



City of Bartlett
A. Keith McDonald, Mayor

BEER BOARD MEETING AGENDA

TUESDAY, MAY 3, 2016 - COUNCIL CHAMBER - 6:00 PM

MINUTES APPROVAL

Minutes of the April 5, 2016 Beer Board Regular

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 Baby Jack's BBQ, 7610 Highway 70 (Stefanie McGee, City Clerk)

First violation - April 2, 2013

Beer Board gave 15-day suspension during May 14, 2013 meeting

Second violation - May 8, 2015

2 Tugwell Oil, 8374 Old Brownsville Road (Stefanie McGee, City Clerk)

First violation - May 8, 2015

ADJOURNMENT

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.



BEER BOARD MEETING MINUTES

TUESDAY, APRIL 5, 2016 - 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 March 1, 2016 Beer Board Regular

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Deborah Williams
SECONDER:	Lindsey Massey
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. Abuelo's, 8274 Highway 64

First violation - June 9, 2015*

No representative from Abuelo's was present for the Beer Board hearing.

Shelby County Sheriff's Deputy Christopher Pierce performed the sting operation at Abuelo's on June 9, 2015, and was present to address the Board. Officer Pierce has served on the department for 19 years.

City Prosecutor David Lakin asked Officer Pierce if all statutory guidelines, such as photographing the underage operative and his identification prior to the sting, were met. Officer Pierce confirmed that all statutory guidelines were complied with, and the operative was under his observation at all times.

Officer Pierce related the narrative for the June 9 beer sting to the Board:

He and the underage operative sat down at the Abuelo's bar. Officer Pierce ordered water; the underage operative ordered a 12-ounce Heineken beer. The server, Rebecca Henderson, checked the underage operative's ID, which was his real ID stating he was 19 years old. She then sold the beer to the minor. Officer Pierce noted that once the operative lays hands on the drink, he identifies himself as law enforcement and calls the manager over to inform him of the incident.

Minutes Acceptance: Minutes of Apr 5, 2016 6:00 PM (Minutes Approval)

Mr. Davenport reiterated that there can be no miscalculation of an individual's age because minors' IDs say "Under 21" on the ID photo.

Mr. Lakin noted that proper notice was given to Abuelo's regarding the charges and the time and place of the Beer Board hearing.

Mr. Davenport said he was intending to suggest a 1,000 civil penalty since this was Abuelo's first violation, but since no one attended the hearing; he would like to impose a 15-day suspension.

RESULT:	15-DAY SUSPENSION [4 TO 1]
MOVER:	Richard Davenport
SECONDER:	Deborah Williams
AYES:	Richard Davenport, Lindsey Massey, Cordell Battles, Deborah Williams
NAYS:	Don Todd

2. Circle K/Shell Station, 8140 Highway 64

First violation - October 26, 2012

Second violation - April 9, 2015*

Mr. Lakin stated that both Circle K locations on the agenda have the same permit holder and same owner.

Prior to the meeting, representatives from the Circle K/Shell Station, 8140 Highway 64, signed a waiver stating they do not contest the facts of the violation that occurred April 9, 2015 during a Shelby County Sheriff's Department beer sting.

Mr. Lakin stated that the underage operative was 19 years old. The clerk, Cheryl Mason, checked the operative's ID, and then sold one Bud Light Mango to the minor.

David Stephens, district manager over both the Circle K stores at 8140 Highway 64 and 8110 Highway 64, and Ben Fox, an attorney for Circle K, were present to address the violations.

Mr. Davenport read the previous violations from the March 14, 2013 Beer Board meeting minutes for the 8110 Highway 64 location, and asked what the corporation has done to cease selling beer to minors.

The violations listed for the 8110 Highway 64 location in the March 14, 2013 minutes are:

July 28, 2006

November 30, 2006

October 26, 2012

Mr. Lakin stated that he believes the Beer Board should hear and discuss the facts of each location's violations separately.

Mr. Fox said that the employees that committed the violations at both the 8140 and 8110 Highway 64 stores were terminated immediately after making the sale. He explained that Circle K conducts beer sales training when employees are hired and then additional training throughout the individual's employment. The business has purchased ID scanners, and has begun withholding managers' bonuses if one of their stores fails a beer sting. Additionally, employees must sign a document daily stating they will not sell to minors.

