

MEETING OF DEC 17, 2018

WARD

1 (dn)

ITEM NUMBER _____

\$ IMPACT _____

ISSUE:

New application for privilege licenses for The Pirate's Boil Inc. dba The Pirate's Boil for the sale of beer, wine, and liquor (retail pouring). The Pirate's Boil Inc. is the owner and James Yang is the agent applicant.

SUMMARY:

James Yang as the registered agent for The Pirate's Boil Inc. dba The Pirate's Boil requests privilege licenses for the sale of beer, wine, and liquor (retail pouring) at 2451 Cobb Parkway.

BACKGROUND:

James Yang will be the registered agent responsible for the sale of alcohol at the referenced location. Mr. Yang 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. James Yang 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 The Pirate's Boil Inc. dba The Pirate's Boil with James Yang 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]

LIQUOR:

- NEW
- RENEWAL
- TRANSFER
- MANUFACTURER
- WHOLESALER
- PKG. BEER/WINE
- PKG. DIST. SPIRITS
- RETAIL POURING
- Restaurant
- Package Store
- Dancing/Live Ent
- Private
- Other

BEER:

- NEW
- RENEWAL
- TRANSFER
- MANUFACTURER
- WHOLESALER
- PKG. BEER/WINE
- PKG. DIST. SPIRITS
- RETAIL POURING
- Restaurant
- Package Store
- Dancing/Live Ent.
- Private
- Other

WINE:

- NEW
- RENEWAL
- TRANSFER
- MANUFACTURER
- WHOLESALER
- PKG. BEER/WINE
- PKG. DIST. SPIRITS
- RETAIL POURING
- Restaurant
- Package Store
- Dancing/Live Ent.
- Private
- Other

1. Legal Name of Business The Pirate's Boil Inc

Operating name of the Business _____

Is the Business a: proprietorship partnership corporation foreign

2. Location 2451 Cobb Parkway, Smyrna Phone 917-909-9998

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

PACKAGE DISTILLED SPIRITS

- | | | | | |
|---|----------|------------------------------|-----------------------------|------------------|
| SCHOOL | 600 FEET | YES <input type="checkbox"/> | NO <input type="checkbox"/> | _____ |
| CHURCH/PARK/PUBLIC BUILDING/
LIBRARY/RESIDENCE | 300 FEET | <input type="checkbox"/> | <input type="checkbox"/> | _____ |

POURING DISTILLED SPIRITS

- | | | | | |
|--|----------|---|-----------------------------|-------------------|
| SCHOOL | 600 FEET | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> | <u>Long Creek</u> |
| CHURCH/PARK/PUBLIC BUILDING/
LIBRARY/RESIDENCE | 200 FEET | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| [BUILDING NO CLOSER THAN 75 FEET FROM PROPERTY LINE] | | | | |

PACKAGE WINE, MALT BEVERAGE

- | | | | |
|---|----------|------------------------------|-----------------------------|
| SCHOOL | 600 FEET | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| CHURCH/PARK/PUBLIC BUILDING/
LIBRARY | 300 FEET | <input type="checkbox"/> | <input type="checkbox"/> |
| [EXCEPT GROCERY STORES AS DEFINED BY ORDINANCE] | | | |

POURING WINE, MALT BEVERAGE

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

4. Full name of Owner James Yang

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

Social Security Number [REDACTED] Date of Birth 1/17/1990

Are you a Citizen of the United States? Yes No Birthplace china

Current Address 302 S Lincoln Trace City/State Smyrna GA Zip 30080

Home Telephone [REDACTED] Number of years at present address _____

Drivers License Number and State [REDACTED] GA

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

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 _____

2451 Cobb Parkway^{SE} Smyrna GA 30080

Federal Tax ID # 61-1891892 State of Incorporation GA

Is this a new business in Smyrna? Yes No If yes, date business will begin in Smyrna 01/01/2019

