



License and Variance Board Meeting - Final

September 13, 2023
10:00 AM

-
- A. 2023-190** Show Cause Hearing – Alcohol Beverage Violation – Chen Group Inc. dba The Juicy Crab - 2524 Cobb Parkway SE – Smyrna, GA 30080 – Ming Lou, Agent
Councilmember Ward 1 – Glenn Pickens



City of Smyrna

Issue Sheet

A Max Bacon City Hall
2800 King Street
Smyrna, GA 30080

File Number: 2023-190

Agenda Date: 09/13/2023

In Control: License and Variance Board

File Type: General ID

Agenda Section:
Formal Business

Agenda Number: A.

Department: Police Department

Agenda Title:

Show Cause Hearing – Alcohol Beverage Violation – Chen Group Inc. dba The Juicy Crab - 2524 Cobb Parkway SE – Smyrna, GA 30080 – Ming Lou. Agent

Ward 1 Councilmember – Glenn Pickens

ISSUE AND BACKGROUND:

The Smyrna Police Department Special Operations Unit conducted compliance checks throughout the City on March 3, 2023 and this business failed the compliance check by selling alcohol to a minor.

As per the Incident Report at approximately 1814 an underage agent acting on behalf of the Smyrna Police Department entered The Juicy Crab (2524 South Cobb Drive SE, Smyrna) in an attempt to purchase alcohol.

Alanna Fair allowed the agent to purchase the beverage without requiring a show of identification. The agent purchased the product using cash in official City of Smyrna funds and exited the store. Officer Colburn and Major Defense entered the store and made contact with the employee and issued citation #ME0727131 for FURNISH/SELL ALCOHOL TO PERSON UNDER 21.

Body worn camera was activated during the investigation.

RECOMMENDATION / REQUESTED ACTION:

Staff recommends review and action for the Alcohol Beverage Violation – Chen Group Inc. dba The Juicy Crab - 2524 Cobb Parkway SE – Smyrna, GA 30080 – Ming Lou. Agent

City of Smyrna
A Max Bacon City Hall
2800 King Street
Smyrna, Georgia 30080



www.SmyrnaGa.com
www.twitter.com/SmyrnaNews
www.facebook.com/CityofSmyrnaGA
PH 770-434-6600

June 5, 2023

CHANGE OF APPEARANCE DATE

Ming Luo
The Juicy Crab / Chen Group Inc.
2524 Cobb Parkway SE
Smyrna, GA 30080
917-826-8884

SENT VIA CERTIFIED MAIL / IN PERSON DELIVERY

RE: License and Variance Board Show Cause Hearing

Greetings:

This is to advise that a show cause hearing with the City of Smyrna License and Variance Board has been rescheduled for Wednesday, September 13, 2023 at 10:00AM to consider the suspension or revocation of the alcoholic beverage license for The Juicy Crab / Chen Group Inc. This date has been moved in order to complete the Court arraignment date of August 29, 2023. This Show Cause hearing has been scheduled pursuant to Section 6-163 of the alcoholic beverage ordinance for the violation of selling or offering to sell alcoholic beverages to an underage person.

You are hereby ordered to be and appear at the City Hall, H.R. Training Room, 2800 King Street, Smyrna, Ga. 30080 on the above stated date and time as a witness / representative of the business for this meeting.

Sincerely,

Heather K. Peacon-Corn
City Clerk

RECVD BY:

DATE: _____ TIME: _____
PRINTED NAME

SERVED BY OFFICER: _____ BADGE # _____

Mayor – Derek Norton
Mayor Pro Tem – Tim Gould
City Council: Ward 1 – Glenn Pickens / Ward 2 – Latonia P. Hines / Ward 3 – Travis Lindley
Ward 4 – Charles (Corkey) Welch / Ward 5 – Susan Wilkinson / Ward 6 – Tim Gould / Ward 7 – VACANT