Mr. Stephens added that managers talk about the issue every day with employees, and every three months employees go through retraining.

Mrs. Williams asked what the punishment is for an employee who fails an in-house sting. Mr. Stephens explained that the punishment is a seven-day suspension and retraining. If the employee fails two in-house stings, he/she is terminated. He added that the company is in the process of installing registers that require additional steps when purchasing beer. Mrs. Williams asked why managers don't frequent the stores during prom season, and other high traffic times for minors. Mr. Stephens said they do, but sometimes the employees till sell. Ms. Massey said that the Board's concern is the children, specifically referencing the three rows of high school students in attendance at the meeting. She said whatever you are doing isn't working. Mr. Davenport added that there are businesses in Bartlett that don't sell to minors, so there must be a right way to do it.

Mr. Davenport stated his concern with one permit holder committing three violations within a three-year period. Mr. Lakin noted that while it is the same permit holder, the violations occurred at different locations. He added that as long as the Board states on the record the reasons for its decision that would be sufficient.

Mr. Todd asked if the Board needed to vote on each location separately. Mr. McKenney stated that the Board has the choice to combine or separate the stores' violations.

Mr. Davenport asked Mr. Stephens how much each store earns each month in alcohol sales. Mr. Stephens answered typically between \$35,000 and \$40,000.

Mr. Lakin pointed out that a different clerk sold at each store during the Shelby County Sheriff's beer sting. He suggested the Board question Circle K's management structure.

Mr. Stephens said there are different managers for the 8110 and 8140 Highway 64 stores; the manager for the 8110 store has worked there for two years. Mr. Stephens is the district manager for both stores.

Mr. McKenney confirmed that each store has a separate permit, but Circle K is the permit holder for both.

Mr. Battles moved to vote on each store separately.

Mr. Todd seconded the motion.

Roll call vote: All Board members voted yes. The motion was carried.

RESULT:	30-DAY SUSPENSION [UNANIMOUS]
MOVER:	Richard Davenport
SECONDER:	Deborah Williams
AYES:	Davenport, Massey, Battles, Todd, Williams

3. **Circle K/BP Station, 8110 Highway 64**

First violation - October 26, 2012

Second violation - April 9, 2015*

Mr. Lakin reiterated that the representatives from the Circle K store at 8110 Highway 64 have signed a waiver stating they do not dispute the facts of the violation on April 9, 2015.

The employee checked the underage operative's ID; then sold a 25-ounce can of Bud Light Lime to the minor.

Minutes Acceptance: Minutes of Apr 5, 2016 6:00 PM (Minutes Approval)

This is the store's second violation within a three-year period. The first occurred October 26, 2012 during at Bartlett Police beer sting.

Ms. Massey asked Mr. Stephens how long he had served as district manager of these two stores. Mr. Stephens said he has been district manager since June 2010. Mr. Davenport asked how many stores Mr. Stephens oversees. Mr. Stephens oversees six in Memphis, and several in Nashville, Jackson, Tenn., and Huntsville, Ala.

Mr. Davenport asked if the 8110 Highway 64 store has had another violation since the April 2015 violation. Mr. Stephens was not aware of any more violations. City Clerk Stefanie McGee reported that the Shelby County Sheriff's Office had performed another sting recently, and a violation had occurred March 16, 2016.

Mr. Davenport said since this store has had two violations in the last three years with another one pending from three weeks ago, plus two from 2006, he would like to revoke the permit for one year.

Ms. McGee noted that the March 16 violation that just occurred under the Shelby County Sheriff's Office sting is more than three years from the October 2012 violation. So there are not three violations within three years at that store.

Mr. Davenport stated with the previous history of this store, and Mr. McKenney's explanation from the March 2013 Beer Board minutes that, "Additionally, if the same permit holder sold to minors at multiple locations, the Beer Board could consider harsher penalties in those instances." He would like to impose a revocation of the permit for one year.

