

MEETING OF FEB 27, 2019

WARD 6 (ds)

ITEM NUMBER \_\_\_\_\_  
\$ IMPACT \_\_\_\_\_

**ISSUE:**

Application for a change of agent for privilege licenses for beer, wine, and liquor (retail pouring) for Jim N Nicks Atlanta I, LLC dba Jim N Nick's Bar-B-Q with Franklin Keith Warren as the applicant. Previous agent was Paul Owen Smith.

**SUMMARY:**

Franklin Keith Warren as the registered agent for Jim N Nicks Atlanta I, LLC dba Jim N Nick's Bar-B-Q requests privilege licenses for the sale of beer, wine, and liquor (retail pouring) at 4574 South Cobb Drive.

**BACKGROUND:**

Franklin Keith Warren has been given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop. (Certificate under separate cover)

**STAFF RECOMMENDATION:**

A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude issuance of this license. Franklin Keith Warren 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 Jim N Nicks Atlanta I, LLC dba Jim N Nick's Bar-B-Q with Franklin Keith Warren as the registered agent.



APPLICATION FOR ALCOHOLIC BEVERAGE  
AGENT CHANGE ONLY  
Phone (678) 631-5321 Fax (770) 431-2808  
Web site: [www.smyrnacity.com](http://www.smyrnacity.com)

PLEASE TYPE APPLICATION AND ANSWER ALL QUESTIONS.

TYPE OF LICENSE: [CHECK APPROPRIATE SPACES]

LIQUOR:

TRANSFER (X)  
PKG. BEER/WINE ( )  
PKG. DIST. SPIRITS ( )  
RETAIL POURING (X)  
Restaurant (X)  
Package Store ( )

BEER:

TRANSFER (X)  
PKG. BEER/WINE ( )  
PKG. DIST. SPIRITS ( )  
RETAIL POURING (X)  
Restaurant (X)  
Package Store ( )

WINE:

TRANSFER (X)  
PKG. BEER/WINE ( )  
PKG. DIST. SPIRITS ( )  
RETAIL POURING (X)  
Restaurant (X)  
Package Store ( )

1. Legal Name of Business Jim N Nicks Atlanta I, LLC  
Operating name of the Business Jim N Nick's Bar-B-Q  
Occupation Tax License Number 1399  
Is the Business a proprietorship ( ) partnership ( ) corporation ( ) foreign ( ) Limited Liability Company (X)

2. Location 4574 South Cobb Drive, Smyrna, GA 30080 Phone (678) 556-0011

3. Full name of Owner Jim N Nicks Atlanta I, LLC

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 Franklin Keith Warren

Social Security Number [REDACTED] Date of Birth 10/05/1974

Are you a Citizen of the United States? Yes (X) No ( ) Birthplace Albany, GA

Current Address 1763 Mountain Oak Rd. City/State Kennesaw GA Zip 30152

Home Telephone [REDACTED] Number of years at present address 4 years

Do you reside in Cobb County? Yes (X) No ( ) If yes, how long 4 years

Previous address 3330 Pebble Hill Drive, Marietta GA 30062

Number of years at previous address 3 mos. Drivers License Number and State GA 059369096

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

Jim N Nicks, Smyrna GA (11/2018 to present) - Manager

Macaroni Grill, Marietta GA (9/2014 - 11/2018) - General Manager

Longhorn Steakhouse, various locations (4/1997 - 8/2014) - Manager, General Manager and Managing Partner

Agent's employment date with owner 11/2018

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 (X)
- (b) Been discharged from any military service under dishonorable conditions? Yes ( ) No (X)
- (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 (X) If there was an arrest, are charges still pending? Yes ( ) No (X)
- (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 (X) (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 (X)
- (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 (X) (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 (X)
- (f) Been currently placed on parole from any governing authority? Yes ( ) No (X)

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

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

N/A

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

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

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 (X) No ( )

