

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.

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**
-

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

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.

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

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.

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 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
Licensor,) CONTROL BOARD
v.) VIOLATION HEARING NO: 21-010
JUAN ESCAMILLA,) HEARING DATE: 3/10/2021
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.

/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 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
Licensor,) CONTROL BOARD
) 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

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.

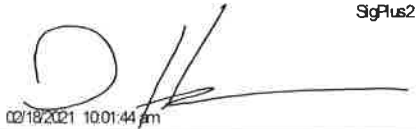
At 9:02 P.M., the CI entered the business and received a Bug Light draft beer from the bartender, Henry Tapia-Garcia. The CI paid \$2.94 for the Bud Light and obtained a receipt. The CI left the business and met with Investigators at a prearranged location. Physical and technical surveillance was maintained 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
TIME OF DAY 2115			
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 EMAIL						DEFENDANT CELL # 404-957-3415					

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

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

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.

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

Officer: *[Signature]*

Badge # 187

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	OCURRED INCIDENT TYPE Traffic/City	
	OCURRED FROM DATE/TIME 02/03/2021 21:10	OCURRED THRU DATE/TIME 02/03/2021 21:20	LOCATION OF OCCURRENCE EL NOPAL MEXICAN RESTAURANT 540 OLD MILL 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) 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

181 Herron

DATE

02/03/2021

REVIEWED BY

Hichez, O.A.

DATE

02/11/2021