



BEER BOARD MEETING MINUTES

TUESDAY, SEPTEMBER 1, 2015 - BARTLETT CITY HALL - 6:00 PM

CALL TO ORDER

Richard Davenport: Present, Lindsey Massey: Present, Cordell Battles: Present, Don Todd: Present, Deborah Williams: Present.

MINUTES APPROVAL

Minutes of the June 2, 2015 Beer Board Regular

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Deborah Williams
SECONDER:	Don Todd
AYES:	Davenport, Massey, Battles, Todd, Williams

BEER AGENDA ITEMS

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. Firebirds, 8470 Highway 64
First violation - May 8, 2015

Firebirds Representative Greg Carmichael stated the restaurant does not contest the allegation that one of its servers sold beer to a minor on May 8, 2015. Mr. Carmichael further stated that the server was experienced, and simply made a humor error. She checked the minor's identification, but sold anyway. She has been terminated.

Since the violation, the restaurant had a State Alcoholic Beverage Commission trainer do a class in-house, and had everyone tested afterwards.

Mr. Carmichael requested the fine as opposed to the permit suspension.

Mr. Todd moved to penalize Firebird's \$1,000.

City Attorney Ed McKenney and City Court Prosecutor David Lakin conferred on the wording of motions. Mr. McKenney recommended that if the Board wishes to give permit holders an option or the civil penalty that the motion be to suspend the permit with an option to pay the civil penalty within seven business days.

Mr. Todd rescinded his motion.

RESULT:	15-day suspension with option to pay \$1,000 civil penalty within 7 business days
MOVER:	Lindsey Massey
SECONDER:	Richard Davenport
AYES:	Davenport, Massey, Battles, Todd, Williams

2. H.P. Foodmart (Shell station), 6390 Highway 70
First violation - May 8, 2015

Chris Cole, attorney for H.P. Foodmart, said the permit holder does not contest that a cashier sold beer to a minor on May 8, 2015. He said the employee miskeyed the birthdate into the computer system; it was a typographical error. The employee was suspended several days. He wasn't fired because it was his first mistake. Mr. Cole requested the minimum penalty.

RESULT:	15-day suspension with option to pay \$1,000 civil penalty within 7 business days
MOVER:	Lindsey Massey
SECONDER:	Don Todd
AYES:	Davenport, Massey, Battles, Todd, Williams

3. Saito Restaurant, 6600 Stage Road #101
First violation - May 8, 2015

Saito Restaurant Representative Adran Nguyen said the restaurant does not contest that a server sold beer to a minor on May 8, 2015. He said the violation was committed by a bus boy training to be a server. He was not fired, but is only allowed to carry food to the tables now.

RESULT:	15-day suspension with option to pay \$1,000 civil penalty within 7 business days
MOVER:	Deborah Williams
SECONDER:	Cordell Battles
AYES:	Davenport, Massey, Battles, Todd, Williams

At the April 7, 2015 Beer Board meeting, the Board agreed upon the following guidelines for beer permit violators:

First offense: 15-day suspension or \$1,000 civil penalty

Second offense: 30-day suspension or \$2,500 civil penalty

Third offense: Revocation of permit for one year

*Offenses accumulated over the preceding three-year period.

Meeting adjourned at 6:18 PM



BEER BOARD MEETING MINUTES

TUESDAY, JUNE 2, 2015 - BARTLETT CITY HALL - 6:00 PM

CALL TO ORDER

Richard Davenport: Absent, Lindsey Massey: Present, Cordell Battles: Present, Don Todd: Present, Deborah Williams: Present.

MINUTES APPROVAL

Minutes of the April 7, 2015 Beer Board Regular

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Cordell Battles
SECONDER:	Lindsey Massey
AYES:	Massey, Battles, Todd, Williams

PUBLIC HEARINGS

- I. TN Management Group, LLC, has applied for an off-premises permit to sell beer at Exxon, located at 6861 Highway 70, Bartlett, TN 38133.

No one spoke in favor or in opposition.

Adjourned at 6:02 p.m.

NEW BUSINESS

- I. TN Management Group, LLC, has applied for an off-premises permit to sell beer at Exxon, located at 6861 Highway 70, Bartlett, TN 38133.

City Clerk Stefanie McGee noted that this location has passed the ordinance-required distance check and the applicant passed the background check.

Mr. Battles asked the applicant's representative if he had received the packet including City ordinances. The representative confirmed that he had received it.