Is this a transfer or change of ownership? Yes No Effective date _____

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) James Yang

Social Security Number [REDACTED] Date of Birth 1/17/1990

Are you a Citizen of the United States? Yes No Birthplace china

Current Address 302 S Lincoln Trace City/State Smyrna GA Zip 30080

Home Telephone [REDACTED] Number of years at present address 3 months

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

Previous address _____

Number of years at previous address 13 Drivers License Number and State [REDACTED]

What has been your occupation for the past five (5) years? Give detailed list Illonaire Inc: fixed computer

and repairs cell phones and activate phone lines. Kam shing chinese restaurant Inc. chef

Manager's employment date with owner Xi lin

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

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GEORGIA, COBB COUNTY

I, James Yang, 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.

+ James Yang
Signature of Owner (type name before signing)

+ James Yang
Signature and title of person other than Owner completing this application
Phone Number: Work: [REDACTED] Home: _____

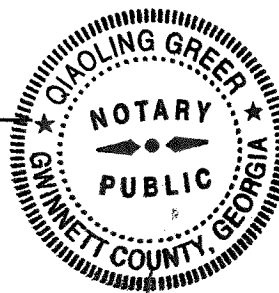
+ Ling Greer
Signature of Managing Applicant (type name before signing)

Ling Greer
Signature and title of person other than Applicant completing this application
Phone Number: Work: [REDACTED] Home: _____

Sworn to and subscribed before me

This 23 day of oct 2018

[Signature]
Notary Public
Expired 3/22/2019
date



FINGERPRINTED AT SMYRNA POLICE DEPARTMENT:

Date 11/2

RECEIVED IN CITY OF SMYRNA BUSINESS LICENSE DEPARTMENT BY:

Date 11/1/18

(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 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.

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

8. How is the proposed location zoned? CN

Attach copy of zoning certification from the City of Smyrna (Community Development 770-319-5387).

9. If this is an application for an original license, attach proof of adequate parking facilities as per the City of Smyrna zoning requirements (Community Development 770-319-5387).

10. 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 store is located.

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

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.

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

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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Web site: www.ci.smyrna.ga.us

- 1. Legal Name of Business: The Pirate's Boil Inc
- 2. Location: 2451 Cobb Parkway Smyrna Phone: 917-909-9998
- 3. Name of Applicant: James Yang

CERTIFICATION BY BUILDING INSPECTOR

I have inspected the premises referenced above and certify the location meets all minimum requirements of the Smyrna Building Code.

under construction Date _____
Chief Building Inspector

CERTIFICATION BY FIRE MARSHAL

I have inspected the premises referenced above and certify the location meets all minimum requirements of the City of Smyrna Fire Prevention Code.

under construction Date _____
Fire Marshal

CERTIFICATION BY TAX CLERK

I certify the ad valorem taxes for the above referenced property have been paid and there are no outstanding liens.

OK per Kristin Robinson Date 11/28/18
Tax Clerk

Training Institute for Responsible Vendors, Inc.

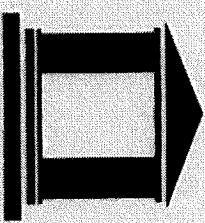
certifies that

James Yang

has successfully completed training in our RASS Workshop thus
entitling them to all the rights and privileges appertaining thereto .

In witness thereof the undersigned have affixed their names
this 18th day of October, 2018

