

MEETING OF SEPT 27, 2017

WARD 1

ITEM NUMBER _____

\$ IMPACT _____

ISSUE:

Application for a change of ownership and agent for privilege licenses for beer and wine (retail pouring). Choi Family Foods Inc. dba Yakitori Jinbei Japanese Restaurant is new corporate name and Jae Matthew Choi is new applicant. Previous corporate name was Nanahuku Inc. with Barry F Henry as agent.

SUMMARY:

Jae Matthew Choi as the registered agent for Choi Family Foods Inc. dba Yakitori Jinbei Japanese Restaurant requests privilege licenses for the sale of beer and wine (retail pouring) at 2421 Cobb Parkway.

BACKGROUND:

Jae Matthew Choi will be the registered agent responsible for the sale of alcohol at the referenced location. Mr. Choi has been given a copy of the Alcoholic Beverage Ordinance and 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. Jae Matthew Choi 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 and wine (retail pouring) for Choi Family Foods Inc. dba Yakitori Jinbei Japanese Restaurant with Jae Matthew Choi as the registered agent.

CITY OF SMYRNA
BUSINESS LICENSE DEPARTMENT
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE
Phone (678) 631-5321 Fax (770) 431-2814
Web site: www.smyrnacity.com

PLEASE TYPE APPLICATION AND ANSWER ALL QUESTIONS.

TYPE OF LICENSE: [CHECK APPROPRIATE SPACES]

LICOR:	BEER:	WINE:
NEW <input type="radio"/>	NEW <input type="radio"/>	NEW <input type="radio"/>
RENEWAL <input type="radio"/>	RENEWAL <input type="radio"/>	RENEWAL <input type="radio"/>
TRANSFER <input type="radio"/>	TRANSFER <input type="radio"/>	TRANSFER <input type="radio"/>
MANUFACTURER <input type="radio"/>	MANUFACTURER <input type="radio"/>	MANUFACTURER <input type="radio"/>
WHOLESALER <input type="radio"/>	WHOLESALER <input type="radio"/>	WHOLESALER <input type="radio"/>
PKG. BEER/WINE <input type="radio"/>	PKG. BEER/WINE <input type="radio"/>	PKG. BEER/WINE <input type="radio"/>
PKG. DIST. SPIRITS <input type="radio"/>	PKG. DIST. SPIRITS <input type="radio"/>	PKG. DIST. SPIRITS <input type="radio"/>
RETAIL POURING <input type="radio"/>	RETAIL POURING <input type="radio"/>	RETAIL POURING <input type="radio"/>
Restaurant <input type="radio"/>	Restaurant <input type="radio"/>	Restaurant <input type="radio"/>
Package Store <input type="radio"/>	Package Store <input type="radio"/>	Package Store <input type="radio"/>
Dancing/Live Ent. <input type="radio"/>	Dancing/Live Ent. <input type="radio"/>	Dancing/Live Ent. <input type="radio"/>
Private <input type="radio"/>	Private <input type="radio"/>	Private <input type="radio"/>
Other <input type="radio"/>	Other <input type="radio"/>	Other <input type="radio"/>

1. Legal Name of Business Choi Family Foods Inc

Operating name of the Business _____

Is the Business a: proprietorship partnership corporation foreign

2. Location 2421 Cobb Pkwy Phone ██████████

3. Is business within the designated distance of any of the following?

PACKAGE DISTILLED SPIRITS

SCHOOL	600 FEET	<input type="radio"/> YES	<input checked="" type="radio"/> NO
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CHURCH/PARK/PUBLIC BUILDING/			
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LIBRARY/RESIDENCE	300 FEET	<input type="radio"/>	<input checked="" type="radio"/>
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POURING DISTILLED SPIRITS

SCHOOL	600 FEET	<input type="radio"/>	<input checked="" type="radio"/>
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CHURCH/PARK/PUBLIC BUILDING/			
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LIBRARY/RESIDENCE	200 FEET	<input type="radio"/>	<input checked="" type="radio"/>
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[BUILDING NO CLOSER THAN 75 FEET FROM PROPERTY LINE]

PACKAGE WINE, MALT BEVERAGE

SCHOOL	600 FEET	<input type="radio"/>	<input checked="" type="radio"/>
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CHURCH/PARK/PUBLIC BUILDING/			
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LIBRARY	300 FEET	<input type="radio"/>	<input checked="" type="radio"/>
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[EXCEPT GROCERY STORES AS DEFINED BY ORDINANCE]

POURING WINE, MALT BEVERAGE

SCHOOL	600 FEET	<input type="radio"/>	<input checked="" type="radio"/>
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CHURCH/PARK/PUBLIC BUILDING/			
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LIBRARY/RESIDENCE	200 FEET	<input type="radio"/>	<input checked="" type="radio"/>
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[BUILDING NO CLOSER THAN 75 FEET FROM PROPERTY LINE]