Minutes Acceptance: Minutes of Jun 2, 2015 6:00 PM (Minutes Approval)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Todd
SECONDER:	Cordell Battles
AYES:	Lindsey Massey, Cordell Battles, Don Todd, Deborah Williams

ADJOURNMENT

Meeting adjourned at 6:03 PM

Minutes Acceptance: Minutes of Jun 2, 2015 6:00 PM (Minutes Approval)



Beer Board

SCHEDULED

BEER AGENDA ITEM (ID # 1592)

Meeting: 09/01/15 06:00 PM

Department: Beer Board

Category: Presentation

Prepared By: Stefanie McGee

Initiator: Stefanie McGee

Sponsors:

DOC ID: 1592

Firebirds, 8470 Highway 64

Underage operative's birthdate: December 11, 1996

Business: Firebirds of Memphis

Permit holder: Firebirds International located in Charlotte, North Carolina

Permit held since January 2008

Permit originally obtained in August 2003. Change of corporate address in 2008.

Defendant: Halle McGehee

Alcohol sold: One Coors light beer

Defendant's plea: guilty

First violation - May 8, 2015

RESULT:	COMBO 1ST OFFENSE [UNANIMOUS]
MOVER:	Lindsey Massey
SECONDER:	Richard Davenport
AYES:	Davenport, Massey, Battles, Todd, Williams

STATE OF TENNESSEE
COUNTY OF SHELBY
CITY OF BARTLETT

MISDEMEANOR CITATION IN LIEU OF
CONTINUED CUSTODY OF ARRESTED PERSON

1505080006

THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OATH DEPOSES AND SAYS:

ON THE 6th DAY OF May 20 15 AT 11:00 AM

NAME McGeehee Halle L 5⁰³ 110 Bro Blk F W 21

RESIDENCE Memphis TN RES. PH. [REDACTED]

BUS. ADDRESS 8470 Hwy 64 Bartlett TN BUS. PH. [REDACTED] OCCUP. [REDACTED] SS # [REDACTED]

DID COMMIT THE FOLLOWING OFFENSE, NAMELY: Sales to Minor - Prohibited

AT (LOCATION) 8470 Hwy 64 (Firebirds)

IN VIOLATION OF TCA: 57-5-301

AND HIS REASON FOR BELIEVING SAID OFFENSE WAS COMMITTED BY THE DEFENDANT IS AS FOLLOWS:

On 5/8/15 at approximately 11:00 hours the above named
defendant, Halle McGeehee, who is employed at Firebirds located at
8470 Hwy 64 did sell/serve a beer to an
underage individual.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 11th DAY OF May 2015

[Signature]
CLERK/JUDGE/NOTARY OFFICIAL

WB

SIGNATURE OF AFFIANT

[Signature] 459 D1 [0/2]

OFFICER I.D. # CAR # AGENCY

W. Berkmann 48436 615 [0/2]

OFFICER I.D. # 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. BARTLETT POLICE DEPARTMENT, R & I SECTION, 3736 APPLING ROAD, BARTLETT, TENNESSEE 38133 ON THE 12th DAY OF May 20 15 AT 1000 PM, THERE TO BE PROCESSED.

2. BARTLETT CITY COURT, 3736 APPLING ROAD, BARTLETT, TENNESSEE 38133, ON THE 17th DAY OF June 20 15 AT 2:00 PM FOR A HEARING ON THE INDICATED CHARGES.

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 UP TO SIX (6) MONTHS AND/OR A \$250 FINE.

Halle McGeehee

SIGNATURE OF DEFENDANT

DOCKET NUMBER #

PROPERTY RECEIPT #

Attachment: Firebirds beer 1 (1592 : Firebirds beer violation)

IN THE CITY COURT OF BARTLETT, SHELBY COUNTY, TENNESSEE

CITY OF BARTLETT
STATE OF TENNESSEE

Docket No.

15-5015

Date of Hearing

7-1-15

vs.

Charges

Sales to Minors Prohibited

Halle McGhee

Defendant

WAIVER OF RIGHTS, ENTRY OF PLEA

and

ELECTION TO SUBMIT TO THE JURISDICTION OF THE BARTLETT CITY COURT

I, the undersigned defendant, do hereby represent that I am fully advised of the charges placed against me and that one or more of these charges alleges a violation of Tennessee State Statutes constituting a misdemeanor(s) and as such I am entitled to a preliminary hearing, and if probable cause for arrest is shown, I would have a right to have my case presented for the consideration by the Shelby County Grand Jury, and if an indictment is returned, to trial before the Criminal Court of Shelby County, Tennessee before a Jury of my peers. I am advised in the alternative that I may waive these rights and proceed to trial or hearing upon the misdemeanor charge(s) before the Bartlett City Court sitting without a Jury.

