

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 EL ANDARIEGO and MOSTAFA MIRZAKHANLOU, holder of an alcoholic beverage license, with violations of the laws and ordinances of the City of Roswell as follows:

CHARGES

**TO: EL ANDARIEGO and MOSTAFA MIRZAKHANLOU
100 NORCROSS STREET
ROSWELL, GA 30075**

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, Jose Carias, an employee of EL ANDARIEGO (licensed premises) and/or MOSTAFA MIRZAKHANLOU (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 3.5.8 (a), Article 3.5 of the Code of Ordinances of the City of Roswell, Georgia by failing to have alcoholic beverages delivered to the licensed premises in the original container and by a conveyance owned and operated by a licensed wholesale dealer permitted by the City of Roswell to make deliveries in the City of Roswell.

3.

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 the licensed premises does not contain kitchen facilities to adequately prepare and serve meals on the premises for customers and less than 50% of the licensee's sales are 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.

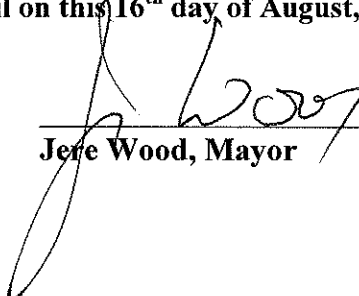
WHEREAS, it is the Licensee's responsibility to comply with all provisions of Chapter 3 (Alcoholic Beverages) of the Code of Ordinances, City of Roswell, Georgia, and the City of Roswell's responsibility to enforce all provisions of said Chapter:

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

The Licensee, MOSTAFA MIRZAKHANLOU of EL ANDARIEGO, located at 100 Norcross Street, Roswell, Georgia 30075 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.



Jefe Wood, Mayor

(Continued signatures on following page)

Attest:

Sue Creel

Sue Creel, City Clerk

(Seal)

Jerry Orleans

Councilmember Jerry Orleans

Rebecca Wynn

Councilmember Rebecca Wynn

Betty Price

Councilmember Betty Price

Richard Dippolito

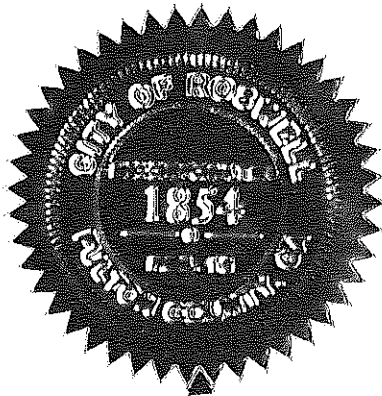
Councilmember Richard Dippolito

Kent Igleheart

Councilmember Kent Igleheart

Nancy Diamond

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

EL ANDARIEGO and MOSTAFA MIRZAKHANLOU
100 NORCROSS STREET
ROSWELL, GA 30075

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