

MEETING OF September 26, 2018

WARD 1

ITEM NUMBER

\$ IMPACT

ISSUE:

Application for a change of agent for privilege licenses for beer, wine, and liquor (retail pouring). GMRI INC dba The Olive Garden Italian Restaurant #1136 with Nishil Patel as new applicant. Previous agent was Matthew Robinson Jr.

SUMMARY:

Nishil Patel as the registered agent for GMRI INC dba The Olive Garden Italian Restaurant #1136 requests privilege licenses for the sale of beer, wine, and liquor (retail pouring) at 2467 Cobb Pkwy.

BACKGROUND:

Nishil Patel will be the registered agent responsible for the sale of alcohol at the referenced location. Mr. Patel 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. Nishil Patel 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 GMRI INC dba The Olive Garden Italian Restaurant #1136 with Nishil Patel 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 ☐
WHOLESALE ☐
PKG. BEER/WINE ☐
PKG. DIST. SPIRITS ☐
RETAIL POURING ☐
Restaurant ☐
Package Store ☐
Dancing/Live Ent. ☐
Private ☐
Other ☐

BEER:

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

WINE:

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

1. Legal Name of Business GMRI, Inc.

Operating name of the Business The Olive Garden Italian Restaurant #1136

Is the Business a: ☐ proprietorship ☐ partnership ☐ corporation ☐ foreign

2. Location 2467 Cobb Parkway, SE, Smyrna, GA 30080

Phone (770) 933-8971

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

PACKAGE DISTILLED SPIRITS

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

POURING DISTILLED SPIRITS

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

PACKAGE WINE, MALT BEVERAGE

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

POURING WINE, MALT BEVERAGE

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

4. Full name of Owner GMRI, Inc. - William R. White, III

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

Social Security Number [REDACTED] Date of Birth 11/01/1959

Are you a Citizen of the United States? ☐ Yes ☐ No Birthplace Houston, TX

Current Address 4035 Gilder Rose Place City/State Winter Park, FL Zip 32792

Home Telephone (407) 245-4000 Number of years at present address _____

Drivers License Number and State [REDACTED]

What has been your occupation for the past five (5) years? Give detailed list William R. White, III, President, Treasurer & Director

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 1000 Darden Center Dr., Orlando, FL 32837

Federal Tax ID # 59-1219168 State of Incorporation Florida

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 _____

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) Nishil Prafal Patel

Social Security Number [REDACTED] Date of Birth 09/23/1982

Are you a Citizen of the United States? ☒ Yes ☐ No Birthplace Princeton, WV

Current Address 2825 Crescent Pkwy 1411 City/State Atlanta, GA Zip 30339

Home Telephone [REDACTED] Number of years at present address 1 month

Do you reside in Cobb County? ☒ Yes ☐ No If yes, how long 1 month

Previous address 10725 Abercom St, 190, Savannah, GA 31419

Number of years at previous address 4 Drivers License Number and State [REDACTED]

What has been your occupation for the past five (5) years? Give detailed list Manager at Olive Garden

Manager's employment date with owner 03/10/2009

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 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 (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? On-File

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.

August 2017 - July 2018 : Beer \$29,511.59; wine \$129,833.50; liquor \$93,391.93

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

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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BUSINESS LICENSE DEPARTMENT
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE
Phone (678) 631-5321 Fax (770) 431-2814
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GEORGIA, COBB COUNTY

I, Nishil Prafal Patel, 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.