I am also advised that the Bartlett City Court under its misdemeanor jurisdiction may sentence me to confinement in jail for up to 11 months and 29 days, if I submit to the Court's jurisdiction and am found guilty. I am further advised that a conviction upon these charges will establish a criminal record which may enhance the punishment for any subsequent offenses and that Tennessee State statutes establish certain mandatory enhanced penalties for specified subsequent offenses.

I am further advised that I am entitled to representation by counsel of my own choosing, or that in the event that I am indigent and by reason of my poverty am unable to employ counsel, that the Court will appoint counsel to represent me.

Having been fully advised and having been given the opportunity in open Court for clarification, I do hereby elect to waive preliminary hearing, presentment and consideration by the Shelby County Grand Jury and my right to a Jury Trial, and elect to submit to the jurisdiction of the Bartlett City Court.

Whereupon, the defendant did enter the following pleas to the specified charges.

Charges

Sales to Minor Prohibited

Plea

Not Guilty	Guilty
☐	☒
☐	☐
☐	☐

- I ☐ have obtained Court appointed counsel
☒ have retained counsel of my own choosing
☐ wish to waive my right to counsel

and wish to proceed before the Bartlett City Court this 1 day of July, 20 15

Defendant

[Signature]
 Attorney for the Defendant (if any)

Attachment: Firebirds beer 1 (1592 : Firebirds beer violation)



Beer Board

SCHEDULED

BEER AGENDA ITEM (ID # 1593)

Meeting: 09/01/15 06:00 PM

Department: Beer Board

Category: Presentation

Prepared By: Stefanie McGee

Initiator: Stefanie McGee

Sponsors:

DOC ID: 1593

H.P. Foodmart (Shell station), 6390 Highway 70

Underage operative's birthdate: November 12, 1994

Business: H.P. Foodmart

Permit holder: John Tong

Permit held since January 2010

Defendant: Juan Garcia

Alcohol sold: Six-pack of Heineken beer

Defendant's plea: guilty

First violation - May 8, 2015

RESULT:	COMBO 1ST OFFENSE [UNANIMOUS]
MOVER:	Lindsey Massey
SECONDER:	Don Todd
AYES:	Davenport, Massey, Battles, Todd, Williams

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STATE OF TENNESSEE
COUNTY OF SHELBY
CITY OF BARTLETT

MISDEMEANOR CITATION IN LIEU OF
CONTINUED CUSTODY OF ARRESTED PERSON

1505490006

THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OATH DEPOSES AND SAYS:

ON THE 18 DAY OF May 2015 AT 11:05 AM

NAME Garcia Juan | P | 5'6" | 130 | Blk | Bco | M | W | 90 | 24
LAST FIRST MI HT WT HR EYES SEX RACE DOB AGE
RESIDENCE CV | Memphis | TN | RES. PH. DL #
STREET CITY STATE
BUS. ADDRESS 6390 Hwy 70 | Bartlett | TN | BUS. PH. 901.372.2622 OCCUP. SS #

DID COMMIT THE FOLLOWING OFFENSE, NAMELY: Selling Tobacco to Minor; Selling Beer to Minor

AT (LOCATION) 6390 Hwy 70

IN VIOLATION OF TCA: 39-17-1504; 57-5-301

AND HIS REASON FOR BELIEVING SAID OFFENSE WAS COMMITTED BY THE DEFENDANT IS AS FOLLOWS:

On 5/8/15 at approximately 11:15 hrs the above named defendant, Juan Garcia,
who is employed at Shell gas station located at 6390 Hwy 70 did sell
Tobacco to an underage individual. While Affiant was progressing the defendant
he then sold a six pack of Heineken beer to another underage individual.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 11th DAY OF May 2015
Shirley Rios
CLERK/JUDICIAL OFFICIAL

J. Jambach
SIGNATURE OF AFFIANT
J. Jambach 2524 105 18 10
OFFICER ID # CAR # AGENCY
OFFICER ID # 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. BARTLETT POLICE DEPARTMENT, R & I SECTION, 2728 APPLING ROAD, BARTLETT, TENNESSEE 38133 ON THE 12th DAY OF May 2015 AT 1000 AM PM, THERE TO BE PROCESSED.
2. BARTLETT CITY COURT, 2728 APPLING ROAD, BARTLETT, TENNESSEE 38133, ON THE 17th DAY OF June 2015 AT 700 AM PM FOR A HEARING ON THE INDICATED CHARGES.