Seal



[Handwritten Signature]
President

CITY OF SMYRNA

PRIVILEGE LICENSE APPLICATION SUMMARY

DATE: 11/28/18 MAYOR AND COUNCIL: 12/17/18

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

NEW APPLICATION: YES OWNERSHIP YES AGENT YES

NAME OF BUSINESS: THE PIRATE'S BOIL INC

PLACE OF BUSINESS: dba THE PIRATE'S BOIL
2541 COBB PARKWAY

SMYRNA, GA 30080

AGENT: JAMES YANG

HOME ADDRESS: 302 S LINCOLN TRACE

SMYRNA, GA 30080

CITIZENSHIP YES

POLICE REPORT: DATE REQUESTED 11/01/18 RECEIVED 11/02/18

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

TYPE OF BUILDING MASONRY

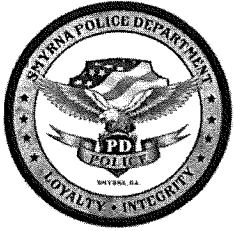
DISTANCE MET: SCHOOL YES CHURCH YES LIBRARY YES PARK YES

SURVEY FURNISHED: YES

ADVERTISED: DEC 7 & DEC 14 2018

COMMENTS: ALL 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: 11-02-18

To: Tammi Jones, City Administrator

From: David Lee, Chief of Police
Lt. Mark Binicewicz, Office of Professional Standards

Subject: Application for Alcohol License

Applicant: James Yang

This applicant, **James Yang**, 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, **The Pirates Boil, 2451 Cobb Pkwy. Smyrna, GA. 30080.**

The business name is **The Pirates Boil.**

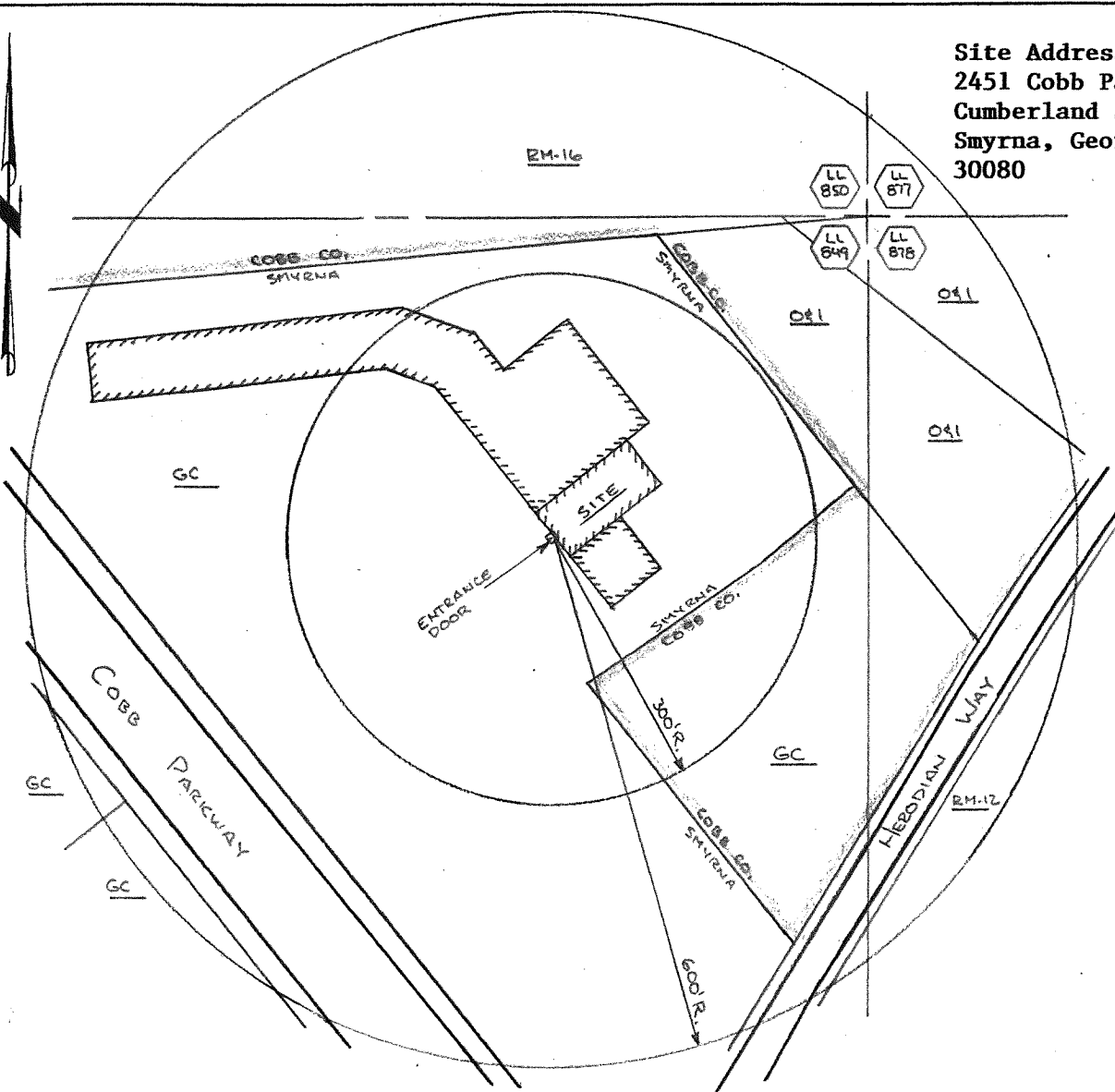
The business is incorporated under the name **The Pirates Boil.**

