

MEETING OF MAR 27, 2019

WARD 7 (rf)

ITEM NUMBER _____
\$ IMPACT _____

ISSUE:

Application for a change of agent for privilege licenses for beer, wine, and liquor (retail pouring) for Monterrey Mexican Restaurant #21 dba Monterrey #21 with Gustavo Mata as the applicant. Previous agent was Jesus Onate, Sr.

SUMMARY:

Gustavo Mata as the registered agent for Monterrey Mexican Restaurant #21 dba Monterrey #21 requests privilege licenses for the sale of beer, wine, and liquor (retail pouring) at 4924 South Cobb Drive STE G.

BACKGROUND:

Gustavo Mata will be the registered agent responsible for the sale of alcohol at the referenced location. Mr. Mata has been given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop. (Certificate under separate cover)

STAFF RECOMMENDATION:

A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude issuance of this license. Gustavo Mata has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol.

REQUESTED ACTION:

Approval of privilege licenses for the sale of beer, wine, and liquor (retail pouring) for Monterrey Mexican Restaurant #21 dba Monterrey #21 with Gustavo Mata as the registered agent.



**APPLICATION FOR ALCOHOLIC BEVERAGE
AGENT CHANGE ONLY**
Phone (678) 631-5321 Fax (770) 431-2808
Web site: www.smyrnacity.com

PLEASE TYPE APPLICATION AND ANSWER ALL QUESTIONS.

TYPE OF LICENSE: [CHECK APPROPRIATE SPACES]

LIQUOR:

TRANSFER ()
 PKG. BEER/WINE ()
 PKG. DIST. SPIRITS ()
 RETAIL POURING (X)
 Restaurant (X)
 Package Store ()

BEER:

TRANSFER ()
 PKG. BEER/WINE ()
 PKG. DIST. SPIRITS ()
 RETAIL POURING (X)
 Restaurant (X)
 Package Store ()

WINE:

TRANSFER ()
 PKG. BEER/WINE ()
 PKG. DIST. SPIRITS ()
 RETAIL POURING (X)
 Restaurant (X)
 Package Store ()

1. Legal Name of Business Monterrey Mexican Restaurant #21 Inc
 Operating name of the Business _____
 Occupation Tax License Number _____
 Is the Business a proprietorship () partnership () corporation (X) foreign ()
2. Location 4924 G South Cobb Dr Smyrna, GA Phone 770-432-3801
3. Full name of Owner Gustavo Mata

Has owner ever had an alcoholic beverage license revoked in Smyrna or other jurisdiction? Yes () No (X)
 If yes, attach full details.

5. Full name of Agent Gustavo Mata
 Social Security Number ~~256-51-7137~~ Date of Birth 5/9/1966
 Are you a Citizen of the United States? Yes (X) No () Birthplace La Paz Jalisco Mexico
 Current Address 4225 Fawn Lane City/State Smyrna, GA Zip 30082
 Home Telephone ~~404-434-306~~ Number of years at present address _____
 Do you reside in Cobb County? Yes (X) No () If yes, how long 30 years
 Previous address _____
 Number of years at previous address 28 Drivers License Number and State ~~05415659~~ Georgia

What has been your occupation for the past five (5) years? Give detailed list _____
Owner / Operator of Monterrey Mexican Rest
Daily Operations

Agent's employment date with owner _____

6. Has the applicant:

- (a) Been adjudicated as incompetent or insane, or been deemed to have insufficient mental capacity to conduct the business for which the application is made? Yes () No (X)
- (b) Been discharged from any military service under dishonorable conditions? Yes () No (X)
- (c) Within a five-year period immediately preceding the date of application, been arrested or convicted of violating any laws, ordinances, or regulations regulating such business? (The term "conviction" shall include an adjudication of guilt, a plea of guilty or nolo contendere or the forfeiture of bond when charged with a crime.) Yes () No (X) If there was an arrest, are charges still pending? Yes () No ()
- (d) Within a five-year period preceding the date of application, been convicted for any felony charged under any of the laws of the several states or of the United States? Yes () No (X) (The term "conviction" shall include an adjudication of guilt, a plea of guilty or nolo contendere or the forfeiture of bond when charged with a crime.) If there was an arrest, are charges are still pending? Yes () No ()
- (e) Within a three-year period preceding the application, been convicted of more than one misdemeanor, including traffic violations, involving the use or abuse of any alcoholic beverage, opiate or drug? Yes () No (X) (The term "conviction" shall include an adjudication of guilt, a plea of guilty or nolo contendere or the forfeiture of bond when charged with a crime.) If there was an arrest, are charges still pending? Yes () No ()
- (f) Been currently placed on parole from any governing authority? Yes () No (X)

