



BEER BOARD MEETING MINUTES

TUESDAY, OCTOBER 3, 2017 - BARTLETT CITY HALL - 6:00 PM

CALL TO ORDER

Richard Davenport: Present, Lindsey Massey: Absent, Cordell Battles: Present, Deborah Williams: Present, Ryan Smith: Present.

MINUTES APPROVAL

Minutes of the August 1, 2017 Beer Board Regular

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Cordell Battles
SECONDER:	Ryan Smith
AYES:	Davenport, Battles, Williams, Smith

NEW BUSINESS

Assessment of penalties for violations of Section 8-310(5) of the City of Bartlett Codified Ordinances which makes it unlawful for a permit holder to make or allow any sale of beer to a minor under twenty-one (21) years of age.

- I. Mapco #3142, 6127 Stage Road
First violation - May 9, 2017

City Prosecutor David Lakin stated that the alleged violation occurred on May 9, 2017 at Mapco Store #3142, located at 6127 Stage Road. Allegedly a Mapco employee checked the underage operative's identification, then sold a 25 oz. Bud Light Lime Straw-ber-Rita to the minor working with the Shelby County Sheriff's DUI Unit.

This Mapco store is a state-certified Responsible Vendor, which was granted by the Tennessee Alcoholic Beverage Commission (ABC) April 4, 2017. The certificate number is 300146.

Mr. Lakin noted that Mapco does not contest the allegations.

Beer Board members asked for an explanation as to the timing of the store's Responsible Vendor certification and the violation. Mr. Lakin explained that state law gives businesses 61 days to train their employees, and this violation occurred within the grace period.

Emeka Oaeigah, District Manager with Mapco, stated that the company does not intend to contest the allegation. He confirmed the violation did occur at the Mapco at 6127 Stage Road. Mr. Oaeigah stated that Mapco has a zero tolerance policy. He said the company voluntarily agreed to be a state responsible vendor, and have kept a clean slate. He said one violation is

too many. The employee that sold to the underage operative was terminated the same day. The store manager took over running the store right after the violation, which is company policy.

Mr. Davenport asked who performs the Responsible Vendor training. Mr. Lakin responded that the training can be done by a certified vendor approved by the State ABC or businesses can send its employees to ABC-approved classes.

Mr. Lakin stated that the penalty guidelines are different for Responsible Vendors, and under state statute the Board cannot suspend this permit holder's license. The Board can impose a maximum of a \$1,000 civil penalty.

RESULT:	\$250 CIVIL PENALTY [UNANIMOUS]
MOVER:	Richard Davenport
SECONDER:	Cordell Battles
AYES:	Richard Davenport, Cordell Battles, Deborah Williams, Ryan Smith

2. Circle K/BP Station, 8110 Highway 64
First violation - April 9, 2015
Second violation - March 16, 2016

Mr. Lakin state that the permit holder, Circle K Stores, does not dispute the factual allegations present, that on March 16, 2016 an employee sold an underage operative with the Shelby County Sheriff's DUI Unit a 25-ounce Four Loko Fruit Punch after checking the minor's ID.

Circle K Stores' attorney Ben Fox stated that agreed that this violation did occur as set forth.

Mr. Lakin pointed out that Circle K has changed the permit holder of this store since this violation occurred; therefore the Board should approve a civil penalty for this violation because an inactive permit cannot be suspended.

RESULT:	\$2,500 CIVIL PENALTY [UNANIMOUS]
MOVER:	Deborah Williams
SECONDER:	Richard Davenport
AYES:	Richard Davenport, Cordell Battles, Deborah Williams, Ryan Smith

3. Circle K/BP Station, 8110 Highway 64
First violation - May 9, 2017

Mr. Lakin stated that on May 9, 2017 an employee of the Circle K, located at 8110 Highway 64, allegedly sold a 24-ounce can of Twisted Tea to an underage operative of the Shelby County Metro DUI Unit. The employee checked the minor's ID and made the sale anyway.

Circle K's Attorney, Ben Fox, agreed that the allegation occurred.

Mr. Lakin noted that this violation is complicated by the fact that Circle K obtained a new permit for this store on May 9, 2017, but is still the corporate owner of the store. He encouraged the Board to treat this violation as a third offense.

Mr. Davenport, after confirming that Mr. Fox had been before the Beer Board before representing the same store, stated that this store has had multiple offenses since opening. He

then asked for clarification regarding the permit revocation the Beer Board approved for this store last year.

Mr. McKenney explained that Circle K filed a lawsuit challenging the permit revocation, while stipulating that the violation did occur. Mr. McKenney and Circle K's legal team resolved the issue with a 30-day suspension, which was filed in Chancery Court July 21, 2016.

. Fox clarified that the permit holder name was changed for all Circle K stores in Tennessee. There is no attempt to hide that this is the same entity permitted under Circle K Stores Gulf Coast Division, based in Pensacola, Florida. The Beer Board heard a second violation under that permit holder just before this agenda item.

Mrs. Williams stated that she believes this violation should be treated as a third violation since this is the same corporate entity.

RESULT:	REVOCATION [UNANIMOUS]
MOVER:	Deborah Williams
SECONDER:	Richard Davenport
AYES:	Richard Davenport, Cordell Battles, Deborah Williams, Ryan Smith

After the revocation motion was made and approved, the Board and attorneys had a lengthy conversation about stings and Circle K's actions to prevent further sales to minors.

Mr. Fox stated that Clarissa Butler has been the manager of the Circle K at 8110 Highway 64 since June 2017. Circle K managers used to oversee multiple stores, but Ms. Butler's sole responsibility is this store. Every employee receives extensive training both when they are hired and throughout their employment. Circle K performs internal stings, and employees are terminated if they fail.

