City of Bartlett

A. Keith McDonald, Mayor

BEER BOARD MEETING MINUTES

TUESDAY, AUGUST 3, 2021 - BARTLETT CITY HALL - 6:00 PM

ATTENDANCE

Cordell Battles: Present, Deborah Williams: Present, Ryan Smith: Absent, Anna Brown: Present, C.E. Zobell: Present.

MINUTES APPROVAL

Minutes of the July 6, 2021 Beer Board Regular Meeting

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Cordell Battles
SECONDER:	C.E. Zobell
AYES:	Battles, Williams, Brown, Zobell

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.

1. Abuelo's Mexican Restaurant, 8274 Highway 64
   First violation - June 9, 2015
   Beer Board gave 15-day suspension

   Second violation - June 11, 2019*
   Third violation - November 20, 2019*
   Fourth violation - May 5, 2021*

At 6:15 p.m., representatives from Abuelo's Mexican Restaurant were not in attendance.
Assistant City Prosecutor, Phillip Walker, called Tennessee Alcohol and Beverage Commission Agent, Jermon Ector, to the stand. City Attorney, Ed McKenney swore Agent Ector. Agent Ector swore to observing Danyiel Latrice Brown serve a Bud Light to an underage operative without ID verification on June 11, 2019 at Abuelo's Mexican Restaurant located at 8274 Highway 64.
Abuelo's representatives, John Ware and Terry Cleeland, arrived at the hearing. Mr. Walker questioned Mr. Ware regarding the sale of beer to minors on June 11, 2019, November 20, 2019, and May 5, 2021. Mr. Ware admitted that the violations in question had occurred.
Mr. Cleeland advised the Board of policies put in place since the first violation. Those practices

included requirements that all patrons be carded, ABC program attendance, and their own training program. He expressed to the Board that Abuelo's takes selling beer to minors seriously. Mr. Ware explained that Abuelo's cards all, and it doesn't matter if they appear over the age of 30. He stated that often patrons get upset and leave when they refuse service if they do not have their ID. He stated while that was unfortunate, no one is immune from the law and they are appreciative that there are laws in place. He stated that managers do due diligence, but their jobs are increasingly difficult when they have to tell couples who are clearly of age, yet left their wallets at home, they have to refuse service. He said they may lose a sale that day or may lose it for a lifetime. Mr. Ware stated that Abuelo's was not a place to get drunk. It is nice restaurant that has a bar and the majority of sales are margaritas. He gave Abuelo's closing time and the average daily beer sales per person and stated that Abuelo's was not a cheap place to drink.

Mr. Kenney stated for the record that before Abuelo's representatives were in attendance, an officer testified regarding the facts of the June 11, 2019 violation. He stated that the other agents were present and prepared to testify to the facts of the November 20, 2019 and May 5, 2021 violations. Mr. Cleeland confirmed there was no need for their testimonies that the June 11, 2019 violation was the wakeup call. He stated that the server who sold on November 20, 2019 had only been with them for about six weeks and when asked why she sold, she stated she just didn't care. She was terminated. He said the Tennessee Alcohol Beverage Commission agents were doing their job and were professional.

Mr. Battles said he understood that things happened, but according to the Beer Board policy, a one year suspension is required.

Mr. Cleeland asked for means of appeal.

Mr. McKenney explained Abuelo's would receive a letter from the City of the suspension period and within 60 days, they could file an appeal in Court.

Mr. Cleeland stated that pre-pandemic, their company had 40 stores and were down to 30. They have taken their 30 day suspension from TABC. Servers have lost as much as $250.00 a week in pay. They are closed on Mondays and Tuesdays due to lack of staff. He is unsure that the store can sustain with lack of sale volume.

Ms. Williams stated that it does bother the Board, but this is the third offense and those were the penalties.

RESULT:	**REVOCATION [UNANIMOUS]**
MOVER:	Cordell Battles
SECONDER:	Deborah Williams
AYES:	Cordell Battles, Deborah Williams, Anna Brown, C.E. Zobell

2. Los Cabos Mexican Bar & Grill, 6600 Stage Road, Suite 106
First violation - June 11, 2019*

City Attorney Rhea Clift questioned the owner, Mr. Alfonzo Hernandez, of Los Cabos Mexican Bar and Grill located at 6600 Stage Road, Suite 106. Mr. Hernandez admitted that a violation had occurred on June 11, 2019 and a server had sold a Bud Light to an underage operative.

Mr. Hernandez informed the Beer Board that he had sent servers to training and all IDs are checked.

Ms. Clift asked Mr. Hernandez if the Board were to offer a $1000 fine in lieu of a 15 day suspension if he would agree to pay the fine. Mr. Hernandez stated he would.
City Attorney Ed McKenney stated that the decision of penalty between a fine or suspension is the Beer Board's.
Chair Deborah Williams asked for clarification of policy and procedures put in place to prevent this from recurring. Mr. Hernandez stated servers are required to take training from the Alcohol Beverage Commission and obtain licensing.
Ms. Clift confirmed that Mr. Hernandez was not contesting the violation.
Ms. Williams stressed that the Beer Board takes selling to minors seriously and did not hear another violation from them.

RESULT:	**$1,000 CIVIL PENALTY [UNANIMOUS]**
MOVER:	C.E. Zobell
SECONDER:	Cordell Battles
AYES:	Cordell Battles, Deborah Williams, Anna Brown, C.E. Zobell

ADJOURNMENT

Meeting adjourned at 6:37 PM