Has any license authorizing the sale of alcoholic beverages at the location for which the present license is sought:

- (g) Been declared to be under suspension, at the date the application is filed? Yes () No (X)
- (h) Been revoked within six months of the date that the application is filed? Yes () No (X)

If yes to any of the above questions, please attach full detail.

7. Do you, your spouse, any family members, or any of the other owners, partners, or stockholders have an interest in a retail liquor store(s)? Yes () No (X) If so, state the number of stores and where each stores is located.

8. Have you, your spouse, partner or stockholder any financial interest in the wholesale liquor business? Yes () No (X) If yes, give details. _____

9. Please initial here that you have received a copy of the City of Smyrna Alcoholic Beverage Ordinance _____

10. Are you familiar with the City of Smyrna ordinances and state and federal laws and regulations governing the operation of this type of business? Yes (X) No ()

11. Are you aware you are required to apply for a State license? Yes (X) No ()
Contact the Georgia Department of Revenue Alcohol Division (404-417-4900).

CITY OF SMYRNA
BUSINESS LICENSE DEPARTMENT
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE
Phone (678) 631-5321 Fax (770) 431-2808
Web site: www.smyrnacity.com

GEORGIA, COBB COUNTY

I, Gustavo Mata, BEING DULY SWORN TO LAW, DO SWEAR THAT THE STATEMENTS MADE BY ME IN THE ABOVE AND FOREGOING APPLICATION ARE TRUE, AND NO FALSE, OR FRAUDULENT STATEMENT IS MADE HEREIN AND SUCH STATEMENTS WERE MADE IN ORDER TO PROCURE THE GRANTING OF A LICENSE.

Signature of Managing Applicant (type name before signing)

Signature and title of person other than Applicant completing this application

Phone Number: Work _____ Home _____

Sworn to and subscribed before me
this 28 day of JANUARY, 2019.

Susan Ann Gray
Notary Public



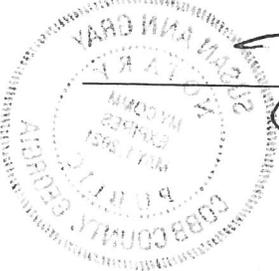
FINGERPRINTED AT SMYRNA POLICE DEPARTMENT:

Date

RECEIVED IN CITY OF SMYRNA BUSINESS LICENSE DEPARTMENT BY:

[Signature]
Date

2/11/19



CITY OF SMYRNA

PRIVILEGE LICENSE APPLICATION SUMMARY

DATE: 02/26/19 License/Variance Board 03/27/19

TYPE OF LICENSES REQUESTED: BEER, WINE, LIQUOR (RETAIL POURING)

NEW APPLICATION: NO OWNERSHIP NO AGENT YES

NAME OF BUSINESS: MONTERREY MEXICAN RESTAURANT #21 INC.

PLACE OF BUSINESS: dba MONTERREY #21
4924 SOUTH COBB DRIVE STE G
SMYRNA, GA 30082

AGENT: GUSTAVO MATA
HOME ADDRESS: 4225 FAWN LANE
SMYRNA, GA 30082

CITIZENSHIP YES

POLICE REPORT: DATE REQUESTED 02/11/19 RECEIVED 02/18/19

RESULTS: INVESTIGATION FAILED TO REVEAL INFORMATION THAT WOULD
PRECLUDE ISSUANCE OF THIS LICENSE

TYPE OF BUILDING MASONRY

DISTANCE MET: SCHOOL YES CHURCH YES LIBRARY YES PARK YES

MAP FURNISHED: N/A

ADVERTISED: MAR 15 & MAR 22

COMMENTS: TAXES PAID



"Policing with a Purpose"