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

# Training Institute for Responsible Vendors, Inc.

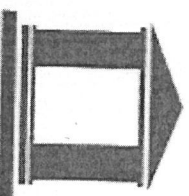
certifies that

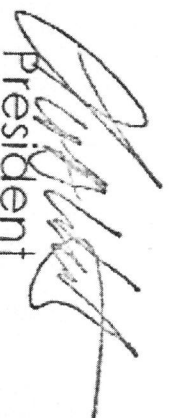
Franklin Keith Warren

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 14th day of February, 2019

Seal



  
President

CITY OF SMYRNA

PRIVILEGE LICENSE APPLICATION SUMMARY

DATE: FEB 6, 2019 LIC/VARIANCE: FEB 27, 2019  
TYPE OF LICENSE REQUESTED: BEER, WINE & LIQUOR (RETAIL POURING)

NEW APPLICATION: NO OWNERSHIP NO AGENT NEW

NAME OF BUSINESS: JIM N NICKS ATLANTA I, LLC.

dba JIM N NICK'S BAR-B-Q

PLACE OF BUSINESS: 4574 SOUTH COBB DR  
SMYRNA, GEORGIA 30080

AGENT: FRANKLIN KEITH WARREN

HOME ADDRESS: 1763 MOUNTAIN OAK RD

KENNESAW GA 30152

CITIZENSHIP YES

POLICE REPORT: DATE REQUESTED 1/28/19 DATE RECEIVED 02/04/19

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 02/15/19 & 02/22/19

COMMENTS: TAXES OK

"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: 02-04-19

To: Tammi Jones, City Administrator

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

Subject: Application for Alcohol License

Applicant: **Franklin Warren**

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This applicant, **Franklin Warren**, 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 **4574 South Cobb Dr. Smyrna, GA. 30080.**

The business name is **Jim N Nick's Bar-B-Q.**

The business is incorporated under the name **Jim N Nick's Bar-B-Q.**

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   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.

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.**

Franklin K. Warren  
Signature

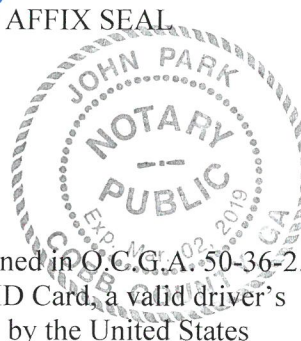
1/25/2019  
date

(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 Franklin K. Warren 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 29 day of January, 20 19

John Park  
Notary Public  
AFFIX SEAL



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.

USA  
Georgia  
DRIVER'S LICENSE


DL NO. 059369096 DOB 10/05/1974  
CLASS C EXP 10/05/2022  
FRANKLIN KEITH  
WARREN

1763 MOUNTAIN OAK RD NW  
KENNESAW, GA 30152-4278  
DOB  
Restrictions A End NONE  
Iss 02/11/2016

Sex M Eyes BRO  
Hgt 6'-03" Wgt 290 lb  
DD 262133230240014848



Rev 07/01/2015 2621332302400101

 [www.dds.ga.gov](http://www.dds.ga.gov)  
(678) 413-8400


MEDICAL  
INFORMATION:  
None

CLASS: C-≤ 26,000 lbs. GVWR and Trailer ≤ 10,000 lbs. All recreational vehicles included

ENDORSEMENTS: None

RESTRICTIONS: A-None

10/05/1974





APPLICATION FOR PRIVILEGE LICENSE

I have made application at the Business License Office of the City of Smyrna, Georgia for Jim N Nicks Atlanta I LLC dba Jim N Nick's Bar-B-Q located at 4574 South Cobb Drive, 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 February 27 at 10:00 a.m. All concerned persons are hereby notified.

Franklin Warren  
Licensee

Jim N Nicks Atlanta I LLC  
Dba Jim N Nicks Bar-B-Q  
4574 South Cobb Drive  
Smyrna, Georgia 30082

Ads to Run FEB 15 and FEB 22