At the time of the violation, this store had an ID scanner, but it was not connected to the register to stop a sale if the customer was a minor trying to purchase alcohol. Mr. Fox stated that this store now has the equipment and software in place that prevents a sale from completing if the ID provided by the customer shows an age under 21. The employee does not enter any data, the software computes the age from the scanned ID.

Mr. Davenport asked if this store's regional manager is still David Stephens, who was the regional manager during the last several times this store been before the Beer Board. Mr. Fox confirmed that Mr. Stephens is still the regional manager for this store. Mr. Davenport stated that since they've installed all these procedures and training to prevent sales to minors, and fired the employees who made the sale, that the person they should fire is David Stephens. Mr. Stephens has been the common thread in all these violations.

Due to an earlier question about undercover operatives using fake IDs, Mr. Lakin explained law enforcement agency beer stings. He stated that state law provides the guidelines for such operations. Underage operatives must use their actual state-issued identification, and they must look their age. Additionally, if they are asked for their ID or their age, they are required to tell the truth. At no time do underage operatives use a fake ID.

ADJOURN

Meeting adjourned at 6:46 PM



BEER BOARD MEETING MINUTES

TUESDAY, AUGUST 1, 2017 - BARTLETT CITY HALL - 6:00 PM

CALL TO ORDER

Richard Davenport: Present, Lindsey Massey: Absent, Cordell Battles: Present, Deborah Williams: Present, Ryan Smith: Present.

MINUTES APPROVAL

Minutes of the May 2, 2017 Beer Board Regular

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Ryan Smith
SECONDER:	Cordell Battles
AYES:	Davenport, Battles, Williams, Smith

PUBLIC HEARINGS

Individuals will have a maximum of three minutes to speak either for or against the item, with a total of 20 minutes for each side.

- I. **Kevin Michael Bush, 9363 Laurel Hill Drive, Lakeland, Tenn. 38002, has applied for an on-premises permit to sell beer at CFY Catering, located at 6490 Memphis-Arlington Road, Suite 105, Bartlett, Tenn. 38135.**

No one spoke in favor of CFY Catering's on-premises beer permit.

The applicant Kevin Michael Bush stated that his company's office hours are 10 a.m. to 4 p.m. Tuesday through Friday. He stated this permit will allow him to host an appointment-only private dinner for up to 10 people, and allow his company to provide beer service at the special events it caters off site. Mr. Bush said he does not think this beer permit will affect the quality of life for the surrounding neighborhoods.

Opposition

*James Crockett, 3626 Gillia Circle East, said he lives within 1,000 feet of CFY Catering. He is worried about increased police calls and violence; he believes granting this business an on-premises beer permit will be detrimental to surrounding property values and the neighbors' quality of life. Mr. Crockett asked if this business plans to expand for on-premises alcohol consumption.

Mr. Bush stated that his business recently added 500 square feet of office space. He stated he does not host events at this location; it is a prep kitchen and office space base for the company.

*Lou Jones, 6487 Belmont Cove North, asked if the Beer Board planned to place time restrictions on this permit. City Ordinance states that allows businesses with on-premises permits to sell beer to do so between the hours of 8 a.m. and 3 a.m. Monday through Saturday, and 12 p.m. to 3 a.m. on Sundays. Mr. Crockett stated he is opposed to this permit if the business can sell until 3 a.m.

*Mike Whitefield, 6486 Gillia Circle North, said he is against this beer permit due to the hours businesses are permitted to sell.

Mr. Smith asked Mr. Bush asked if he has event hosted an event at 6490 Memphis-Arlington Road. Mr. Bush stated that in the eight years his company has been there, he has never hosted a special event, nor does he foresee doing so.

Adjourned at 6:16 p.m.

2. **Fred's Stores of Tennessee, Inc., 4300 New Getwell, Memphis, Tenn. 38118, has applied for an off-premises permit to sell beer at Fred's Store #1100, located at 6064 Stage Road, Bartlett, Tenn. 38134.**

Fred's Store Regional Manager Joseph Tate stated that the company is adding an extra category of product, and all employees will be properly trained.

No one spoke for or against the off-premises permit for Fred's Store at 6064 Stage Road.

Adjourned at 6:18 p.m.

3. **Hugo Flores, 4320 Winding Hollow Way, Memphis, Tenn. 38125, has applied for an on-premises permit to sell beer at Los Comales, located at 5808 Stage Road, Bartlett, Tenn. 38134.**

The applicant Hugo Flores stated that the wants to rebuild this business (Mexican restaurant). He plans to keep the same hours as the previous owner and would like to serve beer.

Mr. Davenport asked if Mr. Flores has in training programs. Mr. Flores stated that all servers will obtain an On- Premise Server Permit from the Tennessee Alcoholic Beverage Commission. Mr. Flores will not allow his employees to sell beer to minors. All customers will be asked to show their photo ID. Mr. Flores said employees will not get a second chance if they sell alcohol to a minor.

No one spoke for or against the on-premises permit to sell beer at Los Comales.

Adjourned at 6:20 p.m.