4. Full name of Owner Jae Matthew Choi

If a sole proprietor, will you manage the business full time on the premises? Yes No

Social Security Number ██████████ Date of Birth 09/11/2077

Are you a Citizen of the United States? Yes No Birthplace Pusan South Korea

Current Address 2451 Cumberland Pkwy #3860 City/State Atlanta Zip 30339

Home Telephone ██████████ Number of years at present address 3

Drivers License Number and State ██████████

What has been your occupation for the past five (5) years? Give detailed list Optometrist

If a partnership, attach list showing each partner owning 10% or more, with address, telephone number, date of birth, and social security number.

If a corporation, provide corporate address, phone number & name of Chief Executive Officer Choi Family Foods Inc,

2451 Cumberland Pkwy #3860, Atlanta GA 30339, CEO Jae Choi

Federal Tax ID # 061646942 State of Incorporation GA

Is this a new business in Smyrna? Yes No If yes, date business will begin in Smyrna _____

Is this a transfer or change of ownership? Yes No Effective date 07/01/2017

If yes, enclose a copy of the sales contract, closing statement.

Has owner ever had an alcoholic beverage license revoked in Smyrna or other jurisdiction?

Yes No If yes, attach full details.

5. Full name of Manager (as Applicant) Jae Matthew Choi

Social Security Number ██████████ Date of Birth 09/11/2077

Are you a Citizen of the United States? Yes No Birthplace Pusan, South Korea

Current Address 2451 Cumberland Pkwy #3860 City/State Atlanta Zip 30339

Home Telephone ██████████ Number of years at present address 3

Do you reside in Cobb County? Yes No If yes, how long 10

Previous address 4119 Oberon Drive, Smyrna GA 30080

Number of years at previous address 3 Drivers License Number and State ██████████

What has been your occupation for the past five (5) years? Give detailed list Optometrist

Manager's employment date with owner _____

Has the manager (as 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

(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 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 (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

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

(b) 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.

7 Do you own the land and building on which this business is to operate? Yes No

Date Purchased _____ Amount Paid _____
If not, list the terms of the lease; including the manner in which the rent is determined, to whom and at what intervals it is paid.
5 year lease with a 5 year option to renew. Malon D. Mimms Company, 85-A Mills St Suite 100, Roswell GA 30075

Attach a copy of the lease and any other pertinent documents.

8. How is the proposed location zoned?

9. If this is an application for an original license, attach proof of adequate parking facilities as per the City of Smyrna zoning requirements

10. Do you, your spouse, any family members, or any of the other owners, partners, or stockholders have an interest in a retail liquor

11. Have you, your spouse, partner or stockholder any financial interest in the wholesale liquor business? Yes No

12. If this is a previously licensed location, give the amount of alcohol sales for the previous (12) months and state the dates used in computing the gross sales. Indicate gross sales for beer, wine and liquor separately.

\$130,000

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

14. 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

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

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GEORGIA, COBB COUNTY

I, Jae Choi, BEING DULY SWEORN 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.

JAE CHOI
Signature of Owner (type name before signing)

Signature and title of person other than Owner completing this application

Phone Number: Work: _____ Home: _____

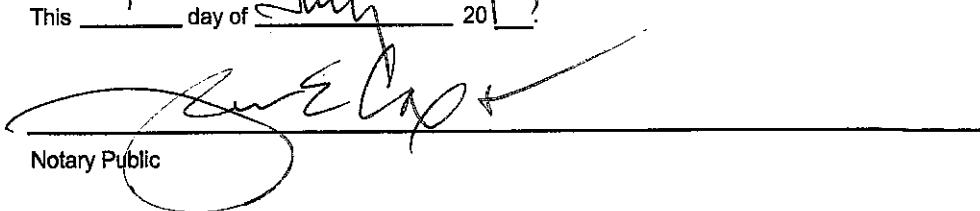
Signature of Managing Applicant (type name before signing)

Signature and title of person other than Applicant completing this application

Phone Number: Work: _____ Home: _____

Sworn to and subscribed before me

This 1 day of July 2012

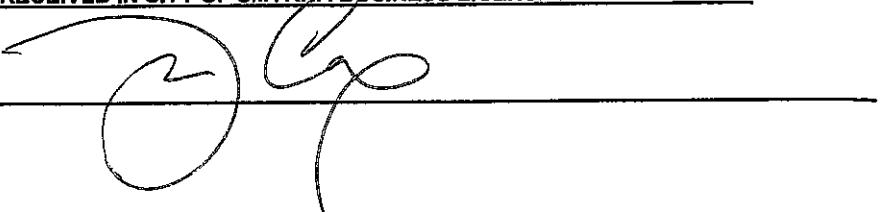

Notary Public

FINGERPRINTED AT SMYRNA POLICE DEPARTMENT:

Date _____

RECEIVED IN CITY OF SMYRNA BUSINESS LICENSE DEPARTMENT BY:

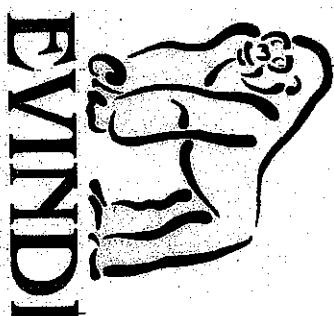
Date _____


2/7/17

CERTIFICATE OF ATTENDANCE

This certificate is awarded to

Choi, Jae
Choi Family Food Inc.
d/b/a Yakitori Jinbei
2421 Cobb Pkwy.
Smyrna, GA 30080



EVINDI
INCORPORATED

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

Michele L. Stumpf, President of Evindi, Inc.

7/12/17

Date

This workshop has been approved to satisfy 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

Certificate to be posted in conspicuous location at licensed premises.

CITY OF SMYRNA

PRIVILEGE LICENSE APPLICATION SUMMARY

DATE: SEP 6, 2017 LIC/VARIANCE: SEPT 27, 2017
TYPE OF LICENSE REQUESTED: BEER & WINE (RETAIL POURING)

NEW APPLICATION: NO OWNERSHIP YES AGENT YES

NAME OF BUSINESS: CHOI FAMILY FOODS INC.
dba YAKITORI JINBEI
PLACE OF BUSINESS: 2421 COBB PARKWAY
SMYRNA, GEORGIA 30080

AGENT: JAE MATTHEW CHOI
HOME ADDRESS: 2451 COBB PARKWAY #3860
ATLANTA, GA 30339

CITIZENSHIP YES

POLICE REPORT: DATE REQUESTED JUL 17, 2017 DATE RECEIVED JUL 24, 2017
RESULTS: INVESTIGATION FAILED TO REVEAL INFORMATION THAT
WOULD PRECLUDE ISSUANCE OF THIS LICENSE

TYPE OF BUILDING MASONRY
DISTANCE MET: SCHOOL NA CHURCH NA LIBRARY NA PARK NA

MAP FURNISHED: N/A
ADVERTISED 9/15/17 & 9/22/17
COMMENTS: TAXES OK



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: July 24, 2017

To: Tammi Jones, City Administrator

From: David Lee, Chief of Police

Sgt. Doug Copeland, Office of Professional Standards

Subject: Application for Alcohol License

Applicant: Jae Matthew Choi

This applicant, **Jae Matthew Choi**, is the manager of the business listed below and has submitted an application with the business license office to obtain an alcohol beverage license, issued to **2421 Cobb Pkwy**.

The business name is **Yakitori Jinbei**.

The business is incorporated under the name **Choi Family Foods, Inc.**

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

**THE OCCUPATION TAX CERTIFICATE WILL NOT BE ISSUED OR RENEWED
WITHOUT COMPLETION AND NOTARIZATION OF THIS FORM!**

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

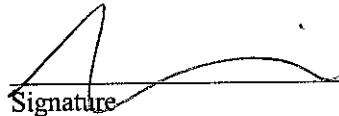
NO

IF NOT:

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. *A photo static copy of the applicant's alien card issued by the Department of Homeland Security or other federal immigration agency must be included with this document.*

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 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

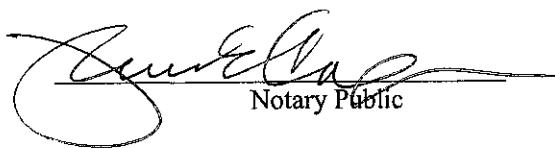
President
Title

7/7/17
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 _____ 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 17 day of July, 2017


Notary Public

AFFIX SEAL

All applicants 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 Choi Family Foods Inc. dba Yakitori Jinbei Japanese Restaurant located at 2421 Cobb Parkway, Smyrna, Georgia, requesting privilege licenses for the sale of beer and wine (retail pouring). This application will be heard before the License and Variance Board for the City of Smyrna, 2800 King Street, Smyrna, Georgia on September 27, 2017 at 10:00 a.m. All concerned persons are hereby notified.

Jae Matthew Choi
Licensee

Choi Family Foods
Dba Yakiktori Jinbei
2421 Cobb Parkway
Smyrna, Georgia 30080

Ads to Run Sept 15, 2017 and Sept 22, 2017