City Administrator – Joseph Bennett / Dep. City Administrator – Penny Mocer / Asst. City Administrator Kristin Robinson
City Clerk – Heather K. Peacon-Corn / City Attorney – Scott Cochran
Chief Municipal Court Judge – Phyllis Gingrey Collins / Municipal Court Solicitor – Tim Williams

Mayor – Derek Norton
Mayor Pro Tem – Tim Gould

City Council: Ward 1 – Glenn Pickens / Ward 2 – Austin Wagner / Ward 3 – Travis Lindley
Ward 4 – Charles (Corkey) Welch / Ward 5 – Susan Wilkinson / Ward 6 – Tim Gould / Ward 7 – Lewis Wheaton

City Administrator – Joseph Bennett / Dep. City Administrator – Penny Mocerì / Asst. City Administrator Kristin Robinson
City Clerk – Heather K. Peacon-Corn / City Attorney – Scott Cochran
Chief Municipal Court Judge – Phyllis Gingrey Collins / Municipal Court Solicitor – Tim Williams

I N C I D E N T D A T A	Agency Name <i>Smyrna Police Department</i>		INCIDENT/INVESTIGATION REPORT				Case# <i>23-030060</i>	
	ORI <i>GA 0330400</i>		<i>JULY CRAB</i>				Date / Time Reported <i>03/03/2023 18:14 Fri</i>	
	Location of Incident <i>2524 COBB PKWY SE, Smyrna GA 30080</i>						Last Known Secure <i>03/03/2023 18:13 Fri</i>	
			Gang Relat NO	Premise Type <i>Restaurant</i>	Beat/Tract C	At Found <i>03/03/2023 18:14 Fri</i>		

D E T A I L S	#1	Crime Incident(s) <i>Furnis/sell Alcohol To Person Under 21 99004</i>	(Com) M	Weapon / Tools	Activity
				Entry	Exit
				Security	
	#2	Crime Incident	()	Weapon / Tools	Activity
				Entry	Exit
				Security	
	#3	Crime Incident	()	Weapon / Tools	Activity
				Entry	Exit
				Security	

M O V I C T I M	# of Victims <i>1</i>		Type: SOCIETY/PUBLIC		Injury: None		Domestic: NO		
	V1	Victim/Business Name (Last, First, Middle) <i>State Of Georgia</i>	Victim of Crime # <i>1,</i>	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
	Home Address				Email			Home Phone	
	Employer Name/Address				Business Phone			Mobile Phone	
	VYR	Make	Model	Style	Color	Lic/Lis	VIN		

O T H E R I N V O L V E D	CODES: V- Victim (Denote V2, V3) W1 = Witness IO = Involved Other RP = Reporting Person (if other than victim)								
	Type: _____ Injury: _____								
	Code	Name (Last, First, Middle)	Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
	Home Address				Email			Home Phone	
	Employer Name/Address				Business Phone			Mobile Phone	
	Type: _____ Injury: _____								
	Code	Name (Last, First, Middle)	Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
	Home Address				Email			Home Phone	
	Employer Name/Address				Business Phone			Mobile Phone	

P R O P E R T Y	1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)								
	VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
	<i>1</i>	<i>48</i>	<i>EVID</i>	<i>\$0.00</i>		<i>1</i>	<i>RECEIPT</i>		
	<i>1</i>	<i>20</i>	<i>EVID</i>	<i>\$15.71</i>		<i>1</i>	<i>MONEY</i>		

Officer/ID#	<i>COLBURN, P. D. (60756)</i>		
Invest ID#	<i>(0)</i>		
Status	Complainant Signature	Case Status <i>Released On Copy</i>	Supervisor <i>DEFENSE, L. (24433)</i>
		<i>03/03/2023</i>	Case Disposition:
			Page 1

