

ALCOHOL CONTROL COMMISSION

Monday, December 21, 2015

The Alcohol Control Commission met at 5:00 p.m. this date in the Commission Chambers of City Hall, 601 Broad Street. Chairman Slack presided with Commissioner Canada, Commissioner Lee, Mr. Hyde, Mr. Redding, and Mr. Doss present.

Minutes – November 16, 2015

The minutes of the November 16, 2015 meeting, as submitted in writing by the Secretary, were approved by an unanimous consent.

Hampton Inn & Suites, 875 West 1st Street

The application of Penny Miller, manager of Hampton Inn & Suites, 875 West 1st Street, was presented. Ms. Miller requested that a new Beer and Wine Package License be issued to her at that location. Ms. Miller was present and explained that the new Hampton Inn is scheduled to open in early to mid-January, 2016, and they would like the ability to sell beer and wine at their gift/store area near the registration desk. This will be Ms. Miller's first experience as an alcohol licensee. She did state that she is familiar with Rome's Alcohol Rules and Regulations and will study them further to understand all the implications. There will be approximately five employees that will have the ability to sell alcohol at this establishment. The corporate training program will be use to ensure that all regulations are upheld.

Commissioner Canada moved to approve the license request as submitted for a new Beer and Wine Package License at the Hampton Inn & Suites, subject to all final inspections and approvals by the appropriate City officials. Commissioner Lee seconded, and the vote was unanimously in favor.

Buchanan's Sports Bar, 2730 Martha Berry Boulevard

Chairman Slack announced that a Hearing would be held today because two alcohol related citations were issued at Buchanan's Sports Bar, 2730 Martha Berry Boulevard. On November 14, 2015, citations were issued at Buchanan's Sports Bar by the Rome Police officers for service of alcohol after the allowed hours and for furnishing alcohol to a person under 21 years of age.

Assistant City Attorney Stephen Moseley administered the oath to the following three persons who plan to speak during this Hearing:

- Rome Police Officer Colvin
- Rome Police Officer Jenwright
- Buchanan's Licensee Rodrigo Barahona

Officer Colvin presented the following report to the Alcohol Control Commission:

Officer ID/Name: 71B	Date: COLVIN ZACHARY 11/14/2015 03:04:22	Approving Officer ID/Name: 019D	Date: STORY DANNY 11/14/2015 04:39:24
Title:			
<p>ON NOVEMBER 14, 2015 (SATURDAY) AT 1:31AM OFFICER JINRIGHT AND I, PFC Z COLVIN, STOPPED AT BUCHANAN'S LOCATED AT 2730 MARTHA BERRY HWY TO DO A WALKTHROUGH. BEFORE GOING INSIDE I ADVISED DISPATCH WE WERE OUT AT BUCHANAN'S. WHEN WE WENT TO THE DOOR WE TOLD THE SECURITY GUARDS THE REASON FOR OUR PRESENCE AND THEY LET US IN.</p> <p>WHEN I ENTERED I LOOKED TO THE BAR AND I OBSERVED 2 BARTENDERS WHO WERE LATER IDENTIFIED AS SAMANTHA WILSON AND ALEXA CUBAS SERVING BEER TO CUSTOMERS. I THEN APPROACHED THE BAR AND MISS WILSON HAD TWO MORE BEERS IN HER HAND THAT SHE WAS ABOUT TO HAND ANOTHER CUSTOMER WHO WAS STANDING NEXT TO ME. MISS WILSON SAW ME STANDING THERE AND THEN PULLED THEM BACK AND TOLD THE REST OF THE BARTENDERS TO STOP SERVING. I GATHERED THEIR INFORMATION AND WENT TO MY VEHICLE TO VERIFY IT. I ALSO SPOKE TO THE OWNER, RODRIGO BARAHONA, AND ADVISED HIM OF THE VIOLATION.</p> <p>AFTER VERIFYING THEIR INFORMATION, I STARTED TO WALK BACK INSIDE THE ESTABLISHMENT WHEN IT BEGAN TO EMPTY OUT. I THEN NOTICED A YOUNG BLACK MALE WHO APPEARED TO BE UNDER THE AGE OF 21. AS WE WALKED BY EACH OTHER I WALKED CLOSE ENOUGH TO HIM SO WE WERE NEARLY TOUCHING. WHEN I GOT CLOSE TO HIM I NOTICED THE ODOR OF AN ALCOHOL BEVERAGE EMITTING FROM HIS PERSON. I STOPPED HIM AND ASKED FOR HIS ID. HIS NAME WAS DYLOAN ALLEN AND HE WAS ONLY 18 YEARS OLD. I ASKED HIM TO STEP CLOSER TO MY CAR AND HE REFUSED. AFTER A FEW MINUTES HE FINALLY COMPLIED AND HE WALKED OVER TO ME. I ASKED HIM SEVERAL TIMES IF HE HAD BEEN DRINKING AND HE STATED NO EVEN AFTER I TOLD HIM I COULD SMELL IT ON HIS BREATH. I ASKED HIM IF HE WOULD TAKE AN ALCOSENSOR AND HE REFUSED. I THEN ISSUED MR ALLEN A CITATION FOR UNDERAGE POSSESSION OF ALCOHOL AND RELEASED HIM TO GO WITH HIS RIDE.</p> <p>I THEN HAD THE OWNER MR BARAHONA COME OUTSIDE. I ISSUED HIM CITATIONS FOR FURNISHING ALCOHOL TO A MINOR AND A VIOLATION OF HIS POURING LICENSE BY SERVING ALCOHOL AFTER 1:30AM. DISPATCH CONFIRMED THAT OFFICER JINRIGHT AND I DID NOT CHECK OUT AT BUCHANAN'S UNTIL AFTER 1:30 AM.</p> <p>3SRPD158962</p>			