UNFINISHED BUSINESS

1. **Kevin Michael Bush, 9363 Laurel Hill Drive, Lakeland, Tenn. 38002, has applied for an on-premises permit to sell beer at CFY Catering, located at 6490 Memphis-Arlington Road, Suite 105, Bartlett, Tenn. 38135.**

After the public hearing had adjourned and the Board had addressed all its Unfinished Business, several citizens who spoke during the public hearing asked additional questions about CFY Catering's beer permit. The Board and the City Clerk answered all of their questions. The

owner Mr. Bush reiterated that he has no plans to serve alcohol or host events at this location. The State requires caterers to have an on-premises beer permit to serve beer at the off-site events it caters.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Deborah Williams
SECONDER:	Ryan Smith
AYES:	Richard Davenport, Cordell Battles, Deborah Williams, Ryan Smith

2. **Fred's Stores of Tennessee, Inc., 4300 New Getwell, Memphis, Tenn. 38118, has applied for an off-premises permit to sell beer at Fred's Store #100, located at 6064 Stage Road, Bartlett, Tenn. 38134.**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Cordell Battles
SECONDER:	Deborah Williams
AYES:	Richard Davenport, Cordell Battles, Deborah Williams, Ryan Smith

3. **Hugo Flores, 4320 Winding Hollow Way, Memphis, Tenn. 38125, has applied for an on-premises permit to sell beer at Los Comales, located at 5808 Stage Road, Bartlett, Tenn. 38134.**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Richard Davenport
SECONDER:	Ryan Smith
AYES:	Richard Davenport, Cordell Battles, Deborah Williams, Ryan Smith

ADJOURN

Meeting adjourned at 6:25 PM

Richard Davenport, Chair

Stefanie McGee, City Clerk

Minutes Acceptance: Minutes of Aug 1, 2017 6:00 PM (Minutes Approval)



Beer Board

SCHEDULED

BEER AGENDA ITEM (ID # 2229)

Meeting: 10/03/17 06:00 PM
 Department: Beer Board
 Category: Presentation
 Prepared By: Stefanie McGee
 Initiator: Stefanie McGee
 Sponsors:
 DOC ID: 2229

Mapco #3142, 6127 Stage Road

Underage operative's age: 18

Business: Mapco #3142

Permit holder: Mapco Express Inc., based in Fort Payne, Alabama

Permit held since January 2008

Employee who allegedly sold to a minor: Amber Clark

Alcohol sold: 25 oz Bud Light Lime Straw-ber-Rita

Identification checked: Yes

This violation is a result of a sting by the Shelby County Sheriff's Office.

First violation - May 9, 2017

COMMENTS - Current Meeting:

City Prosecutor David Lakin stated that the alleged violation occurred on May 9, 2017 at Mapco Store #3142, located at 6127 Stage Road. Allegedly a Mapco employee checked the underage operative's identification, then sold a 25 oz Bud Light Lime Straw-ber-Rita to the minor working with the Shelby County Sheriff's DUI Unit.

This Mapco store is a state-certified Responsible Vendor, which was granted by the Tennessee Alcoholic Beverage Commission (ABC) April 4, 2017. The certificate number is 300146.

Mr. Lakin noted that Mapco does not contest the allegations.

Beer Board members asked for an explanation as to the timing of the store's Responsible Vendor certification and the violation. Mr. Lakin explained that state law gives businesses 61 days to train their employees, and this violation occurred within the grace period.

Emeka Oaeigah, District Manager with Mapco, stated that the company does not intend to contest the allegation. He confirmed the violation did occur at the Mapco at 6127 Stage Road. Mr. Oaeigah stated that Mapco has a zero tolerance policy. He said the company voluntarily agreed to be a state responsible vendor, and have kept a clean slate. He said one violation is too many. The employee that sold to the underage operative was terminated the same day. The store manager took over running the store right after the violation, which is company policy.

Mr. Davenport asked who performs the Responsible Vendor training. Mr. Lakin responded that the training can be done by a certified vendor approved by the State ABC or businesses can send its employees to ABC-approved classes.

Mr. Lakin stated that the penalty guidelines are different for Responsible Vendors, and under state statute the Board cannot suspend this permit holder's license. The Board can impose a maximum of a \$1,000 civil penalty.

RESULT: **\$1,000 CIVIL PENALTY [UNANIMOUS]**

MOVER: Richard Davenport

SECONDER: Cordell Battles

AYES: Richard Davenport, Cordell Battles, Deborah Williams, Ryan Smith

SHELBY COUNTY SHERIFF'S OFFICE
BILL OLDHAM, SHERIFF



D.U.I. SQUAD
11670 MEMPHIS ARLINGTON ROAD
ARLINGTON, TN 38002
(901) 222-5889



MEMORANDUM

TO: Mapco Mart
6127 Stage
Memphis, Tn 38134

DATE: May 9, 2017

This is to advise you that compliance checks pertaining to the sale of alcoholic beverages and beer products by vendors was recently conducted by our agency and that a person under twenty-one (21) years of age was used to purchase or attempt to purchase alcohol / beer for off premises consumption.

The result of a compliance check for your business is as follows:

Date of Compliance Check: May 9, 2017

Location of Compliance Check: Mapco 3142 front-counter

Sale Made: X (YES) (NO)

Employee Name Making or Not Making Sale: Amber Clark

Other Comments: ID CHECKED X (YES) (NO)

Agency Representative: R. McKinney S#9684

Attachment: 20171003 Mapco citation.pdf (2229 : Mapco, 6127 Stage Road)



METRO DUI SQUAD
MONEY/PRODUCT RECEIPT



MY SIGNATURE BELOW IS TO ACKNOWLEDGE THE RECEIPT BY ME

OF CURRENCY AND COIN IN THE AMOUNT OF \$

17⁰⁵
(CHANGE GIVEN)

AND THE RECEIPT OF PRODUCT WITH A VALUE OF \$

2⁹⁵
(PRODUCT VALUE)

WHICH INCLUDES THE AMOUNT OF SALES TAXES. THESE FUNDS AND

PRODUCT ARE RETURNED TO ME BY LAW ENFORCEMENT OFFICERS

REPRESENTING THE METRO DUI SQUAD.