Colleen H. Lyons
Signature of Owner (type name before signing) Colleen H. Lyons, Asst. Secretary

Elisabeth Lahens, Agent
Signature and title of person other than Owner completing this application

Phone Number: Work: (407) 245-6610

Home: _____

Nishil Patel
Signature of Managing Applicant (type name before signing) Nishil Prafal Patel

Elisabeth Lahens, Agent
Signature and title of person other than Applicant completing this application

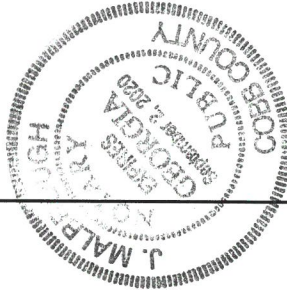
Phone Number: Work: (770) 933-8971

Home: _____

Sworn to and subscribed before me

This 24 day of Aug 2018

[Signature]
Notary Public



FINGERPRINTED AT SMYRNA POLICE DEPARTMENT:

Date _____

RECEIVED IN CITY OF SMYRNA BUSINESS LICENSE DEPARTMENT BY:

Date 8/24/18

CERTIFICATE OF ATTENDANCE

This certificate is awarded to

Nishil, Patel
Olive Garden
2467 Cobb Pkwy. SE
Smyrna, GA 30080



EVINDI

INCORPORATED

For satisfactory completion of Evindi, Inc.'s

Responsible Alcohol Sales & Service Workshop (3 hrs.)



Michele L. Stumpe, President of Evindi, Inc.

Date

9-5-18

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: 09/07/2018 LIC/VARIANCE: 09/26/2018
TYPE OF LICENSE REQUESTED: BEER, WINE & LIQUOR (RETAIL POURING)

NEW APPLICATION: NO OWNERSHIP NO AGENT YES

NAME OF BUSINESS: GMRI INC.
D/B/A THE OLIVE GARDEN ITALIAN RESTAURANT #1136

PLACE OF BUSINESS: 2467 COBB PKWY
SMYRNA, GEORGIA 30080

AGENT: NISHIL PATEL
HOME ADDRESS 2875 CRESCENT PKWY STE 1411
ATLANTA, GA 30339

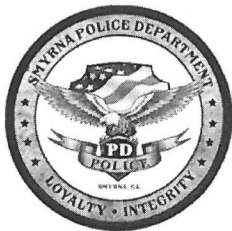
CITIZENSHIP YES

POLICE REPORT: DATE REQUESTED 08/24/18 DATE RECEIVED 08/24/18
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

MAP FURNISHED: N/A
ADVERTISED 09/14/18 & 09/21/18
COMMENTS: TAXES PAID

"Policing with a Purpose"



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: 08-24-18

To: Tammi Jones, City Administrator

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

Subject: Application for Alcohol License

Applicant: Patel, Nishil

This applicant, **Nishil Patel**, 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 **2467 Cobb Pkwy Smyrna, GA. 30080.**

The business name is **Olive Garden Italian Restaurant.**

The business is incorporated under the name **Olive Garden Italian 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

GMRI, INC.
OFFICERS AND DIRECTORS
As of 1/12/16

Address all official correspondence to any of the Corporate Officers below to:
P.O. Box 695016, Orlando, FL 32869-2016

Name	SSN	Title	Residence	Tel. No.	% of Stock Ownership
William R. White, III	136-58-2387	President, Treasurer and Director	4035 Gilder Rose Place Winter Park, FL 32792	407/245-5142	0%
Joseph G. Kern	461-78-6842	VP/Secretary	112 Kennison Drive Orlando, FL 32801	407/245-6091	0%
Colleen M. Hunter Lyons	265-47-2324	Assistant Secretary	11762 Aurelio Lane Orlando, FL 32827	407/245-4711	0%

(GMRI, Inc. is a wholly owned subsidiary of Darden Restaurants, Inc.,
which owns 100% of GMRI, Inc. stock)

APPLICATION FOR PRIVILEGE LICENSE

I have made application at the Business License Office of the City of Smyrna, Georgia for GMRI INC dba The Olive Garden Italian Restaurant # 1136 located at 2467 Cobb Pkwy, 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 September 26, 2018 at 10:00 a.m. All concerned persons are hereby notified.

Nishil Patel
Licensee

GMRI, Inc. dba
The Olive Garden Italian
Restaurant #1136
2467 Cobb Pkwy
Smyrna, Georgia 30080

Ads to Run SEP 14 and SEP 21