

The Banks County Board of Commissioners held a public hearing on January 20, 2011 at 4:00 p.m. in the Wilson Shoals Training Room of the Banks County Courthouse Annex to consider alleged business license and alcohol license ordinance violations by Sam's Food Mart. Present were Chairman Milton Dalton, Commissioner Danny Maxwell, Commissioner Sammy Reece, Commissioner Ernest Rogers and Commissioner Charles Turk. County Attorney Randall Frost was present also. Representing Sam's Food Mart was owner Junaid Hameed and Attorney Kevin Tallant.

Ch. Dalton called the meeting to order and turned the hearing over to the county attorney. Attorney Frost stated this public hearing was for potentially revoking the business license for Sam's Food Mart for 2011.

Attorney Kevin Tallant for Sam's Food Mart stated the evidence shows if his client did anything wrong, he didn't do it intentionally and made a mistake. Attorney Tallant stated he had no objection with P-1, which had previously been presented in the case.

Investigator Bryan Lord was sworn in by Atty. Frost. Mr. Lord stated that on December 12, 2010 at Sam's Food Mart 30581 Hwy 441 South, Commerce, Georgia a search warrant had been issued reference to the sale of Dank. The investigators received information from an off duty deputy that the product was shown in the store. Inv. Lord approached the clerk to purchase K-2 and they pulled out from under the counter Red Bone, Spike and Red Dawn. In the case, there were more packages of Red Dawn, Skank and other products. At that time, the officers issued the search warrant. Officers found products labeled incense but were used for smoking devices and they seized the materials from the store and sent them to the GBI crime lab for testing. Atty. Tallant asked Inv. Lord if K-2 was found in the store. Inv. Lord stated K-2 was not in the store, but was in the back office when searched. Adam Rudolph a forensic chemist from the GBI Crime Lab analyzed all samples. He stated there were multiple packs which contained JWH-018 and JWH-073 which is a Schedule 1 drug in Georgia. He stated this acts as synthetic Marijuana. Spike Gold contained JWH-018, K-2 Blue, Puff Extra Strong, Cobra Pink Magic and Cobra Red contained JWH-018 and Black Moomba contained JWH-018 and JWH-013. Atty. Tallant stated K-2 Blue had a controlled substance and Spike Silver didn't have a controlled substance. Atty. Frost asked Mr. Rudolph since K-2 Pink didn't have a controlled substance did any other package of K-2 Pink contain a controlled substance. Mr. Rudolph stated this was his first time analyzing K-2 Pink. Atty. Tallant entered Evidence Receipts 12475, 12481, & 12480 as Exhibit #2.

Comm. Turk stated it didn't matter where in the store the packages were you could still be charged with possession.

Comm. Maxwell asked Inv. Lord what the informant purchased. Inv. Lord stated the informant purchased Dank and Manic Organic.

Junaid Hameed was sworn in by Atty. Tallant. He stated he had lived in Georgia since 2001. He also stated there were two companies that brought the materials around. Along with the product they sold, they presented a lab report showing the materials were legal. Mr. Hameed stated he was out of the country when the off duty deputy came by so the clerk pulled the merchandise off the shelf and placed them in the office. Mr. Hameed stated he received some merchandise in the mail today. Atty. Tallant stated he would like to submit it as Exhibit #4.

Comm. Turk asked Mr. Hameed if he had ever had the packages sent off for testing. Mr. Hameed stated he was taking the word of the vendor that it was legal.

In Atty. Tallant's closing statement he stated that maybe the packages were not proper, but it was clearly a mistake. He stated you can't tell from the name if there were any illegal substance in them. He stated his client now knows he can not trust his suppliers and when his employees were told they couldn't sell this they put it in the back. Atty. Tallant stated his client had never violated this provision before and don't take away his business license, but give him the opportunity to correct the problem. Atty. Tallant is asking the commissioners to let his client open his store back up. He stated the ordinance talks about violation of law, if the District Attorney finds he did it, then remove the business license from the establishment. If the DA finds Mr. Hameed did nothing wrong, then the commissioners have punished a man that shouldn't have been punished.

Atty. Frost closed the public hearing and Ch. Dalton opened the commissioners meeting.

Comm. Reece asked Inv. Lord if he left a list of narcotics to take off the shelf. Inv. Lord stated that most of the packets in the office were narcotics.

The Banks County Commissioners determined that the Licensee or its employees violated the Georgia Controlled Substances Act which conduct is contrary to the public welfare, safety, health and morals of Banks County.

As a result of the violations Comm. Rogers moved to suspend the Sam's Food Mart's business license until the pending case in the Banks County Superior is disposed of by plea or by trial or otherwise. Comm. Turk seconded. The motion was unanimously approved. The Commission agreed that after the case is disposed of that Sam's Food Mart could reapply for a Banks County business license. The Commission may after an additional hearing grant a business license or continue the suspension of the business license.

The public hearing ended at 5:05 p.m.

Chairman

Assistant County Clerk