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

MAGNETIC

Site Address-
2451 Cobb Parkway SE
Cumberland Square North
Smyrna, Georgia
30080



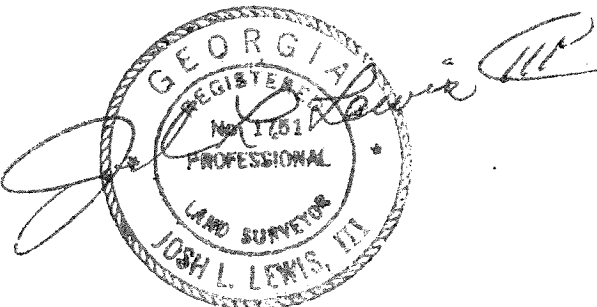
The following distances were measured according to City of Smyrna code:

- CHURCH- 1800' to the Catholic Archdiocese of Atlanta, @ 2401 Lake Park Drive.
- SCHOOL- 5000' to Argyle Elementary School, @ 2420 Spring Road.
- PARK- 5300' to Jonquil Park, @ 2801 Park Road.
- LIBRARY- 10900' to Vinings Library, @ 4290 Paces Ferry Road.
- PUBLIC BUILDING- 5100' to Fire Station #3, @ 2825 Park Road.

There are no private residences, nor alcohol treatment centers within 300' of this site.

City of Smyrna Beer, Wine and Distilled Spirits Pouring License Survey for:

The Pirate's Boil, Inc.



DATE: 10-15-2018	SCALE: 1" = 200'	0 100 200 400 GRAPHIC SCALE IN FEET	
DRAWN BY: GD	LAND LOT 849	DISTRICT	2 ND SECTION
COBB	COUNTY	GEORGIA	
GEORGIA LAND SURVEYING CO. 155 CLIFTWOOD DRIVE, ATLANTA, GA 30328 PH (404)255-4671 FAX (404)255-6607 WWW.GLSURVEY.COM			199681

USA
Georgia
Department of Transportation
DRIVER'S LICENSE


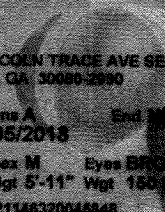

DL NO: ~~98456789~~ DOB 01/17/1990
CLASS C EXP 01/17/2027
JAMES
YANG

302 S LINCOLN TRACE AVE SE
MARIETTA, GA 30060-2990
CORP

Restrictions A End NONE
Iss 09/05/2013

Sex M Eyes BRO
Hgt 5'-11" Wgt 150 lb

DD: 355821146320045848



James Yang

STATE OF GEORGIA

Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

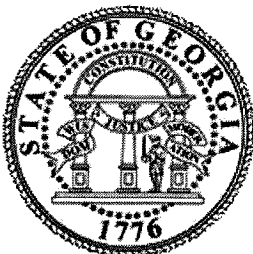
CERTIFICATE OF INCORPORATION

I, **Brian P. Kemp**, the Secretary of State and the Corporation Commissioner of the State of Georgia, hereby certify under the seal of my office that

The Pirate's Boil Inc
a Domestic Profit Corporation

has been duly incorporated under the laws of the State of Georgia on **06/09/2018** by the filing of articles of incorporation in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta
and the State of Georgia on **06/14/2018**.



