

MEETING OF AUG 13, 2014

WARD 4 (CW)

ITEM NUMBER

\$ IMPACT

ISSUE:

Application for change of agent for Ruby Tuesday, Inc dba Ruby Tuesday for privilege licenses for beer, wine, and liquor (retail pouring). Spencer Edward Paul Peters is the applicant. Previous agent was Makeda D Warner.

SUMMARY:

Spencer Edward Paul Peters as the registered agent for Ruby Tuesday, Inc dba Ruby Tuesday requests privilege licenses for the sale of beer, wine, and liquor (retail pouring) at 3197 South Cobb Dr.

BACKGROUND:

Spencer Edward Paul Peters will be the registered agent, responsible for the sale of alcohol at the referenced location. Spencer Edward Paul Peters has been given a copy of the Alcoholic Beverage Ordinance and has attended the mandatory alcohol awareness workshop. (Certificate attached)

STAFF RECOMMENDATION:

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

REQUESTED ACTION:

Approval of change of agent for the privilege licenses for sale of beer, wine, and liquor (retail pouring) Ruby Tuesday, Inc dba Ruby Tuesday with Spencer Edward Paul Peters as the registered agent.



APPLICATION FOR ALCOHOLIC BEVERAGE

AGENT CHANGE ONLY

Phone (678) 631-5321 Fax (770) 431-2808

Web site: www.smyrnacity.com

LC 2014-

PLEASE TYPE APPLICATION AND ANSWER ALL QUESTIONS.

TYPE OF LICENSE: [CHECK APPROPRIATE SPACES]

LIQUOR:

BEER:

WINE:

Table with 3 columns: LIQUOR, BEER, WINE. Rows include TRANSFER, PKG. BEER/WINE, PKG. DIST. SPIRITS, RETAIL POURING, Restaurant, Package Store.

1. Legal Name of Business Ruby Tuesday, Inc. Operating name of the Business d/b/a Ruby Tuesday Occupation Tax License Number 100169, 100170, 100111, 100172 Is the Business a proprietorship () partnership () corporation (x) foreign ()

2. Location 3197 So. Cobb Drive Smyrna GA 30080 Phone 770-333-0781

3. Full name of Owner Ruby Tuesday, Inc. Corp. Office Contact: 251-422-0050

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 Spencer Edward Paul Peters Social Security Number 113-60-2733 Date of Birth 8-30-1977

Are you a Citizen of the United States? Yes (x) No () Birthplace Watertown, New York, USA

Current Address 325 Alpine Drive City/State Roswell GA Zip 30075

Home Telephone (cell) 678-849-4657 Number of years at present address 2 years (since June 2012)

Do you reside in Cobb County? Yes () No (x) If yes, how long N/A Reside Fulton County

Previous address 14 Parker Drive Sumter, SC 29150 (still own this residence, but full time residency is listed above, Roswell, GA)

Number of years at previous address 6 Drivers License Number and State Georgia

What has been your occupation for the past five (5) years? Give detailed list Nov. 2011 to Current: Ruby Tuesday, Inc. (various restaurant locations) Corp Office 150 W. Church Ave. Maryville, TN 37801

Agent's employment date with owner Employed Ruby Tuesday, Inc. Nov. 17, 2011

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 ()
- (b) Been discharged from any military service under dishonorable conditions? Yes () No ()
- (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 () If there was an arrest, are charges still pending? Yes () No () **Not applicable**
- (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 () (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 () **Not applicable**
- (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 () (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 () **Not applicable.**
- (f) Been currently placed on parole from any governing authority? Yes () No ()

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 ()
- (h) Been revoked within six months of the date that the application is filed? Yes () No ()

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

Not applicable

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 () If so, state the number of stores and where each stores is located.

Not applicable

8. Have you, your spouse, partner or stockholder any financial interest in the wholesale liquor business? Yes () No () If yes, give details. **Not applicable**

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

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 () No ()

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



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 X 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.

Not applicable
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.

Spencer Peters
Signature **Spencer Peters**
General Manager, Ruby Tuesday, Smyrna, GA

July, 2014
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 Spencer Peters 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 9th day of July, 20 14

Ramona R. Doolittle
Notary **RAMONA R. DOOLITTLE**
NOTARY PUBLIC
GEORGIA
Commission expires:
FULTON COUNTY

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. Driver's License

**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, Spencer Peters, 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.