IDENT/INVESTIGATION REPORT

Smyrna Police Department

Case # 23-030060

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

D R U G S	IBR	Status	Quantity	Type Measure	Suspected Type	

Assisting Officers

Suspect Hate / Bias Motivated: NONE (NO BIAS)

NARRATIVE

REPORTING OFFICER NARRAT*Smyrna Police Department*

OCA

23-030060

Victim

Society

Offense

FURNIS/SELL ALCOHOL TO PERSON UNDER

Date / Time Reported

Fri 03/03/2023 18:14

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

On Friday March 3rd, 2023 at approximately 1754 at the business of Juicy Crab Pizza (2524 Cobb Pkwy SE) an alcohol compliance check was conducted.

A 20 year old undercover agent acting on behalf of the Smyrna Police Department entered the restaurant and attempted to purchase alcohol. The undercover agent was sold alcohol by Alanna Fair and exited the restaurant. At this time myself and Maj Defense entered the restaurant and made contact with Alanna Fair. I issued Alanna Fair Citation #E727131 for FURNIS/SELL ALCOHOL TO PERSON UNDER 21. A receipt was collected and placed into evidence at the Smyrna Police Department.

The change from the transaction was \$15.71, which was placed into evidence at the Smyrna Police Department for safekeeping.

During this investigation my department issued body worn camera was activated.

Incident Report Suspect List

Smyrna Police Department

OCA: 23-030060

1	Name (Last, First, Middle) FAIR, ALANNA D. [REDACTED]						Also Known As				Home Address [REDACTED] 30126																																											
	Business Address																																																					
	DOB [REDACTED]	Age 25	Race B	Sex F	Eth N	Hgt 506	Wgt 140	Hair BLK	Eye BRO	Skin MBR	Driver's License / State [REDACTED]																																											
	Scars, Marks, Tattoos, or other distinguishing features																																																					
<table border="1"> <tr> <td colspan="2">Reported Suspect Detail</td> <td colspan="2">Suspect Age</td> <td>Race</td> <td>Sex</td> <td>Eth</td> <td colspan="2">Height</td> <td colspan="2">Weight</td> <td colspan="2">SSN</td> </tr> <tr> <td colspan="2">Weapon, Type</td> <td colspan="2">Feature</td> <td colspan="2">Make</td> <td colspan="2">Model</td> <td colspan="2">Color</td> <td colspan="2">Caliber</td> <td colspan="2">Dir of Travel Mode of Travel</td> </tr> <tr> <td colspan="4">Veh Yr / Make / Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="3">Lic Plate / State</td> <td colspan="2">VIN</td> </tr> </table>														Reported Suspect Detail		Suspect Age		Race	Sex	Eth	Height		Weight		SSN		Weapon, Type		Feature		Make		Model		Color		Caliber		Dir of Travel Mode of Travel		Veh Yr / Make / Model				Drs	Style		Color		Lic Plate / State			VIN	
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Veh Yr / Make / Model				Drs	Style		Color		Lic Plate / State			VIN																																										
Notes							Physical Char																																															

Ident Report Related Property ----

Smyrna Police Department

OCA: 23-030060

1	Property Description RECEIPT				Make		Model		Caliber	
	Color		Serial No.		Value \$0.00		Qty 1.000		Unit XX	
	Status Evidence		Date 03/03/2023		NIC #		State #		Local #	
	Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	
	Notes									

2	Property Description MONEY				Make		Model		Caliber	
	Color Multicolored		Serial No.		Value \$15.71		Qty 1.000		Unit XX	
	Status Evidence		Date 03/03/2023		NIC #		State #		Local #	
	Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	
	Notes									

Submitted as Safekeeping.

**GEORGIA
UNIFORM TRAFFIC CITATION, SUMMONS, ACCUSATION**

GA0330400

E727131

Court Case Number

NCIC No.