BUSINESS NAME:

Mapco #3142

[Signature]

(BUSINESS REPRESENTATIVE SIGNATURE)

DATE:

May 9, 2017

McKinney, R. S9684

(LAW ENFORCEMENT WITNESS SIGNATURE & IBM #)



METRO DUI SQUAD
MONEY/PRODUCT RECEIPT



MY SIGNATURE BELOW IS TO ACKNOWLEDGE THE RECEIPT BY ME
OF CURRENCY AND COIN IN THE AMOUNT OF \$ 17⁰⁵
(CHANGE GIVEN)
AND THE RECEIPT OF PRODUCT WITH A VALUE OF \$ 2⁹⁵
(PRODUCT VALUE)
WHICH INCLUDES THE AMOUNT OF SALES TAXES. THESE FUNDS AND
PRODUCT ARE RETURNED TO ME BY LAW ENFORCEMENT OFFICERS
REPRESENTING THE METRO DUI SQUAD.

BUSINESS NAME: Mapco #3142
(Signature) DATE: May 9, 2017
(BUSINESS REPRESENTATIVE SIGNATURE)

McKinney, R S9684
(LAW ENFORCEMENT WITNESS SIGNATURE & IBM #)



Mapco Mart #3142
6127 Stage Road
Bartlett, TN 38134-
Phone (901) 382-8515

5/9/2017 6:31:02 PM
POS - Amber- 1799- 173

Qty	Item	Amount
001	SNGL BUD LT S-RITA 252CN	\$2.6
SubTotal		\$2.6
Sales Tax		\$0.2
Total		\$2.95
CASH \$20.00		\$20.00
Change Due		\$17.05

Join MY Rewards
Save on Fuel

STATE OF TENNESSEE
COUNTY OF SHELBYMISDEMEANOR CITATION IN LIEU OF
CONTINUED CUSTODY OF ARRESTED PERSON

Sequence #										M11153	
Last name <u>Clark</u>		First <u>Shawn</u>		Middle <u>Mercedes</u>		Aliases - Nickname		Driver License No. & State		SSN	
Date of Birth		Age		Sex <u>F</u>		Race <u>B</u>		Ethnic <u>5'4"</u>		WT	
Hair <u>Blk</u>		Eyes <u>Blu</u>		Comp <u>Med</u>		Occupation <u>Cashier</u>		Where Employed			
Residence Street		Apt / Bldg		City		State		Home Phone		Business Phone	
38127										+901 232-8515	
Arrestee armed with a weapon at time of arrest: (Check up to TWO and enter 'A' if fully automatic)										Weapon Make / Model / Caliber	
☐ Handgun ☐ Explosive ☐ Fire / Incendiary Device										☐ Rifle ☐ Shotgun ☐ Other Firearm	
☐ Lethal cutting instrument (Knife, switchblade, etc.) ☐ Club, blackjack, brass knuckles										Weapon Serial No.	
Offense Report No.										Gang Affiliation	
Vehicle: Year		Make		Model		Color		Doors		Lic # & State	
VIN		Accident?		Disposition of Vehicle		Bureau Held					
		Yes		No							

THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OATH DEPOSES AND SAYS: ON THE 9 DAY OF May 2017 AT 18:35 AM/PM THE DEFENDANT DID COMMIT THE FOLLOWING OFFENSE:NAMES: Sell / Buy / Give / Take To A LicensedAT (LOCATION): 2127 StageIN VIOLATION OF TCA: 57-5-301AND AFFIANT'S REASON FOR BELIEVING SAID OFFENSE(S) WAS COMMITTED BY THE DEFENDANT IS AS FOLLOWS: Under cover officer to Maline not aware

conducting an underage investigation when he observed the above defendant give
Bliz Redlight straw for Kola to a 18 year old underage operator identified as Kyla
The operator handed a 20 bit serial TB58 6077 192 and the underage
officer did retrieve that bill from the defendant and did return to the defendant
the product and change given to the operator. The defendant did check the operator's
identification prior to making this sale. A valid tree or alcohol permit was displayed
by the business. This offense did occur in Shelby County, TN

SWORN TO AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, _____

CLERK / MAGISTRATE / OFFICIAL

Kelvin Maline
 SIGNATURE OF AFFIANT

Malone 59299 1604 SCSO
 OFFICER EMP # CAR # AGENCY
J. K. Korch 2105 87 SCSO
 OFFICER EMP # CAR # AGENCY

I HEREBY AFFIX MY SIGNATURE WITH THE UNDERSTANDING THAT SUCH IS NOT A PLEA OF GUILTY, BUT TO CERTIFY THAT I RECEIVED A COPY OF THIS CITATION AND AGREE TO APPEAR AT THE INDICATED PLACES ON THE INDICATED DATES AND TIMES WITHOUT ISSUANCE OF A WARRANT AS PROVIDED BY TCA 40-7-118.

1. SHELBY COUNTY SHERIFFS OFFICE, JAIL ANNEX, R & I SECTION, 201 POPLAR AVENUE, MEMPHIS, TENNESSEE,

ON THE 1 DAY OF June 2017 AT 10:10 AM / PM, THERE TO BE PROCESSED.

2. GENERAL SESSIONS COURT, DIV LOWER LEVEL - 81, CRIMINAL JUSTICE CENTER, 201 POPLAR AVENUE, MEMPHIS, TENNESSEE,

ON THE 14 DAY OF June 2017 AT 8:00 AM / PM, FOR A HEARING ON THE INDICATED CHARGES.

