented Neighbor's Market and reported that he manages this store. He has arranged for a manager to be "on the floor" at all times of the day to monitor sales. Every sale of controlled substance (alcohol, tobacco) generates a ticket indicating the date of birth. The customers have been understanding of the need to show identification. With nothing further to report, Mr. Sohinaï was excused.

Supervised Action Plan compliance review with RSSL, LLC dba Hooka Haven located at 375 Rockbridge Road Suite 200.

Shawn Cheran represented Hooka Haven and reported that the management has tightened their rules since the incident in March. All employees have been required to complete the TIPs certification and ensure they have an alcohol permit. Every customer must display identification before alcohol sales occur—at the door, wrist bands are issued to those eligible to consume alcohol. Only one drink is served at a time to a customer and servers monitor to ensure that drinks are not then given to underage customers. All excise tax has been paid by the 10th of the month with intentions to continue this practice. There are currently 6-7 employees with no plans to hire more. In the event new employees are hired, appropriate training will be in place. With nothing further to report, Mr. Cheran was excused.

Supervised Action Plan compliance review with Tiberia Restaurant DBA 1910 Public House located at 107 Main Street.

Christy Garcia appeared for 1910 Public House, reporting they have had no changes in staffing and all employees are TIPs certified. Monthly training will be on-going; bartenders are reminded at every shift meeting to check identification and follow protocol. Three people serve as managers of the restaurant and one is always on-site during open hours. They have had some objection from customers who forgot to bring their identification and cannot purchase alcohol. With nothing further to report, Ms. Garcia was excused.

Supervised Action Plan compliance review with Leiserv, Llc DBA Brunswick Bowling located at 3835 LAWRENCEVILLE HWY.

No one appeared to represent Brunswick Bowling.

Ms. Couch recounted guidelines established July 21, 2016:

For unexcused absence from SAP compliance review, the first offense shall require attendance at three additional consecutive meetings. The second offense will result in suspension of alcohol sales permit for the same duration as the original suspension. A third offense shall result in revocation of the license for the duration of the year.

Mr. Galfas made a motion that, due to the unexcused absence of Brunswick Bowling, they shall have a modified action plan requiring three additional consecutive appearances at the ARB beginning with the next meeting. Included in the letter will be indication of all three levels should the infraction occur again. Ms. Rall seconded and the motion was unanimous in favor.

Legal Counsel Status: Ms. Couch reported that City has requested a decrease in the amount of time she spends at Alcohol Review Board meetings. She will be present for show cause hearings, end-of-year renewals and anything unusual, but will no longer be present on a regular basis. She will be available for questions between and during meetings as needed.

Excise Tax: Mr. Lazenby led a discussion of the responsibility of the ARB for oversight of excise tax payments. Ms. Frederick explained that taxes are due by the 20th of the month, with a 3% discount if paid by the 10th. Taxes are only levied with retail dealers on liquor by the drink, not on beer or wine. Wholesale distributors collect the taxes on beer and wine and submit those fees to the City. The City does not send out bills to alcohol retailers; retailers are expected to submit payments voluntarily. If there is a problem with payment, the City will ask the ARB to intervene. This means the business has already received a registered letter from the City and is at least a month in arrears. Discussion concluded with the following suggestions:

In the event excise taxes are not paid in a timely manner, and City staff is not successful collecting past due payment, referral to the Alcohol Review Board will result.

1. If the account is thirty days overdue, the business will be given the option either to
 - a. Pay the amount due with penalties at the meeting when they appear
 - or
 - b. Receive a one-day suspension of alcohol sales permit fifteen days later (allowing for time for appeal to the City Council).
2. If the account is sixty days overdue, the business will be given the option to
 - a. Pay the amount due with penalties
 - or
 - b. Receive a two-day suspension as above.

This will serve as a guideline only, dependent on the circumstances of the business.

When businesses appear before the board, it is appropriate to inquire whether business license, alcohol sales permit and excise taxes are up to date. The objective in all these instances is to help businesses be successful and be an asset to the community.

Public Comment

Mr. Lazenby called for public comment. There was none.

ADJOURNMENT

Mr. Galfas made a motion, seconded by Ms. Rall, to adjourn at 7:40 pm. The motion was approved unanimously.

John Lazenby, Chair of ARB

Date

Respectfully submitted,
Margot Ashley

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