Citation Number

CITY OF SMYRNA POLICE DEPARTMENT

Upon Month **March** (Day) **3** (Year) **2023** at **06:23** ☐ AM ☒ PM

Operator License No. _____

License Class or Type **C** State **GA** Endorsements _____ Expires _____

Name **FAIR ALANNA** (First) _____ (Middle) _____

Address _____

City _____ State **GA** Zip Code **30126**

DOB _____ Hair **BLK** Hgt **5'06** Wgt **140** Sex **F** Eyes **BRO**

Veh Yr _____ Make _____ Style _____ Color _____

Registration No. _____ Yr _____ State _____

CDL ☐ YES ☒ NO ACCIDENT ☐ YES ☒ NO INJURIES ☐ YES ☒ NO FATALITIES ☐ YES ☒ NO

☐ 2-LANE ROAD ☐ DRIVER REQUESTED ACCURACY CHECK ☐ VASCAR ☐ LASER ☐ RADAR

Within the State of Georgia, did commit the following offense: **SPEEDING - Clock** by ☐ PATROL VEHICLE ☐ OTHER

(Serial # _____ Calibration/Check _____) at _____ MPH in a _____ zone

☐ DUI (Test Administered: ☐ BLOOD ☐ BREATH ☐ URINE ☐ OTHER) DUI Test Results _____

TEST ADMINISTERED BY (If Applicable) _____

OFFENSE (Other than above) **FURNIS/SELL ALCOHOL TO PERSON UNDER 21**

In Violation of Code Section **T3-3-23A1** of ☒ State Law ☐ Local Ordinance

REMARKS **Said accused sold alcohol to an underage UC.**

DATE _____ COURT ACTION AND OTHER ORDERS

The within complaint has been examined and there is probable cause for filing the same. Leave is hereby granted to file the complaint.

Complaint filed _____

Bail fixed at \$ _____ or cash deposit of \$ _____

Signature of person taking bail _____ Signature of person giving bail _____

Fine in the amount of \$ _____ received as required by court schedule

Signature of Clerk _____

Continuance to _____ Reason _____

Continuance to _____ Reason _____

Warrant issued _____ Warrant Served _____

Waives Trial by Jury _____

ON ARRAIGNMENT, THE DEFENDANT PLEADS _____

APPEARANCE, PLEA OF GUILTY AND WAIVER

I, _____ have been advised that I am being charged with

_____ and that the maximum punishment that I can receive is

_____ mos. imprisonment and/or a \$ _____ fine

I have been advised of my rights to be represented by counsel and have counsel appointed to represent me if I am indigent, plead not guilty and be tried by a jury or a judge, confront the witnesses against me, and, not give incriminating evidence against myself. I hereby waive these rights, state that I have not been induced by any threat or promise to enter this plea and do freely and voluntarily enter my plea of Guilty.

This _____ day of _____, _____

Accused _____

I, _____ have advised the above-named accused as indicated above of his/her rights, the nature of the case against him/her and the possible consequences of the plea as entered. I am satisfied that there is a factual basis for the guilty plea which the accused has entered and that it was entered freely and voluntarily with understanding of the nature of the charge and the consequences of the plea.

_____, JUDGE

DISPOSITION AND SENTENCE

Court _____ City _____

Defendant Pleads: ☐ (3) Guilty ☐ Not Guilty ☐ (4) Nolo Cont'd

Trial: ☐ Jury ☐ Court Adjudicated ☐ (1) Guilty ☐ Not Guilty

Other Action: ☐ (2) Bond Forfeiture ☐ Nolle Prossed ☐ No Bill ☐ No Record

Sentence: Amount Fine/Forfeiture \$ _____

_____ Days (Months) in jail _____ Traffic School _____ Days (Months) probation

Community Service _____ Hrs/Days _____ Other Order _____

Appeal Bond of \$ _____ filed (for _____)

Appeal to _____ Court

As provided by law, I hereby certify that the information on this ticket is a true abstract of the record of this court or bureau in this case.