M111535

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED BY THIS CITATION OR AT THE APPROPRIATE POLICE STATION FOR BOOKING AND PROCESSING WILL RESULT IN YOUR ARREST FOR A SEPARATE CRIMINAL OFFENSE WHICH IS PUNISHABLE BY A JAIL SENTENCE OF ELEVEN (11) MONTHS TWENTY-NINE (29) DAYS AND/OR A FINE OF UP TO TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500)

[Signature]
 SIGNATURE OF DEFENDANT

Docket Number _____ Property Receipt Number _____ State Control Number _____
 FORM 202 REV 2/11 [21 days, except holidays for processing] [28 days, except holidays & weekends for court date]

Not Transferable



STATE OF TENNESSEE
ALCOHOLIC BEVERAGE COMMISSION



No. 04987

RESPONSIBLE VENDOR CERTIFICATE

Application having been duly made in compliance with T.C.A. 57-5-601 et. seq.

Certification as a Responsible Vendor is hereby issued to:

Name of Owner Mapco Express, Inc. Effective Date April 4, 2017
 Doing Business As Mapco Express #3142 Date Issued April 4, 2017
 Business Address 6127 Stage Road Expiration Date April 3, 2018
 County Shelby
 City Bartlett, TN 38134
 Certificate No. 300146

ALCOHOLIC BEVERAGE COMMISSION

Certificate No.

AB-0092

CHAIRMAN



Beer Board

SCHEDULED

BEER AGENDA ITEM (ID # 2227)

Meeting: 10/03/17 06:00 PM

Department: Beer Board

Category: Presentation

Prepared By: Stefanie McGee

Initiator: Stefanie McGee

Sponsors:

DOC ID: 2227

Circle K/BP Station, 8110 Highway 64

Underage operative's age: 20

Business: Circle K Store #5151

Permit holder: Kyle Gibbs - Circle K Stores Gulf Coast Division, based in Pensacola, Florida

Permit held since April 2009.

Employee who allegedly sold to a minor: Zachary Landors

Alcohol sold: 25 oz Four Loko Fruit Punch

Identification checked: Yes

*This violation is a result of a sting by the Shelby County Sheriff's Office.

First violation - April 9, 2015

Second violation - March 16, 2016

COMMENTS - Current Meeting:

Mr. Lakin state that the permit holder, Circle K Stores, does not dispute the factual allegations present, that on March 16, 2016 an employee sold an underage operative with the Shelby County Sheriff's DUI Unit a 25-ounce Four Loko Fruit Punch after checking the minor's ID.

Circle K Stores' attorney Ben Fox stated that agreed that this violation did occur as set forth.

Mr. Lakin pointed out that Circle K has changed the permit holder of this store since this violation occurred; therefore the Board should approve a civil penalty for this violation because an inactive permit cannot be suspended.

RESULT:	\$2,500 CIVIL PENALTY [UNANIMOUS]
MOVER:	Deborah Williams
SECONDER:	Richard Davenport
AYES:	Richard Davenport, Cordell Battles, Deborah Williams, Ryan Smith

SHELBY COUNTY SHERIFF'S OFFICE
BILL OLDHAM, SHERIFF



D.U.I. SQUAD
11670 MEMPHIS ARLINGTON ROAD
ARLINGTON, TN 38002
(901) 222-5889



MEMORANDUM

TO: Circle K (BP)
8110 Hwy 64
Memphis, Tn 38133

DATE: March 16, 2016

This is to advise you that compliance checks pertaining to the sale of alcoholic beverages and beer products by vendors was recently conducted by our agency and that a person under twenty-one (21) years of age was used to purchase or attempt to purchase alcohol / beer for off premises consumption.

The result of a compliance check for your business is as follows:

Date of Compliance Check: March 16, 2016

Location of Compliance Check: _____

Sale Made: X (YES) _____ (NO)

Employee Name Making or Not Making Sale: Zachary Allen Landers

Other Comments: ID CHECKED X (YES) _____ (NO)

Agency Representative: [Signature] 9154

Attachment: 20171003 Circle K citation.pdf (2227 : Circle K/BP Station, 8110 Highway 64 violation)



METRO DUI SQUAD
MONEY/PRODUCT RECEIPT



MY SIGNATURE BELOW IS TO ACKNOWLEDGE THE RECEIPT BY ME

OF CURRENCY AND COIN IN THE AMOUNT OF \$ 17.49
(CHANGE GIVEN)

AND THE RECEIPT OF PRODUCT WITH A VALUE OF \$ 2.51
(PRODUCT VALUE)

WHICH INCLUDES THE AMOUNT OF SALES TAXES. THESE FUNDS AND
PRODUCT ARE RETURNED TO ME BY LAW ENFORCEMENT OFFICERS
REPRESENTING THE METRO DUI SQUAD.

BUSINESS NAME: Circle K (BP)

[Signature]
(BUSINESS REPRESENTATIVE SIGNATURE)

DATE: 03/16/16

[Signature] 59154
(LAW ENFORCEMENT WITNESS SIGNATURE & IBM #)

CIRCLE K #5151
8110 HWY 64 109/221
BARTLETT
TENNESSEE
38133

2016/03/16 20:44 205151
Pos: 01 Shift: 2

Product	Total Tx
FOUR LOKO FRT PNCH 6% 23	\$2.59 T
BEE SGL FOUR LOCO 23.52	\$0.30-

S-Total	Taxes	Total
2.29	0.22	\$2.51

Tendered	\$20.00
CASH	\$2.51

Change due	\$17.49
------------	---------

Cashier :1820 # 105396
Name: Zach Landers
20160316

Thank you!