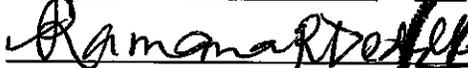


Signature of Managing Applicant (type name before signing)
Spencer Peters, General Manager, Ruby Tuesday, Smyrna, GA

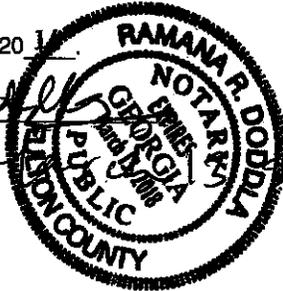
Signature and title of person other than Applicant completing this application

Phone Number: Work 770-333-0781 Home 678-849-4657

Sworn to and subscribed before me
this 15 day of July, 2014


Notary Public

My commission expires: 11/15/18



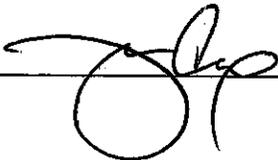
FINGERPRINTED AT SMYRNA POLICE DEPARTMENT:



Date

7/15/14

RECEIVED IN CITY OF SMYRNA BUSINESS LICENSE DEPARTMENT BY:



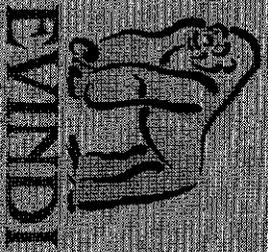
Date

7/15/14

CERTIFICATE OF ATTENDANCE

This certificate is awarded to

Peters, Spencer
Robby Tuesday #2629
3197 South Cobb Drive
Smyrna, Ga 30080



For satisfactory completion of EvinDI, Inc.'s
Responsible Alcohol Sales & Service Workshop (3 hrs.)

W. Miller
Michele L. Shaper, President/General Mgr. of EvinDI

This workshop has been approved in several of the following alcohol ordinance requirements:
Cobb County, City of Kennesaw, City of Roswell, Cherokee County, City of Powder Springs,
Douglas County, City of Holly Springs, City of Sandy Springs, City of Johns Creek, Forsyth
County, City of Smyrna, Fayette County, Rockdale County and Spalding County.

Certificates to be passed in conspicuous locations at licensed premises.

CITY OF SMYRNA

PRIVILEGE LICENSE APPLICATION SUMMARY

DATE: 07/22/14 LICENSE/VARIANCE: 08/13/14

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

NEW APPLICATION: NO OWNERSHIP NO AGENT YES

NAME OF BUSINESS: RUBY TUESDAY, INC
dba RUBY TUESDAY

PLACE OF BUSINESS: 3197 SOUTH COBB DR
SMYRNA, GA 30080

AGENT: SPENCER EDWARD PAUL PETERS

HOME ADDRESS: 325 ALPINE DR.
ROSWELL, GA 30075

CITIZENSHIP YES

POLICE REPORT: DATE REQUESTED 07/15/14 RECEIVED 07/16/14

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

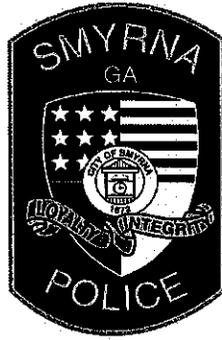
MAP FURNISHED: N/A

ADVERTISED: 08/01/14 & 08/08/14

COMMENTS: NONE

David Lee
Chief of Police

Michael L. Brown
Deputy Chief of Police



2646 Atlanta Road
Smyrna, Ga. 30080
(770) 434-9481
www.ci.smyrna.ga.us

Date: July 16, 2014

To: Eric Taylor, City Administrator

From: David Lee, Chief of Police

Lt. Terry McCormick, Office of Professional Standards

A handwritten signature in black ink, appearing to be "TW", enclosed in a circular scribble.

Subject: Application for Alcoholic Beverage License Transfer

Applicant: Mr. Spencer Edward Paul Peters

This applicant, Mr. Spencer Edward Paul Peters, is the listed manager of the business listed below and has submitted an application with the business license office to obtain an alcoholic beverage license issued to **3179 S Cobb Dr. Smyrna Ga. 30080**.

The business name is **Ruby Tuesday**.

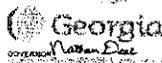
The business is incorporated under the name **Ruby Tuesday Inc**.

A criminal history was conducted on this applicant and there is nothing in his criminal history 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



DRIVER'S LICENSE



DL NO **059162980** DOB **08/30/1977**
CLASS **C** EXP **08/22/2014**
SPENCER E
PETERS

325 ALPINE DR
ROSWELL, GA 30075-3005
FULTON

Restrictions **B** Exp **NONE**
ISS **07/08/2014**
Sex **M** Eyes **HAZ**
Hgt **6'-02"** Wgt **260 lb**



DD 203823325550033151

APPLICATION FOR PRIVILEGE LICENSE

I have made application at the Business License Office of the City of Smyrna, Georgia for Ruby Tuesday Inc dba Ruby Tuesday located at 3197 S Cobb Dr. requesting privilege licenses for the sale of beer, wine, & 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 Aug 13, 2014 at 10:00 a.m. All concerned persons are hereby notified.

Spencer Edward Paul Peters
Licensee

Ruby Tuesday Inc.
dba Ruby Tuesday
3197 S Cobb Dr.
Smyrna, GA 300080

Ads to Run Aug 1, 2014 and Aug 8, 2014