DISPOSITION
DATE _____

Signature of Judge or Clerk

Section I
Violation

Section II
Violation

Section III
Location

Section IV
Summons

Section V
Officer Certification

COURT COPY

INCIDENT/INVESTIGATION REPORT

Smyrna Police Department

Case # 23-030060

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

D R U G S	IBR	Status	Quantity	Type Measure	Suspected Type	

Assisting Officers

Suspect Hate / Bias Motivated: *NONE (NO BIAS)*

NARRATIVE

REPORTING OFFICER NARRATIVE*Smyrna Police Department*

OCA

23-030060

Victim

Society

Offense

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Date / Time Reported

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During this investigation my department issued body worn camera was activated.

Incident Report Suspect List

Smyrna Police Department

OCA: 23-030060

1	Name (Last, First, Middle) <i>FAIR, ALANNA DANAE</i>						Also Known As				Home Address <i>490 BENSON HURST DR SW MABLETON, GA 30126 732-207-5792</i>																																					
	Business Address																																															
	DOB <i>09/27/1997</i>	Age <i>25</i>	Race <i>B</i>	Sex <i>F</i>	Eth <i>N</i>	Hgt <i>506</i>	Wgt <i>140</i>	Hair <i>BLK</i>	Eye <i>BRO</i>	Skin <i>MBR</i>	Driver's License / State <i>058655365 GA</i>																																					
Scars, Marks, Tattoos, or other distinguishing features																																																
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Notes						Physical Char																																										

Incident Report Related Property List

Smyrna Police Department

OCA: 23-030060

1	Property Description RECEIPT				Make		Model		Caliber		
Color		Serial No.		Value \$0.00		Qty 1.000		Unit XX		Jurisdiction Locally	
Status Evidence		Date 03/03/2023		NIC #		State #		Local #		OAN	
Name (Last, First, Middle) * No name *						DOB		Age		Race Sex	

Notes

2	Property Description MONEY				Make		Model		Caliber		
Color Multicolored		Serial No.		Value \$15.71		Qty 1.000		Unit XX		Jurisdiction Locally	
Status Evidence		Date 03/03/2023		NIC #		State #		Local #		OAN	
Name (Last, First, Middle) * No name *						DOB		Age		Race Sex	

Notes

Submitted as Safekeeping.

DATE: 08/29/2023
TIME: 17:47:50

SMYRNA MUNICIPAL COURT
TICKET INFORMATION SHEET

PAGE: 1
LISA

Court Address 2800 KING STREET
SMYRNA GA 30080

NCIC Number GA033041J
Phone Number 770-431-2804
Fax Number 770-631-5410

Ticket ME0727131 **Status** C **Case** 2023000985 **Docket** 2023000182

Name ALANNA D [REDACTED] FAIR

Dob [REDACTED] **Height** 5 FT. 6 IN.

Haircolor BLK

Sex F **Race** B **Weight** 140

Eyecolor BRO

Address [REDACTED] 30126-

OBTS/OTN#

FBI#

Drivers License [REDACTED]

Class C **CDL** N

SID#

Phone [REDACTED]

Expiration Date

Vehicle 0

Tag

Violation 3-3-23A1 FURNISH/SELL ALCOHOL TO PERSON UNDER 21
Count 1

Officer PHILLIP COLBURN BADGE: 1422

Agency SPD **LOCATION:** 2524 COBB PKWY SE SMYRNA

Ticket Date 03/03/2023 06:23 PM

Must Appear N

Original Court Date 05/23/2023

Accident N

Newest Court Date 08/29/2023 1000

ARRAIGNMNT

School Zone N

Disposition Date 08/29/2023

Commercial Vehicle N

Close Date 08/29/2023

Hazardous Material N

Attorney

Send-to-State Y

Solicitor

Plea G GUILTY

Comm Service Hrs

Finding G GUILTY AS CHARGED

Probation

Bonding

Cash Bond Amount 1,000.00

Forfeited Amount

Total Judgment 1,000.00

Fine Amount 1,000.00

Total Payments 1,000.00

Processing Fee

Refunds

Suspended Amount

Balance

Other Amounts

Surcharges 461.12 (included in fine)