METRO DUI SQUAD
KEY/PRODUCT RECEIPT



TO ACKNOWLEDGE THE RECEIPT BY ME

N THE AMOUNT OF \$ 17.49
(CHANGE GIVEN)

DUCT WITH A VALUE OF \$ 2.51
(PRODUCT VALUE)

OUNT OF SALES TAXES. THESE FUNDS AND

TO ME BY LAW ENFORCEMENT OFFICERS

REPRESENTING THE METRO DUI SQUAD.

BUSINESS NAME:

Circle K (BP)

Zach Landers
(BUSINESS REPRESENTATIVE SIGNATURE)

DATE: 03/16/16

[Signature] 59154
(LAW ENFORCEMENT WITNESS SIGNATURE & IBM #)

STATE OF TENNESSEE
COUNTY OF SHELBYMISDEMEANOR CITATION IN LIEU OF
CONTINUED CUSTODY OF ARRESTED PERSON

Last name LANDERS										First ZACHARY										Middle A.										Aliases - Nickname										Sequence # 01										M103079																																																																					
Date of Birth [REDACTED]										Age 22										Sex M										Race W										Ethnic N										HT 6'4"										WT [REDACTED]										Hair BAN BL										Eyes LYG										Comp CLECK										Occupation CACIE K										Where Employed CACIE K									
Residence [REDACTED]										Street [REDACTED]										Apt / Bldg [REDACTED]										City BARTLETT TN										State TN										Home Phone [REDACTED]										Business Phone [REDACTED]										Resident of jurisdiction where offenses occurred? ☒ Yes ☐ No																																																	
Arrestee armed with at time of arrest: (Check up to TWO and enter 'A' if fully automatic)																														Weapon Make / Model / Caliber																				Weapon Serial No.																																																																					
☐ Handgun ☐ Rifle ☐ Fire / Incendiary Device ☐ Explosive ☐ Shotgun ☐ Other Firearm																														☐ Lethal cutting instrument (Knife, switchblade, etc.) ☐ Club, blackjack, brass knuckles																				Offense Report No.																				Gang Affiliation																																																	
Vehicle: Year										Make										Model										Color										Doors										Lic # & State										VIN										Accident? ☐ Yes ☒ No										Disposition of Vehicle										Bureau Held for																													

THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OATH DEPOSES AND SAYS: ON THE 16 DAY OF MAR 2016 AT 200 AM / PM THE DEFENDANT DID COMMIT THE FOLLOWING OFFENSE(S).

NAMELY: SELL/BUY/GIVE ALCOHOL (LIQUOR) TO A MINOR

AT (LOCATION): 8110 HWY 64
57-4-203

IN VIOLATION OF TCA: 57-4-203

AND AFFIANT'S REASON FOR BELIEVING SAID OFFENSE(S) WAS COMMITTED BY THE DEFENDANT IS AS FOLLOWS: UNDER COVER OFFICER HUGUELEY ST 10052 WAS CONDUCTING AN UNDERAGE BEER STING WHEN HE OBSERVED ABOVE DEFENDANT GIVE A 2502 FRUIT PUNCH FOUR LUKO TO A 20 YEAR OLD UNDERAGE OPERANT IDENTIFIED AS J. AVANZI. THE OPERANT TENDERED A \$20 BILL, SERIAL # JGS8607949. THE U/C OFFICER DID RETRIEVE THAT BILL FROM THE DEFENDANT & DID RETURN TO THE DEFENDANT THE PRODUCT & CHANGE GIVEN TO THE OPERANT, THE DEFENDANT DID CHECK THE OPERANT'S I.D. PRIOR TO MAKING THE SALE. A VALID BEER OR ALCOHOL PERMIT WAS DISPLAYED BY THE BUSINESS. THESE EVENTS DID OCCUR IN SHELBY, COUNTY, TN.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____

CLERK / MAGISTRATE / OFFICIAL

SIGNATURE OF AFFIANT

Brad Hugueley

OFFICER	Hugueley	51052	W21	SC50
OFFICER	C. PERCE	4579	W21	SC50

I HEREBY AFFIX MY SIGNATURE WITH THE UNDERSTANDING THAT SUCH IS NOT A PLEA OF GUILTY, BUT TO CERTIFY THAT I RECEIVED A COPY OF THIS CITATION AND AGREE TO APPEAR AT THE INDICATED PLACES ON THE INDICATED DATES AND TIMES WITHOUT ISSUANCE OF A WARRANT AS PROVIDED BY TCA 40-7-118.

1. SHELBY COUNTY SHERIFFS OFFICE, JAIL ANNEX, R & I SECTION, 201 POPLAR AVENUE, MEMPHIS, TENNESSEE.

ON THE 14 DAY OF APRIL 2016 AT 0900 AM / PM, THERE TO BE PROCESSED.

2. GENERAL SESSIONS COURT, DIV LOWER LEVEL - 81, CRIMINAL JUSTICE CENTER, 201 POPLAR AVENUE, MEMPHIS, TENNESSEE.

ON THE 29 DAY OF APRIL 2016 AT 0900 AM / PM, FOR A HEARING ON THE INDICATED CHARGES.



M103079

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED BY THIS CITATION OR AT THE APPROPRIATE POLICE STATION FOR BOOKING AND PROCESSING WILL RESULT IN YOUR ARREST FOR A SEPARATE CRIMINAL OFFENSE WHICH IS PUNISHABLE BY A JAIL SENTENCE OF ELEVEN (11) MONTHS TWENTY-NINE (29) DAYS AND/OR A FINE OF UP TO TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500)

[Signature]
SIGNATURE OF DEFENDANT

Docket Number		Property Receipt Number		State Control Number	
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FORM 202 REV 2/11

[21 days, except holidays for processing]

[28 days, except holidays & weekends for court date]



Beer Board

SCHEDULED

BEER AGENDA ITEM (ID # 2228)

Meeting: 10/03/17 06:00 PM
 Department: Beer Board
 Category: Presentation
 Prepared By: Stefanie McGee
 Initiator: Stefanie McGee
 Sponsors:
 DOC ID: 2228

Circle K/BP Station, 8110 Highway 64

Underage operative's age: 20

Business: Circle K Store

Permit holder: MAC's Convenience Stores LLC, dba Circle K #2803649
 Based in Columbus, Indiana

Permit held since May 2017

Employee who allegedly sold to a minor: Sharita Harwell

Alcohol sold: 24 oz can of Twisted Tea

Identification checked: Yes

This violation is a result of a sting by the Shelby County Sheriff's Office.