Smyrna Police Department

Chief of Police
David Lee

2646 Atlanta RD SE
Smyrna, GA 30080-2118

Phone: 770-434-9481
Fax: 678-631-5005

Deputy Chief
Robert L. Harvey



Date: 02-18-19

To: Tammi Jones, City Administrator

From: David Lee, Chief of Police

Lt. Mark Binicewicz, Office of Professional Standards

Subject: Application for Alcohol License

Applicant: Gustavo Mata

This applicant, **Gustavo Mata**, is the manager of the business listed below and has submitted an application with the business license office to obtain an alcohol beverage license / agent name change only, issued to **4924 South Cobb Dr. Suite G Smyrna, GA. 30082.**

The business name is **Monterrey Mexican Restaurant.**

The business is incorporated under the name **Monterrey Mexican Restaurant.**

A background check was conducted on this applicant. There was nothing in his background within the criminal history requirements of City of Smyrna Ordinance 6-51 that would prohibit him from holding the license as long as he meets all the other requirements of the ordinances that regulate this type of business.

CC: Terri Graham, City Clerk

Jim Cox, Business License

File



Affidavit of Compliance with O.C.G.A. 50-36-1 "Verification of Lawful Presence within the United States."

O.C.G.A.50-36-1 requires that applicants applying for such things as licenses for public benefits complete a signed and sworn affidavit verifying the applicant's lawful presence in the United States. Therefore, the applicant must answer the following questions.

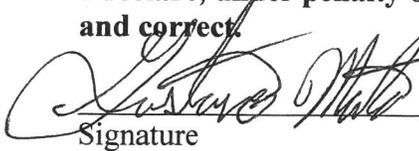
The applicant is a United States citizen or legal permanent resident at least eighteen (18) years old. YES NO

The applicant is a qualified alien or nonimmigrant under the federal Immigration and Nationality Act. Title 8 U.S.C., as amended, at least eighteen (18) years old, and is lawfully present in the United States. The applicant's alien number issued by the Department of Homeland Security or other federal immigration agency must be provided.

YES _____ NO _____ Alien ID number _____

O.C.G.A. 50-36-1 states that "Any person who knowingly and willfully makes a false, fictitious, or fraudulent statement of representation in an affidavit executed pursuant to this Code section shall be guilty of a violation of the Code Section 16-10-20."

I declare, under penalty of law, that this affidavit has been completed by me and is true and correct.


Signature



1/28/19
date

(Must be signed by applicant. If the applicant is a corporation, must be signed by an officer of the corporation.) **A STAMPED SIGNATURE IS NOT ACCEPTABLE.**

I hereby certify that Gustavo Mata is personally known, or verified by me, that the applicant signed this application after stating to me his or her personal knowledge and understanding of all statements and, under oath actually administered by me, has sworn that the statements and answers contained in this affidavit are true.

This 28 day of January, 2019


Notary Public

AFFIX SEAL



You must attach a copy of a secure and verifiable document as defined in O.C.G.A. 50-36-2. Such documents include a valid Georgia issued driver's license or ID Card, a valid driver's license issued by another state or an identification document issued by the United States Government.

APPLICATION FOR PRIVILEGE LICENSE

I have made application at the Business License Office of the City of Smyrna, Georgia for Monterrey Mexican Restaurant Inc. dba Monterrey #21 located at 4924 South Cobb Drive STE G, Smyrna, Georgia, requesting privilege licenses for the sale of beer, wine, and liquor (retail pouring). This application will be heard before the License and Variance Board for the City of Smyrna, 2800 King Street, Smyrna, Georgia on March 27 at 10:00 a.m. All concerned persons are hereby notified.

Gustavo Mata
Licensee

Monterrey Mexican Restaurant #21
Dba Monterrey #21
4924 South Cobb Drive STE G
Smyrna, Georgia 30082

Ads to Run MAR 15 and MAR 22