

MEETING OF MAR 13, 2019

WARD 6 (wl)

ITEM NUMBER _____

\$ IMPACT _____

ISSUE:

New application for QuikTrip Corporation dba QuikTrip #732 for the sale of beer and wine (retail package). QuikTrip Corporation is the new owner and Joshua Stephen Gracek is new agent applicant. The previous agent was Albert Dewey Wagner II.

SUMMARY:

Joshua Stephen Gracek as the registered agent for QuikTrip Corporation dba QuikTrip #1702 requests privilege licenses for the sale of beer and wine (retail package) at 2671 Spring Road..

BACKGROUND:

Joshua Stephen Gracek will be the registered agent, responsible for the sale of alcohol, at the referenced location. Mr. Gracek 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. Joshua Stephen Gracek has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol.

REQUESTED ACTION:

Approval of a privilege license for the sale of beer and wine (retail package) to QuikTrip Corporation dba QuikTrip #1702 with Joshua Stephen Gracek as the registered agent.

LIC 729-06



**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:

BEER:

WINE-

TRANSFER	()	TRANSFER	<input checked="" type="checkbox"/>	TRANSFER	(✓)
PKG. BEER/WINE	()	PKG. BEER/WINE	<input checked="" type="checkbox"/>	PKG. BEER/WINE	(✓)
PKG. DIST. SPIRITS	()	PKG. DIST. SPIRITS	()	PKG. DIST. SPIRITS	()
RETAIL POURING	()	RETAIL POURING	()	RETAIL POURING	()
Restaurant	()	Restaurant	()	Restaurant	()
Package Store	()	Package Store	()	Package Store	()

1. Legal Name of Business QuikTrip Corporation
Operating name of the Business QuikTrip #732
Occupation Tax License Number 001241
Is the Business a proprietorship () partnership () corporation foreign ()

2. Location 2671 SPRING RD., Smyrna, GA 30080-3042 Phone 770-434-4726

3. Full name of Owner QuikTrip Corporation

Has owner ever had an alcoholic beverage license revoked in Smyrna or other jurisdiction? Yes No If yes, attach full details. see attached list of company owned stores violations

License Number and State _____, Expiration Date _____

1. What is your occupation for the past five (5) years? Give detailed list _____

QuikTrip Corporation 952 Old Peachtree Rd NW, Lawrenceville, GA 30043

Agent's employment date with owner 12/31/2004

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
- (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
- (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.

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.

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

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

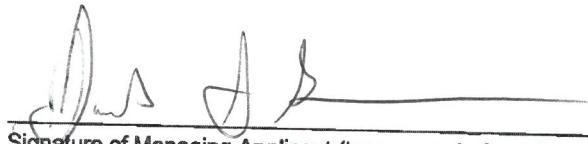
10. Are you familiar with the City of Smyrna ordinances and state and federal laws and regulations governing the operation of this type of business? Yes No ()

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).

**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, Joshua Stephen Gracek, 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 770-368-1616 Home 404-542-8346

Sworn to and subscribed before me
this 14 day of January, 2019.

Kelly Conrad
Notary Public

Kelly Conrad
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires February 1, 2019

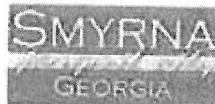
FINGERPRINTED AT SMYRNA POLICE DEPARTMENT:

Date _____

RECEIVED IN CITY OF SMYRNA BUSINESS LICENSE DEPARTMENT BY:



Date 1/14/19



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 XXXX 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

1/14/19
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 Joshua Stephen Gracek 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 14 day of January, 2019

Kelly Conrad
Notary Public

AFFIX SEAL

Kelly Conrad
NOTARY PUBLIC
Gwinnett County, GEORGIA
by Commission, Expires February 1, 2019

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.

CERTIFICATE OF ATTENDANCE

This certificate is awarded to



EVINDI

INCORPORATED

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

Michele L. Stumpe, President of Evindi, Inc.

