

LICENSE REVIEW BOARD MINUTES
CITY OF KENNESAW
Council Chambers
Wednesday, July 31, 2024, 2:00 PM

APPEARANCES OF COUNSEL

For the Board:

Sam Hensley, Jr.

For the City:

Jamie Wingler

BOARD MEMBERS:

Tavares Chambless

Donald Perez

and City Clerk Lea Alvarez

ABSENT:

Robert Thornton

I. CALL TO ORDER

Board Member Chambless called the meeting to order at 2:00 p.m. and made introductions. Board Attorney Sam Hensley, Jr. explained the meeting procedures; possible penalties including probation, suspension, revocation, or no action; and post hearing procedures. Mr. Hensley, Jr. noted that the City Attorney would be meeting with each licensee prior to their respective hearings to determine if an agreement can be reached and submitted to the Board for approval. All witnesses were sworn in before each hearing.

Board Member Chambless called a recess at 2:14 p.m.

Board Member Chambless called the first case at 2:18 p.m. as an agreement had been reached with RaceTrac #052.

II. DUE CAUSE HEARINGS

[The hearings were taken out of order by Assistant City Attorney Jamie Wingler].

**A. Racetrac Petroleum, Inc. D/B/A RaceTrac #052
1625 Old 41 Highway
Kennesaw, GA 30152
Licensee: Vincent Plaskan**

The parties announced that they had reached a consent agreement.

Assistant City Attorney Jamie Wingler stated that on June 24, 2024, the Kennesaw Police Department conducted compliance checks in the City of Kennesaw. On this date, the underage agent entered Racetrac Petroleum, Inc. D/B/A RaceTrac #052, located

within city limits, presented his ID to the store clerk, and purchased Twisted Tea for \$16.42. The store clerk at RaceTrac #052 hit the “Over 40” button to complete the purchase. The store clerk was issued a citation for the furnishing of, providing of, or possessing of alcoholic beverages by an underage person in violation of City of Kennesaw Alcohol Code § 6-89.

Mr. Wingler noted this establishment had a prior history of alcohol violations. An underage sale was made and heard before the License Review Board on December 11, 2008, which resulted in the revocation of the license. Further, an underage sale violation and a failure to obtain an alcohol server permit violation was heard before the Board on August 11, 2021, where the establishment received a 14-day suspension. For the most recent violation, Mr. Wingler recommended a 30-day suspension to which RaceTrac #052 agreed.

Attorney Kyle Baker from Taylor English Duma LLP made a statement on behalf of RaceTrac #052 and introduced the Executive Team members who were present at the hearing. Mr. Baker shared that RaceTrac #052 does not dispute the allegations. He presented a binder to the Board Members that included the facts and circumstances regarding the violation. Mr. Baker stated the clerk was hired by RaceTrac #052 on June 17, 2024. On the date of the violation, the clerk requested the underage agents’ identification (ID), reviewed it, and then applied the “Over 40” key at the register. The clerk had finished training one week prior to the incident and was terminated after RaceTrac’s investigation into this incident pursuant to RaceTrac’s policies and procedures.

Mr. Baker mentioned the policies and procedures in place prior to mitigate the risk of underage sales and the several changes that RaceTrac #052 had made to address the violation. First, RaceTrac #052 is the first location nationwide to permanently disable the “Over 40” key on all registers. Now, everyone must present an ID. He pointed out this would result in a loss of customers, but that RaceTrac is committed to improving the issue at hand. Second, RaceTrac has deployed new software that will monitor birthdate input by employees and flag possible fictitious birthdates being entered. Third, all employees received additional professional responsible alcohol sales and service training as well as third-party ServSave Training. The General Manager will also complete EVINDI’s RASS training in August. Moving forward, all employees will be required to complete ServSave training prior to beginning employment. Next, for the remainder of 2024, only the manager on duty is allowed to make alcohol sales. Finally, they will not only double their BARS secret shopper program through 2024 but have also implemented a “customer” mystery shopping program. Any legal aged customer who is not asked for their ID receives a free fountain drink.

