

STATE OF GEORGIA

August 16, 2010

FULTON COUNTY

**RESOLUTION FOR PUBLIC HEARING TO CONSIDER REVOCATION
OR SUSPENSION OF ALCOHOLIC BEVERAGE LICENSE**

COMES NOW the City of Roswell, and, on information and belief, charges CRISTAL LOUNGE, INC. and FABIOLA GUTIERREZ, holder of an alcoholic beverage license, with violations of the laws and ordinances of the City of Roswell as follows:

CHARGES

TO: CRISTAL LOUNGE, INC. and FABIOLA GUTIERREZ
3050~~3550~~ MANSELL ROAD, Suite D
ALPHARETTA, GA 30022

1.

The Licensee did violate Chapter 3, Section 3.5.4 (a), Article 3.5 of the Code of Ordinances of the City of Roswell, Georgia and O.C.G.A. §, 3-3-23, when on July 30, 2010, Elia Rodriquez, an employee of CRISTAL LOUNGE, INC. (licensed premises) and/or FABIOLA GUTIERREZ (licensee), sold an alcoholic beverage to an Undercover Law Enforcement Officer, a person under twenty-one (21) years of age.

2.

Upon information and belief, the Licensee did violate Chapter 3, Section 3.7.3 (a) (1) through (4), Article 3.7 of the Code of Ordinances of the City of Roswell, Georgia because on July 30, 2010, the licensed premises did not have the kitchen facilities in operation and no cook was on premises to prepare and serve meals for customers and therefore less than 50% of the licensee's sales on such date were from food.

4.

By reason of the foregoing, a public hearing to determine whether or not the license aforesaid should be suspended, revoked, or canceled shall be convened.

5.

WHEREAS, the Code of Ordinances, City of Roswell, Georgia, provides at Chapter 3 Article 3.3, Section 3.3.2, that an alcoholic beverage license may be suspended or revoked by the City Council for any violation of Chapter 3 and for any violation of state laws and regulations relating to alcoholic beverages; and

6.

WHEREAS, Section 3.3.2 of Article 3.3 of the Code of Ordinances, City of Roswell, Georgia, provides that the City Council shall give at least ten (10) days prior notice to the licensee of the time, place, and purpose of the hearing at which suspension or revocation will be considered; and

7.

WHEREAS, it is the Licensee's responsibility to comply with all provisions of Chapter 3 (Alcoholic Beverages) of the Code of Ordinances, City of Roswell, Georgia, and the City of Roswell's responsibility to enforce all provisions of said Chapter:

NOW, THEREFORE, the Mayor and Council of the City of Roswell adopt the following Resolution:

The Licensee, FABIOLA GUTIERREZ of CRISTAL LOUNGE, INC., located at 3050 Mansell Road, Alpharetta, GA 30022 is hereby directed to show cause before Mayor and Council at 7:00 p.m. on August 30, 2010, at City Hall, 38 Hill Street, Roswell, Georgia, why said license should not be suspended, revoked, or canceled according to law.

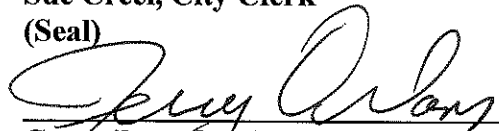
Let the Licensee be served according to law with a copy of this Resolution charging the Licensee as stated aforesaid.

Approved by the Mayor and City Council on this 16th day of August, 2010.

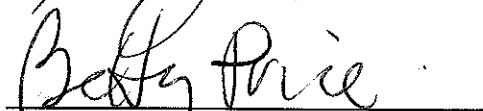
Attest:



Sue Creel, City Clerk
(Seal)



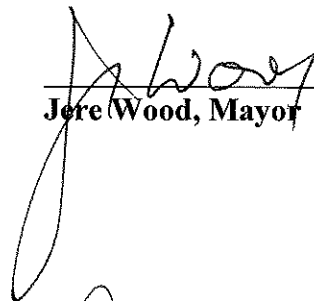
Councilmember Jerry Orleans



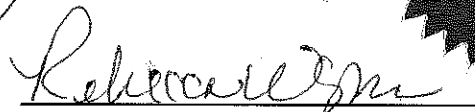
Councilmember Betty Price



Councilmember Kent Igleheart



Jere Wood, Mayor



Councilmember Rebecca Wynn



Councilmember Richard Dippolito



Councilmember Nancy Diamond



STATE OF GEORGIA

FULTON COUNTY

RETURN OF SERVICE

This will certify that I have personally served a copy of the RESOLUTION FOR PUBLIC HEARING TO CONSIDER REVOCATION OR SUSPENSION OF ALCOHOLIC BEVERAGE LICENSE upon

CRISTAL LOUNGE, INC. and FABIOLA GUTIERREZ
3050 ~~3550~~ MANSELL ROAD, Suite D
ALPHARETTA, GA 30022

This is the _____ day of _____, 2010.

Police Officer

Receipt of Service is acknowledged by _____.

signature

print name

position

Roswell Police Department
39 Hill Street Suite
Roswell, Georgia 30075
(770) 640-4100