Officer Colvin stated that members of the Rome Police Department have been dispatched Buchanan's recently due to parking lot incidents. Due to the past experiences, a determination was made to do a walk-through at Buchanan's on the night of November 14th, and that's when the alleged violations were observed. Officer Colvin made further comments regarding the underage consumption incident at Buchanan's. He stated that the underage person was not a "regular patron", but was serving some role with the band that was playing that night. Apparently, a bucket of beer had been furnished to the band, and this person was thought to have drank some of that beer. Officer Colvin reported that he did see numerous security personnel at Buchanan's; however, he did not notice any in the area of the band during his visit. He concluded his comments by stating that typically there are large number of alcohol containers left in Buchanan's and sometimes Mount Berry Square Mall parking lot following the closing of Buchanan's.

Buchanan's licensee Rodrigo Barahona addressed the Commission. He state that, in spite of the Officer's testimony of arriving at Buchanan's after 1:30 a.m., his security cameras indicated that Officer Colvin had observed the alcohol sales taken place at 1:28 a.m. (all alcohol sales have to stop at 1:30 a.m.). Mr. Barahona stated that originally Officer Colvin was going to issue a warning and later changed his mind to issue citations. Mr. Barahona stated that in no incidences does alcohol from Buchanan's ever leave the building. Patrons are not allowed to take their alcohol to the parking lot. Mr. Barahona stated that the Municipal Court date for his citation is December 31, 2015, and he plans to bring video evidence to court with him to show that no sales took place after 1:30.

There were several questions and lengthy discussion between Rome Police Officers, Mr. Barahona, and the Alcohol Control Commission concerning the details of this incident. Commissioner Canada stated that Officer Colvin has testified that 911 Dispatch verified that the official time was 1:31 when he arrived at the parking lot of Buchanan's. Even

though Mr. Barahona disputes that fact, Commissioner Canada stated that the 911 time is the official time, and he may want to stop selling alcohol at 1:15 rather than 1:30 in order to avoid an inadvertent violation. In the course of discussion, Mr. Barahona stated that his customers are allowed into his business at age 18; however, they are not allowed to consume alcohol unless they are at least 21. Mr. Barahona further stated that the Police Department overreacted to this incident. Officer Colvin stated that he has personally made four or five visits to Buchanan's since they opened in approximately August, 2015. He elaborated on one particular night when there were ten or so groups of people in the parking lot engaged in a verbal altercation. Officer Colvin also explained that upon his initial investigation of the alleged violations, he was not sure if a citation would be issued or not. Once he was able to continue his investigation outside of the establishment (too loud to discuss inside), he determined that citations would be issued. The underage person refused a field alcohol sensor test and was given a general copy charge and not taken to jail. He also suggested that Mr. Barahona develop a process to ensure that persons 18 to 20 years old are not able to drink alcohol in his establishment regardless if they are a general patron or someone who is working with the band.

Secretary Smith outlined the penalty options available to the Alcohol Control Commission.

Commissioner Canada moved to issue a letter of warning to Buchanan's for the after-hours alcohol service violation and to issue a letter of warning and recommend a \$250 fine for the underage person who was inside Buchanan's and had consumed alcohol.

Mr. Doss made an amending motion to change the penalties to a letter of warning for the underage incident and a letter of warning and a recommended \$250 fine for the after-hours sales (the reverse of what Commissioner Canada had recommended). Mr. Hyde seconded the motion; however, the motion failed by the following vote:

YES: Hyde, Doss

NO: Canada, Lee, and Redding

After further discussion by the ACC, including a review of the recommendations made for the El Patron Hearing that took place at the November 16, 2015 ACC Meeting, Commissioner Canada moved to issue a letter of warning to Buchanan's for both alleged violations. Mr. Doss seconded the motion, and it was approved by the following vote:

YES: Canada, Lee, Redding, and Doss

NO: Hyde

Mr. Barahona was informed that this matter will not be forwarded to the City Commission since letters of warning have been issued. He was told that these will be made part of his alcohol file and would be considered in the event of any future violations.

Police Report

Rome Police Chief Elaine Snow presented the police report for the previous month. There was only one alcohol related arrest that occurred at an alcohol establishment, and that was at the Mellow Mushroom. An individual was arrested for underage possession of alcohol and public drunk.

Chief Snow thanked Officers Colvin and Jimwright for their investigation and testimony at tonight's Hearing. She also thanked them for their recent efforts to replace a family's Christmas gifts that were stolen.

Commissioner Canada and Chief Snow – Final Meeting

Chairman Slack recognized and thanked Commissioner Kim Canada and Police Chief Elaine Snow who were both attending their final Alcohol Control Commission meeting. Commissioner Canada did not run for reelection and will be leaving the City Commission at the end of the year, and Chief Snow is retiring after 40 plus years of service to the Rome Police Department.

Convenient Store Gambling

There was some discussion regarding possible alcohol penalties for the convenient stores that were recently charged with gambling violations. These stores are currently closed and not allowed to reopen; however, the Alcohol Control Commission could hold Hearings for these establishments in the future and take action against their alcohol licenses should they be allowed to reopen.

Adjourned

With there being no further business, Chairman Slack adjourned the meeting at 6:35 p.m.

Joseph F. Smith
City Clerk