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 UP TO SIX (6) MONTHS AND/OR A \$250 FINE.

X Juan P Garcia
SIGNATURE OF DEFENDANT

DOCKET NUMBER #

PROPERTY RECEIPT #

IN THE CITY COURT OF BARTLETT, SHELBY COUNTY, TENNESSEE

CITY OF BARTLETT
STATE OF TENNESSEEDocket No. 15-SL38Date of Hearing 7-1-15

vs.

Charges sale of beer to minorJuan Garcia

Defendant

WAIVER OF RIGHTS, ENTRY OF PLEA

and

ELECTION TO SUBMIT TO THE JURISDICTION OF THE BARTLETT CITY COURT

I, the undersigned defendant, do hereby represent that I am fully advised of the charges placed against me and that one or more of these charges alleges a violation of Tennessee State Statutes constituting a misdemeanor(s) and as such I am entitled to a preliminary hearing, and if probable cause for arrest is shown, I would have a right to have my case presented for the consideration by the Shelby County Grand Jury, and if an indictment is returned, to trial before the Criminal Court of Shelby County, Tennessee before a Jury of my peers. I am advised in the alternative that I may waive these rights and proceed to trial or hearing upon the misdemeanor charge(s) before the Bartlett City Court sitting without a Jury.

I am also advised that the Bartlett City Court under its misdemeanor jurisdiction may sentence me to confinement in jail for up to 11 months and 29 days, if I submit to the Court's jurisdiction and am found guilty. I am further advised that a conviction upon these charges will establish a criminal record which may enhance the punishment for any subsequent offenses and that Tennessee State statutes establish certain mandatory enhanced penalties for specified subsequent offenses.

I am further advised that I am entitled to representation by counsel of my own choosing, or that in the event that I am indigent and by reason of my poverty am unable to employ counsel, that the Court will appoint counsel to represent me.

Having been fully advised and having been given the opportunity in open Court for clarification, I do hereby elect to waive preliminary hearing, presentment and consideration by the Shelby County Grand Jury and my right to a Jury Trial, and elect to submit to the jurisdiction of the Bartlett City Court.

Whereupon, the defendant did enter the following pleas to the specified charges.

Charges	Plea	
	Not Guilty	Guilty
<u>sale of beer to minor</u>	☐	☒
<u>sale of cigarettes to minor</u>	☐	☒

- I ☐ have obtained Court appointed counsel
☒ have retained counsel of my own choosing
☐ wish to waive my right to counsel

and wish to proceed before the Bartlett City Court this 1st day of July, 2015

Juan P Garcia
 Defendant

Charles F. Rye
 Attorney for the Defendant (if any) 020969
901-504-8600

Attachment: HP Foodmart beer 1 (1593 : H.P. Foodmart violation)



Beer Board

SCHEDULED

BEER AGENDA ITEM (ID # 1594)

Meeting: 09/01/15 06:00 PM

Department: Beer Board

Category: Presentation

Prepared By: Stefanie McGee

Initiator: Stefanie McGee

Sponsors:

DOC ID: 1594

Saito Restaurant, 6600 Stage Road #101

Underage operative's birthdate: November 12, 1994

Business: Saito Restaurant

Permit holder: Thinh Gia Nguyen

Permit held since April 1999

Defendant: Daniel Nguyen

Alcohol sold: Unidentified beer

Defendant's plea: guilty

First violation - May 8, 2015

RESULT: COMBO 1ST OFFENSE [UNANIMOUS]

MOVER: Deborah Williams

SECONDER: Cordell Battles

AYES: Davenport, Massey, Battles, Todd, Williams

STATE OF TENNESSEE
COUNTY OF SHELBY
CITY OF BARTLETT

MISDEMEANOR CITATION IN LIEU OF
CONTINUED CUSTODY OF ARRESTED PERSON

1525030026

THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OATH DEPOSES AND SAYS:

ON THE 22nd DAY OF May, 2015 AT 1210 AM

NAME Nguyen Daniel T 156 133 Dr R m A [REDACTED] 19
LAST FIRST MI HT WT HR EYES SEX RACE DOB AGE
RESIDENCE [REDACTED] 5 Memphis TN [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
OR STREET SUITE APT CITY STATE PHL DL #
BUS. ADDRESS 6600 Stage Rd Bartlett TN [REDACTED] 373-1957000 Secur [REDACTED] [REDACTED] [REDACTED]
STREET CITY STATE PH SS #