First violation - May 9, 2017

COMMENTS - Current Meeting:

Mr. Lakin stated that on May 9, 2017 an employee of the Circle K, located at 8110 Highway 64, allegedly sold a 24-ounce can of Twisted Tea to an underage operative of the Shelby County Metro DUI Unit. The employee checked the minor's ID and made the sale anyway.

Circle K's Attorney, Ben Fox, agreed that the allegation occurred.

Mr. Lakin noted that this violation is complicated by the fact that Circle K obtained a new permit for this store on May 9, 2017, but is still the corporate owner of the store. He encouraged the Board to treat this violation as a third offense.

Mr. Davenport, after confirming that Mr. Fox had been before the Beer Board before representing the same store, stated that this store has had multiple offenses since opening. He then asked for clarification regarding the permit revocation the Beer Board approved for this store last year.

Mr. McKenney explained that Circle K filed a lawsuit challenging the permit revocation, while stipulating that the violation did occur. Mr. McKenney and Circle K's legal team resolved the issue with a 30-day suspension, which was filed in Chancery Court July 21, 2016.

Mr. Fox clarified that the permit holder name was changed for all Circle K stores in Tennessee. There is no attempt to hide that this is the same entity permitted under Circle K Stores Gulf Coast Division, based in Pensacola, Florida. The Beer Board heard a second violation under that permit holder just before this agenda item.

Mrs. Williams stated that she believes this violation should be treated as a third violation since this is the same corporate entity.

After the revocation motion was made and approved, the Board and attorneys had a lengthy conversation about stings and Circle K's actions to prevent further sales to minors.

Mr. Fox stated that Clarissa Butler has been the manager of the Circle K at 8110 Highway 64 since June 2017. Circle K managers used to oversee multiple stores, but Ms. Butler's sole responsibility is this store. Every employee receives extensive training both when they are hired and throughout their employment. Circle K performs internal stings, and employees are terminated if they fail.

At the time of the violation, this store had an ID scanner, but it was not connected to the register to stop a sale if the customer was a minor trying to purchase alcohol. Mr. Fox stated that this store now has the equipment and software in place that prevents a sale from completing if the ID provided by the customer shows an age under 21. The employee does not enter any data, the software computes the age from the scanned ID.

Mr. Davenport asked if this store's regional manager is still David Stephens, who was the regional manager during the last several times this store been before the Beer Board. Mr. Fox confirmed that Mr. Stephens is still the regional manager for this store. Mr. Davenport stated that since they've installed all these procedures and training to prevent sales to minors, and fired the employees who made the sale, that the person they should fire is David Stephens. Mr. Stephens has been the common thread in all these violations.

Due to an earlier question about undercover operatives using fake IDs, Mr. Lakin explained law enforcement agency beer stings. He stated that state law provides the guidelines for such operations. Underage operatives must use their actual state-issued identification, and they must look their age. Additionally, if they are asked for their ID or their age, they are required to tell the truth. At no time do underage operatives use a fake ID.

RESULT: **REVOCATION [UNANIMOUS]**

MOVER: Deborah Williams

SECONDER: Richard Davenport

AYES: Richard Davenport, Cordell Battles, Deborah Williams, Ryan Smith

SHELBY COUNTY SHERIFF'S OFFICE
BILL OLDHAM, SHERIFF



D.U.I. SQUAD
11670 MEMPHIS ARLINGTON ROAD
ARLINGTON, TN 38002
(901) 222-5889



MEMORANDUM

TO: Circle K (BP)
8110 Hwy 64
Memphis, Tn 38133

DATE: May 9, 2017

This is to advise you that compliance checks pertaining to the sale of alcoholic beverages and beer products by vendors was recently conducted by our agency and that a person under twenty-one (21) years of age was used to purchase or attempt to purchase alcohol / beer for off premises consumption.

The result of a compliance check for your business is as follows:

Date of Compliance Check: May 9, 2017

Location of Compliance Check: 8110 Hwy 64 front-counter

Sale Made: X (YES) (NO)

Employee Name Making or Not Making Sale: Sharita Harwell

Other Comments: ID CHECKED X (YES) (NO)

Agency Representative: R. McKinney S#9684

Attachment: 20171003 Circle K citation current.pdf (2228 : Circle K/BP Station, 8110 Highway 64 violation)



METRO DUI SQUAD
MONEY/PRODUCT RECEIPT



MY SIGNATURE BELOW IS TO ACKNOWLEDGE THE RECEIPT BY ME

OF CURRENCY AND COIN IN THE AMOUNT OF \$ 17³⁸
(CHANGE GIVEN)

AND THE RECEIPT OF PRODUCT WITH A VALUE OF \$ 2⁶²
(PRODUCT VALUE)

WHICH INCLUDES THE AMOUNT OF SALES TAXES. THESE FUNDS AND

PRODUCT ARE RETURNED TO ME BY LAW ENFORCEMENT OFFICERS

REPRESENTING THE METRO DUI SQUAD.