9-6-12
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: 02/13/19 AGENDA: License/Variance Board 03/13/19

TYPE OF LICENSE REQUESTED: BEER AND WINE (RETAIL PACKAGE)

NEW APPLICATION: NO OWNERSHIP NO AGENT NO NEW

NAME OF BUSINESS: QUIKTRIP CORPORATION
dba QUIKTRIP #732

PLACE OF BUSINESS: 2671 SPRING ROAD
SMYRNA, GEORGIA 30080

AGENT: JOSHUA STEPHEN GRACEK

HOME ADDRESS: 261 SARAH LANE
LAWRENCEVILLE GA 30046

CITIZENSHIP YES

POLICE REPORT: DATE REQUESTED 01/14/19 DATE RECEIVED 02/06/19

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

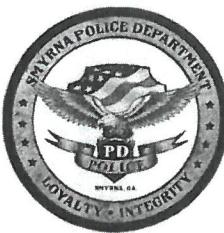
TYPE OF BUILDING MASONRY

DISTANCE MET: SCHOOL YES CHURCH YES LIBRARY YES PARK YES

MAP FURNISHED: N/A

ADVERTISED: 03/01/19 & 03/08/19

COMMENTS: NONE



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

SMYRNA
Smyrna, GA
GEORGIA

Date: 02-06-19

To: Tammi Jones, City Administrator
From: David Lee, Chief of Police
Lt. Mark Binicewicz, Office of Professional Standards
Subject: Application for Alcohol License
Applicant: Joshua Gracek

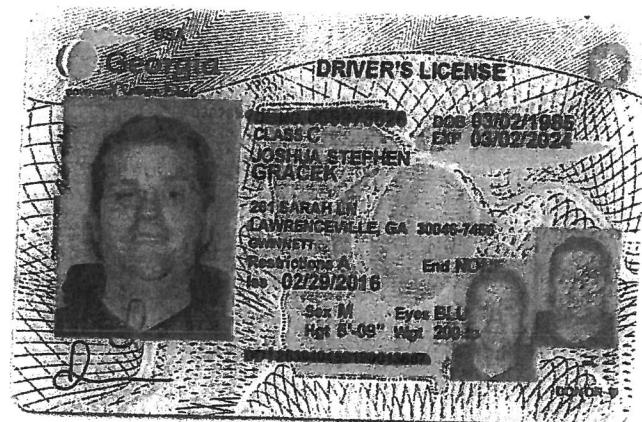
This applicant, **Joshua Gracek**, is the manager of the business listed below and has submitted an application with the business license office to obtain an alcohol beverage license / agent name change only, issued to **2671 Spring Rd.** Smyrna, GA. 30080.

The business name is **QuikTrip Corporation**.

The business is incorporated under the name **QuikTrip # 732**

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 XXXX 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.

J.S.
Signature

1/14/19
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 Joshua Stephen Gracek 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 14 day of January, 2019

Kelly Conrad
Notary Public

AFFIX SEAL

Kelly Conrad
NOTARY PUBLIC
Gwinnett County, GEORGIA
by Commission Expires February 1, 2019

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 QuikTrip Corporation dba Quiktrip #1702 located at 4495 S Cobb Dr., Quiktrip #768 located at 2180 Windy Hill Road, and Quiktrip #732 located at 2671 Spring Road, Smyrna Georgia, requesting privilege licenses for the sale of beer and wine (retail package). These applications will be heard before the License and Variance Board for the City of Smyrna, 2800 King Street, Smyrna, Georgia on March 13, 2019 at 10:00 a.m. All concerned persons are hereby notified.

Joshua Stephen Gracek
Licensee

QuikTrip Corporation
dba QuikTrip #1702, #768, & #732
4495 S Cobb Dr.
Smyrna, Georgia 30080

Ads to Run MAR 01 and MAR 08