Handwritten signature of Brian P. Kemp.

Brian P. Kemp
Secretary of State

ARTICLES OF INCORPORATION

Electronically Filed
Secretary of State
Filing Date: 6/9/2018 1:20:00 AM

BUSINESS INFORMATION

CONTROL NUMBER 18073652
BUSINESS NAME The Pirate's Boil Inc
BUSINESS TYPE Domestic Profit Corporation
EFFECTIVE DATE 06/09/2018
SHARES 2000

PRINCIPAL OFFICE ADDRESS

ADDRESS 2451 Cobb Parkway, Smyrna, GA, 30080, USA

REGISTERED AGENT

NAME	ADDRESS	COUNTY
James Yang	3439 Arbor Creek Pt, Atlanta, GA, 30340, USA	Dekalb

INCORPORATOR(S)

NAME	TITLE	ADDRESS
James Yang	INCORPORATOR	3439 Arbor Creek Pt, Atlanta, GA, 30340, USA

OPTIONAL PROVISIONS

N/A

AUTHORIZER INFORMATION

AUTHORIZER SIGNATURE James Yang
AUTHORIZER TITLE Incorporator

THIS AFFIDAVIT MUST BE COMPLETED

Business Name _____

Business License #/Occupation Tax # _____

O.C.G.A. § 50-36-1(e)(2) Affidavit

By executing this affidavit under oath, as an applicant for a **Business License / Occupational Tax Certificate** as referenced in O.C.G.A. § 50-36-1, from **Cobb County** the undersigned applicant verifies one of the following with respect to my application for public benefit:

Do not check more than one option.

- 1) I am a United States citizen.
- 2) I am a legal permanent resident of the United States.
- 3) I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

My alien number issued by the Department of Homeland Security or other federal immigration agency is: _____.

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A § 50-36-1(e)(1), with this affidavit. The secure and verifiable document provided with this affidavit can best be classified as: (i.e. driver's license, I-551, I-766, Passport, etc.)

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed in Duluth, GA, (city) (state)

James Yang
Signature of Applicant

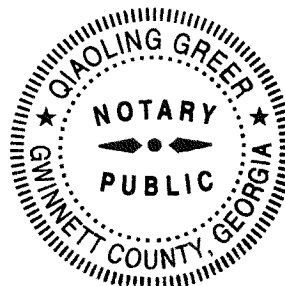
James Yang
Printed Name of Applicant

917-909-9998
Applicant Phone Number

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE 23 DAY OF oct, 2018.

[Signature]
NOTARY PUBLIC

My Commission Expires: 3/22/2019



APPLICATION FOR PRIVILEGE LICENSE

I have made application at the Business License Office of the City of Smyrna, Georgia, for The Pirate's Boil Inc. dba The Pirate's Boil located at 2451 Cobb Parkway, Smyrna, Georgia, requesting privilege licenses for the sale of beer, wine, and liquor (retail pouring). This application will be heard before the Mayor and Council for the City of Smyrna, 2800 King Street, Smyrna, Georgia on December 17, 2018 at 7:00 p.m. All concerned persons are hereby notified.

James Yang
Licensee

The Pirate's Boil Inc.
Dba The Pirate's Boil
2524 Cobb Pkwy
Smyrna, GA 30080

Ads to Run DEC 7, 2018 and DEC 14, 2018