The Board Members asked the Executive Team several clarifying questions. Board Member Perez asked if the new software they are implementing looks at anything else besides repeat birthdates. Executive Director of Compliance and Safety Angela Pimental shared that they are in the beginning stages of development but will continue to expand it once they get their legs under them. Board Member Perez asked about the difficulty in having an on-duty manager making every alcohol sale. Executive Director of Operations Scott Munn mentioned it will be difficult, but that it is RaceTrac’s responsibility to execute.

Motion by Board Member Perez to suspend the license for 30-days, seconded by Board Member Chambless. Vote taken, approved 2-0-1 (Board Member Thornton absent). Motion carried.

Board Member Chambless called a recess at 2:35 p.m.

Board Member Chambless called the next case at 2:43 p.m. as agreements had been reached with remaining establishments.

B. ABC Liquor Co, Inc D/B/A Bottle Shop
2774 North Cobb Parkway
Kennesaw, GA 30152
Licensee: Rajeev Bhardwaj

The parties announced that they had reached a consent agreement.

Assistant City Attorney Jamie Wingler stated that on June 24, 2024, the Kennesaw Police Department conducted compliance checks in the City of Kennesaw. On this date, the underage agent entered ABC Liquor Co, Inc D/B/A Bottle Shop, located within city limits, presented his ID to the store clerk, and purchased White Claw for \$10.59. The store clerk completed the purchase and was issued a citation for the furnishing of, providing of, or possessing of alcoholic beverages by an underage person in violation of City of Kennesaw Alcohol Code § 6-89.

Mr. Wingler noted this establishment had a prior history of alcohol violations. An underage sale was made and heard before the License Review Board on March 30, 2017, and received a 9-day suspension. Further, an underage sale violation was heard before the Board on June 4, 2018, where the establishment received a 14-day suspension. For the most recent violation, Mr. Wingler recommended a 30-day suspension to which the Bottle Shop agreed.

Licensee Rajeev Bhardwaj made a statement to the Board. He mentioned that it is store policy to scan ID. While the security camera footage caught the ID scan, the process still failed. As a result, he has decided to not allow the acceptance of vertical, under-21 IDs. He reminded the Board that his business is small and does not have accessibility to resources like large corporations such as RaceTrac do.

The Board Members asked Mr. Bhardwaj several questions. Board Member Perez asked how long the store had been open. Mr. Bhardwaj responded since 2013. Board Member Chambless asked about the employee. Mr. Bhardwaj stated he let the store clerk go the same day as the violation and that the employee had worked for him for about one and a half years. Board Member Chambless followed up his question with how Mr. Bhardwaj planned to train his employees moving forward. He said that all pertinent information about alcohol sales is located at the register. His remaining employees will not accept vertical IDs any longer.

It was discussed that Mr. Bhardwaj would be traveling out of the country beginning August 2, 2024, so he would not be present to accept the decision letter from the

License Review Board. Mr. Wingler stated for the record that the Bottle Shop's suspension would begin on August 2, 2024, and that the 30-day suspension period would end August 31, 2024.

Motion by Board Member Perez to suspend the license for 30-days beginning August 2, 2024, and ending August 31, 2024, seconded by Board Member Chambless. Vote taken, approved 2-0-1 (Board Member Thornton absent).

C. Damanis Food and Fuel Inc. D/B/A Stop 2 Go Shell
2515 North Cobb Parkway
Kennesaw, GA 30152
Licensee: Shahid Ali

The parties announced that they had reached a consent agreement.

Assistant City Attorney Jamie Wingler stated that on June 24, 2024, the Kennesaw Police Department conducted compliance checks in the City of Kennesaw. On this date, the underage agent entered Damanis Food and Fuel Inc. D/B/A Stop 2 Go Shell, located within city limits, presented his ID to the store clerk, and purchased White Claw for \$12.71. The store clerk completed the purchase and was issued a citation for the furnishing of, providing of, or possessing of alcoholic beverages by an underage person in violation of City of Kennesaw Alcohol Code § 6-89.