BUSINESS NAME: BP Circle K

Shawn McHaulle
(BUSINESS REPRESENTATIVE SIGNATURE)

DATE: May 9, 2017

McKinney, R. 59684
(LAW ENFORCEMENT WITNESS SIGNATURE & IBM #)



METRO DUI SQUAD
MONEY/PRODUCT RECEIPT



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REPRESENTING THE METRO DUI SQUAD.

BUSINESS NAME:

BP Circle K

Shawn McHaulle
(BUSINESS REPRESENTATIVE SIGNATURE)

DATE: May 9, 2017

McKinney, R. 59684
(LAW ENFORCEMENT WITNESS SIGNATURE & IBM #)

**WELCOME TO
CIRCLE K**

8428140
CKMW3679
8110 HWY 64
BARTLETT TN 38133

Description	Qty	Amount
T TWISTED TEA 24OZ CA	1	2.39
CUSTOMER ID VERIFIED 01/21/77		
Subtotal		2.39
Tax		0.23
TOTAL		2.62
CASH \$		20.00
Change \$		-17.38

ST# 3679 TILL XXXX DR# 1 TRAN# 1015187
CSH: 7 05/09/17 19:18:51

Attachment: 20171003 Circle K citation current.pdf (2228 : Circle K/BP Station, 8110 Highway 64 violation)

STATE OF TENNESSEE
COUNTY OF SHELBYMISDEMEANOR CITATION IN LIEU OF
CONTINUED CUSTODY OF ARRESTED PERSON

Sequence #										M1095		
Last name			First		Middle		Aliases - Nickname			Driver License No. & State		SSN
Harwell			Shavita									
Date of Birth		Age	Sex	Race	Ethnic	HT	WT	Hair	Eyes	Comp	Occupation	Where Employed
		33	F	B		5'10		BLK	BRN	DK	Cashier	Circle K
Residence Street		Apt / Bldg		City		State		Home Phone		Business Phone		Resident of jurisdiction where offenses occurred?
				Memphis TN								
Arrestee armed with at time of arrest: (Check up to TWO and enter 'A' if fully automatic)										Weapon Make / Model / Caliber		Weapon Serial No.
☐ Handgun ☐ Explosive ☐ Fire / Incendiary Device ☐ Rifle ☐ Shotgun ☐ Other Firearm ☐ Lethal cutting instrument (Knife, switchblade, etc.) ☐ Club, blackjack, brass knuckles										Offense Report No.		Gang Affiliation
Vehicle: Year		Make		Model		Color		Doors		Lic # & State		VIN
Accident?										Disposition of Vehicle		Bureau Ref
☐ Yes ☒ No												

THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OATH DEPOSES AND SAYS: ON THE 9 DAY OF May 2017 AT 7:29 AM / PM THE DEFENDANT DID COMMIT THE FOLLOWING OFFENSE

NAMES: Sell Beer to MINOR

AT (LOCATION) 8110 Hwy 64

IN VIOLATION OF TCA: 57-5-301

AND AFFIANT'S REASON FOR BELIEVING SAID OFFENSE(S) WAS COMMITTED BY THE DEFENDANT IS AS FOLLOWS:

Undercover officer Large 5421 SC
 conducting an underage beer sting wherein he observed the above
 defendant give a 24 oz can of Twisted Tea to a 20 y/o operant
 ident. Lukas Mason. The operant tendered \$20 bill, serial
 MD 092498004 and the undercover officer did retrieve that b.
 from the defendant and did return the defendant the product
 and change given to the operant. The defendant did check
 the operant's identification prior to making the sale. A
 valid beer permit was displayed by the business at this offense
 did occur in Shelby County, TN.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____

CLERK / MAGISTRATE / OFFICIAL

Michael Large
 SIGNATURE OF AFFIANT

M. LARGE 5421 W17 SC
 OFFICER EMP # CAR # AGENCY
 Nelson 5360 183 SC
 OFFICER EMP # CAR # AGENCY

I HEREBY AFFIX MY SIGNATURE WITH THE UNDERSTANDING THAT SUCH IS NOT A PLEA OF GUILTY, BUT TO CERTIFY THAT I RECEIVED A COPY OF THIS CITATION AND AGREE TO APPEAR AT THE INDICATED PLACES ON THE INDICATED DATES AND TIMES WITHOUT ISSUANCE OF A WARRANT AS PROVIDED BY TCA 40-7-118.

1. SHELBY COUNTY SHERIFFS OFFICE, JAIL ANNEX, R & I SECTION, 201 POPLAR AVENUE, MEMPHIS, TENNESSEE,
 ON THE 1 DAY OF June 2017 AT 10:00 AM / PM, THERE TO BE PROCESSED.

2. GENERAL SESSIONS COURT, DIV LOWER LEVEL - 81, CRIMINAL JUSTICE CENTER, 201 POPLAR AVENUE, MEMPHIS, TENNESSEE,
 ON THE 14 DAY OF June 2017 AT 8:00 AM / PM, FOR A HEARING ON THE INDICATED CHARGES.



M109515

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED BY THIS CITATION OR AT THE APPROPRIATE POLICE STATION FOR BOOKING AND PROCESSING WILL RESULT IN YOUR ARREST FOR A SEPARATE CRIMINAL OFFENSE WHICH IS PUNISHABLE BY A JAIL SENTENCE OF ELEVEN (11) MONTHS TWENTY-NINE (29) DAYS AND/OR A FINE OF UP TO TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500)

Shavita M. Harwell
 SIGNATURE OF DEFENDANT

Docket Number	Property Receipt Number	State Control Number

FORM 202 REV 2/11

[21 days, except holidays for processing]

[28 days, except holidays & weekends for court date]