Total Judgment 1,000.00

Sentence



City of Smyrna
A Max Bacon City Hall
2800 King Street
Smyrna, Georgia 30080



www.SmyrnaGa.com
www.twitter.com/SmyrnaNews
www.facebook.com/CityofSmyrnaGA
PH 770-434-6600

LICENSE AND VARIANCE BOARD WITNESS SUBPOENA

DATE: August 30, 2023

TO: Ofc. Phillip Colburn
ADDRESS: Smyrna Police Department
2646 Atlanta Road SE
Smyrna, Ga 30080

You are hereby commanded, that laying all other business aside, you be and appear at the City of Smyrna License and Variance Board Hearing on Wednesday, September 13, 2023 at 10:00am in the Council Chambers at A. Max Bacon City Hall, 2800 King Street, Smyrna. Ga. to be sworn in as a witness regarding the violation of selling or offering to sell alcoholic beverages to an underage person at the establishment known The Juicy Crab on March 3, 2023.

A pre-meeting will take place at the same day at 9:00AM in the Admin Conference Room (2nd Floor) at A. Max Bacon City Hall, 2800 King Street, Smyrna, Ga. with the City Attorney.

Heather K. Peacon-Corn, City Clerk
City of Smyrna, Ga.

Please call 678-631-5303 with any questions regarding your appearance.

Mayor – Derek Norton

Mayor Pro Tem – Tim Gould

City Council: Ward 1 – Glenn Pickens / Ward 2 – Latonia P. Hines / Ward 3 – Travis Lindley
Ward 4 – Charles (Corkey) Welch / Ward 5 – Susan Wilkinson / Ward 6 – Tim Gould / Ward 7 – Kathy Young

City Administrator – Joseph Bennett / Dep. City Administrator – Penny Mocer / Asst. City Administrator Kristin Robinson

City Clerk – Heather K. Peacon-Corn / City Attorney – Scott Cochran

Chief Municipal Court Judge – Phyllis Gingrey Collins / Municipal Court Solicitor – Tim Williams

City of Smyrna
A Max Bacon City Hall
2800 King Street
Smyrna, Georgia 30080



www.SmyrnaGa.com
www.twitter.com/SmyrnaNews
www.facebook.com/CityofSmyrnaGA
PH 770-434-6600

LICENSE AND VARIANCE BOARD WITNESS SUBPOENA

DATE: August 30, 2023

TO: Major Louis Defense
ADDRESS: Smyrna Police Department
2646 Atlanta Road SE
Smyrna, Ga 30080

You are hereby commanded, that laying all other business aside, you be and appear at the City of Smyrna License and Variance Board Hearing on Wednesday, September 13, 2023 at 10:00am in the Council Chambers at A. Max Bacon City Hall, 2800 King Street, Smyrna. Ga. to be sworn in as a witness regarding the violation of selling or offering to sell alcoholic beverages to an underage person at the establishment known The Juicy Crab on March 3, 2023.

A pre-meeting will take place at the same day at 9:00AM in the Admin Conference Room (2nd Floor) at A. Max Bacon City Hall, 2800 King Street, Smyrna, Ga. with the City Attorney.

Heather K. Peacon-Corn, City Clerk
City of Smyrna, Ga.

Please call 678-631-5303 with any questions regarding your appearance.

Mayor – Derek Norton

Mayor Pro Tem – Tim Gould

City Council: Ward 1 – Glenn Pickens / Ward 2 – Latonia P. Hines / Ward 3 – Travis Lindley
Ward 4 – Charles (Corkey) Welch / Ward 5 – Susan Wilkinson / Ward 6 – Tim Gould / Ward 7 – Kathy Young

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