Called Meeting

Hart County Board of Commissioners

November 10, 2015

After the 5:30 p.m. Regular BOC Meeting

1. Appeal Hearing Beer and Wine License Suspension for Royal Foods at 3689 Royston Highway
2. Appeal Hearing Beer and Wine License Suspension for Royal Foods #4 at 5338 Lavonia Highway
3. Appeal Hearing Beer and Wine License Suspension for Max Saver at 17 Liberty Hill Church Road

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After the 5:30 p.m. Regular BOC Meeting

1. Appeal Hearing Beer and Wine License Suspension for Royal Foods at 3689 Royston Highway

Attorney Kimberly Wilkerson briefed the BOC on code section 6-9 Penalty for violation ; violator Hussain Mohammad plead no contest in Magistrate Court on September 10, 2015; paying $350 fine over the probation term.

Attorney Wilkerson questioned Lt. Investigator Marshall Norton concerning an issue that store clerk Mohammad stated someone behind the informant said they knew him, indicating the individual was ok to make the purchase. Lt. Norton responded that he was not aware of anyone else being in the store and if so the individual could not be heard on audio recording.

Commissioner Carter questioned what transpires to set up an investigation and or sting operation. Lt. Norton responded the Sheriff’s office received complaints and he was directed to investigate.

Attorney Dan Strickland questioned if there were any previous or wrongful acts in reference to the store clerk. Lt. Norton responded there were none prior to this incident. Attorney Strickland asked if the informant was a passenger in the vehicle with Lt. Norton. Norton responded no, individual drove his own vehicle. Norton was also questioned about the individual’s age and the fact that he gave a fake birthday to the store clerk.

Attorney Strickland questioned Lt. Norton if he participated in the plea discussions. Norton responded no.

Attorney Strickland questioned store clerk Mohammad why he didn’t ask for identification. Clerk Mohammad responded that the individual appeared to be older.

Commissioner Dorsey questioned the store’s policy whether or not the individual paid cash or credit card and if the clerk understood the law in regards to selling alcohol to a minor. Store clerk Mohammad responded store policy is to check identification, did not recall if individual paid with cash or credit card.

Commissioner Carter questioned about taking someone else’s word for knowing the individual purchasing beer. Clerk responded that the individual did not have his identification.

Commissioner Oglesby questioned Lt. Norton concerning the procedure whether it was their normal procedure to follow. Lt. Norton responded, yes, they send a minor into the stores to make purchase and six out of fifteen stores in the city/county were charged with selling to a minor.

Store owner Subrin Mostofa presented a loss of earnings for beer and wine during the months of August through October; contended that he was not notified for 15-20 days after the incident. Lt. Norton responded that the paperwork was served on August 13.

Commissioner Dorsey questioned Mr. Mostofa about employee training practices. Mr. Mostofa responded clerks are instructed to ask for identification from anyone under 40.

Attorney Strickland appealed to the BOC to reconsider the suspension; consider what’s been presented as no probable cause to suspend the license; the issue originated with officers using deceit.

Commissioner Dorsey moved to suspend the license for Royal Food at 3689 Royston Highway for 30 days. Chairman Carey provided a second to the motion.

Commissioner Dorsey noted that the license holder has accountability to ensure that employees are trained properly.

Motion to suspend license carried 5-0.

1. Appeal Hearing Beer and Wine License Suspension for Max Saver at 17 Liberty Hill Church Road

Store owner James R. McCurley stated he had held a beer and wine license for eight years; his experience with hiring loyal employees; was unaware that the store clerk was charged with the sell to a minor and was not notified by the Sheriff’s office nor the BOC. He suggested that store clerk’s should be fined and not penalize the owner for the clerk’s actions.

Chairman Carey moved to suspend the license for Max Saver for 30 days. Commissioner Carter provided a second to the motion. The motion carried 5-0.

1. Appeal Hearing Beer and Wine License Suspension for Royal Foods #4 at 8742 Royston Highway

Store owner Talat Solaiman stated he has zero tolerance for selling alcohol to minors; he has been in the industry for 25 years and this is the first offense; employees are retained and he has purchased a POS system that cannot bypass without the store clerk asking for proper identification.

Commissioner Oglesby moved to suspend the license for Royal Foods #4 for 30 days. Commissioner Teasley provided a second to the motion. The motion carried 5-0.

1. Adjournment

Commissioner Oglesby moved to adjourn the hearing. Commissioner Carter provided a second to the motion. The motion carried 5-0.

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Jimmy Carey, Chairman Lawana Kahn, County Clerk