Mr. Wingler noted this establishment had a prior history of alcohol violations. On May 21, 2014, the License Review Board had a due cause hearing for expired alcohol server permits for which Stop 2 Go Shell received a 14-day suspension. Further, on July 28, 2021, the establishment received a 5-day suspension and 6-month probation for an underage sale violation. While being served with the action, the officer cited Stop 2 Go Shell for failure to obtain an alcohol server permit. Because this citation was received during the 5-day appeal period, the violation was heard before the License Review Board again, receiving a 10-day suspension and 6-month probation to run consecutively with the previous action for a total of 15-days suspension and one-year probation. For the most recent violation, Mr. Wingler recommended a 30-day suspension to which Stop 2 Go Shell agreed.

The Licensee Shahid Ali provided a statement to the Board. Mr. Ali shared that he has been the owner of Stop 2 Go Shell for 20 years. He admitted that his clerk did sell alcohol to a minor and took full responsibility for the violation. Mr. Ali said he is taking steps to mitigate the issue, noting his actions following the violations in 2021. After the License Review Board hearing in 2021, he now requires his employees to obtain a valid alcohol server permit from the City of Kennesaw prior to training. The employee that most recently sold to the underage agent has been let go.

The Board Members asked Mr. Ali several questions. Board Member Perez asked if the Licensee had appropriate signage near the register for employees to reference. Mr. Ali responded he did. He further asked how difficult it would be to require all employees to scan the IDs, to which Mr. Ali responded it would not be difficult. Board Member Chambless asked when he last trained his employees regarding alcohol policies. Mr. Ali shared that it was after his 2021 violations. Mr. Chambless pointed out that one of his

employees was hired after the 2021 violations, so it would be a good opportunity to complete the training again.

Motion by Board Member Perez to suspend the license for 30-days, seconded by Board Member Chambless. Vote taken, approved 2-0-1 (Board Member Thornton absent). Motion carried.

D. RS Diamond Jubilee LLC D/B/A Cobb Food Mart
2651 North Cobb Parkway
Kennesaw, GA 30152
Licensee: Sahil Wadhwaniya

The parties announced that they had reached a consent agreement.

Assistant City Attorney Jamie Wingler stated that on June 24, 2024, the Kennesaw Police Department conducted compliance checks in the City of Kennesaw. On this date, the underage agent entered RS Diamond Jubilee LLC D/B/A Cobb Food Mart, located within city limits, presented his ID to the store clerk, and purchased Bud Light for \$7.49. The store clerk completed the purchase and was issued a citation for the furnishing of, providing of, or possessing of alcoholic beverages by an underage person in violation of City of Kennesaw Alcohol Code § 6-89. During this check, Cobb Food Mart was also cited for serving alcohol without a valid alcohol server permit in violation of City of Kennesaw Alcohol Code § 6-70.

Mr. Wingler noted this establishment did not have a prior history. He recommended a 7-day suspension to which Cobb Food Mart agreed.

Licensee Sahil Wadhwaniya provided a statement to the Board. Mr. Wadhwaniya shared he has been the owner of Cobb Food Mart for the last eight years and is working to rectify the issue of underage sales. He stated his employees would no longer be scanning paper IDs. There was some confusion amongst the Board regarding the statement, as the underage agent testified that his ID used in the transaction was not a paper ID.

Board Member Perez asked about having visuals at the register. Mr. Wadhwaniya said they did have visuals. Board Member Chambless asked about training policies. Mr. Wadhwaniya did not fire his employee because he believes in second chances but is looking into third-party training. Board Member Chambless asked the Licensee what percentage of his sales is alcohol. Mr. Wadhwaniya responded it was 30%. Board Member Chambless emphasized this suspension will be big hit to those sales.

Motion by Board Member Perez to suspend the license for 7-days, seconded by Board Member Chambless. Vote taken, approved 2-0-1 (Board Member Thornton absent). Motion carried.

As the agreements were mutually reached and accepted by all parties, the right to appeal the decisions to the Mayor and City Council pursuant to Kennesaw Alcohol Code § 6-63 (h) has been waived.

Adjourned at 3:16 PM.

Respectfully submitted,

Lea Alvarez, City Clerk