DID COMMIT THE FOLLOWING OFFENSE, NAMELY: Sell to minor Prohibited

AT LOCATION: 6600 Stage Rd, Saito

IN VIOLATION OF TCA: 57-5-301

AND HIS REASON FOR BELIEVING SAID OFFENSE WAS COMMITTED BY THE DEFENDANT IS AS FOLLOWS:

On 5-2-15 at approximately 1210 hours the above defendant
who is employed at Saito Rest. located at 6600 Stage Rd.
did sell/serve beer to an underage individual.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 11 DAY OF May, 2015

[Signature]
CLERK/MAGISTRATE/OFFICIAL

[Signature]
SIGNATURE OF AFFIANT
J. Hobbs 400 D6 B P/D
OFFICER ID# CAR # AGENCY
[Signature] [Signature] [Signature] [Signature]
OFFICER ID# 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 40-7-116.

1. BARTLETT POLICE DEPARTMENT, R & I SECTION, 3720 APPLING ROAD, BARTLETT, TENNESSEE 38133 ON THE 12th DAY OF May 2015 AT 10:00 PM, THERE TO BE PROCESSED.
2. BARTLETT CITY COURT, 3720 APPLING ROAD, BARTLETT, TENNESSEE 38133, ON THE 17th DAY OF June 2015 AT 7:00 PM FOR A HEARING ON THE INDICATED CHARGES. 325-5320, 325-5335 (Court Clerk)

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 UP TO SIX (6) MONTHS AND/OR A \$250 FINE.

DOCKET NUMBER #

PROPERTY RECEIPT #

[Signature]
SIGNATURE OF DEFENDANT

Attachment: Saito beer 1 (1594 : Saito beer violation)

IN THE CITY COURT OF BARTLETT, SHELBY COUNTY, TENNESSEE

CITY OF BARTLETT
STATE OF TENNESSEEDocket No. 1505080006Date of Hearing 29 July 2015

vs.

Charges ViolationDaniel Nguyen

Defendant

TCH 57-5-301sale of alcohol to minor**WAIVER OF RIGHTS, ENTRY OF PLEA
and****ELECTION TO SUBMIT TO THE JURISDICTION OF THE BARTLETT CITY COURT**

I, the undersigned defendant, do hereby represent that I am fully advised of the charges placed against me and that one or more of these charges alleges a violation of Tennessee State Statutes constituting a misdemeanor(s) and as such I am entitled to a preliminary hearing, and if probable cause for arrest is shown, I would have a right to have my case presented for the consideration by the Shelby County Grand Jury, and if an indictment is returned, to trial before the Criminal Court of Shelby County, Tennessee before a Jury of my peers. I am advised in the alternative that I may waive these rights and proceed to trial or hearing upon the misdemeanor charge(s) before the Bartlett City Court sitting without a Jury.

I am also advised that the Bartlett City Court under its misdemeanor jurisdiction may sentence me to confinement in jail for up to 11 months and 29 days, if I submit to the Court's jurisdiction and am found guilty. I am further advised that a conviction upon these charges will establish a criminal record which may enhance the punishment for any subsequent offenses and that Tennessee State statutes establish certain mandatory enhanced penalties for specified subsequent offenses.

I am further advised that I am entitled to representation by counsel of my own choosing, or that in the event that I am indigent and by reason of my poverty am unable to employ counsel, that the Court will appoint counsel to represent me.

Having been fully advised and having been given the opportunity in open Court for clarification, I do hereby elect to waive preliminary hearing, presentment and consideration by the Shelby County Grand Jury and my right to a Jury Trial, and elect to submit to the jurisdiction of the Bartlett City Court.

Whereupon, the defendant did enter the following pleas to the specified charges.

Charges	Plea	
	Not Guilty	Guilty
<u>sale of alcohol to minor</u>	☐	☒
_____	☐	☐
_____	☐	☐

- ☐ I have obtained Court appointed counsel
☒ I have retained counsel of my own choosing
☐ I wish to waive my right to counsel

and wish to proceed before the Bartlett City Court this 29 day of July, 2015

[Signature]
Attorney for the Defendant (if any)

[Signature]
Defendant

Attachment: Saito beer 1 (1594 : Saito beer violation)