RESULT:	REVOCATION FOR ONE YEAR [4 TO 1]
MOVER:	Richard Davenport
SECONDER:	Cordell Battles
AYES:	Richard Davenport, Lindsey Massey, Cordell Battles, Deborah Williams
NAYS:	Don Todd

ADJOURNMENT

Meeting adjourned at 6:54 PM

Richard Davenport, Chairman

Stefanie McGee, City Clerk

Minutes Acceptance: Minutes of Apr 5, 2016 6:00 PM (Minutes Approval)

**Beer Board****SCHEDULED****BEER AGENDA ITEM (ID # 1778)**

Meeting: 05/03/16 06:00 PM

Department: Beer Board

Category: Presentation

Prepared By: Stefanie McGee

Initiator: Stefanie McGee

Sponsors:

DOC ID: 1778

Baby Jack's BBQ, 7610 Highway 70

Underage operative's birthdate: December 11, 1996

Underage operative's age during sting: 18 years old

Business: Baby Jack's BBQ

Permit holder: Will Clem, 12251 Grand Ridge Ln Arlington, TN 38002

Permit held since January 2013

Employee who allegedly sold to a minor: Carl Carnahan

Carnahan's age at time of sting: 55 years old

Alcohol sold: Coors Light beer

Defendant's plea: unknown

First violation - April 2, 2013

Beer Board gave 15-day suspension during May 14, 2013 meeting

Second violation - May 8, 2015

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 8th DAY OF May 20 15 AT 1230 AM

NAME Carnahan | Carl | J | [REDACTED] | 01 | Haz | M | W | [REDACTED]
LAST FIRST MI HT WT HR EYES SEX RACE DOB AGE
RESIDENCE [REDACTED] | [REDACTED] | Bartlett | TN | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED]
DNR STREET BDR APT CITY STATE RES. PH DL #
BUS. ADDRESS 7610 | Summer | Bartlett | TN | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED]
STREET CITY STATE BUS. PH OCCUP. SS #

DID COMMIT THE FOLLOWING OFFENSE, NAMELY: Sales to a minor Prohibited- Beer

AT (LOCATION) 7610 Hwy 70 (Summer Ave) BABY JACK'S

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 1230 hours the above named defendant,
Carl Carnahan, who is employed at Baby Jack's (7610 Hwy 70)
did sell/serve a Coors Light Beer to an underage individual.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 11th DAY OF May 2015
[Signature]
CLERK/MAGISTRATE/OFFICIAL

[Signature]
SIGNATURE OF AFFIANT
J. Stevens | 459 | 01 | [REDACTED]
OFFICER IBM # CAR # AGENCY
W. Biehn | 436 | 615 | [REDACTED]
OFFICER IBM # 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.

BARTLETT POLICE DEPARTMENT, R & I SECTION, 3730 APPLING ROAD, BARTLETT, TENNESSEE 38133 ON THE 19th DAY OF May
20 15 AT 1000 AM, THERE TO BE PROCESSED.

BARTLETT CITY COURT, 3730 APPLING ROAD, BARTLETT, TENNESSEE 38133, ON THE 17th DAY OF June 20 15 AT 0700 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.

[Signature]
SIGNATURE OF DEFENDANT

DOCKET NUMBER #

PROPERTY RECEIPT #

**Beer Board****SCHEDULED****BEER AGENDA ITEM (ID # 1779)**

Meeting: 05/03/16 06:00 PM

Department: Beer Board

Category: Report

Prepared By: Stefanie McGee

Initiator: Stefanie McGee

Sponsors:

DOC ID: 1779

Tugwell Oil, 8374 Old Brownsville Road

Underage operative's birthdate: December 11, 1996

Underage operative's age during sting: 18 years old

Business: Tugwell Oil

Permit holder: James W. Tugwell III, Tugwell Oil Co Inc. 8374 Old Brownsville Road, Brunswick, TN 38014

Permit held since June 2007

Employee who allegedly sold to a minor: Jill Briggs

Carnahan's age at time of sting: 55 years old

Alcohol sold: A six-pack of Coors Light beer

Defendant's plea: unknown

First violation - May 8, 2015

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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 8th DAY OF May 2015 AT 2006 AM

NAME Briggs | Jill | A | Brd | Brd | F | W |
RESIDENCE | | | Arlington | TN | | | | |
BUS. ADDRESS 8374 | Old Townsville | Bartlett | TN | | | | | |
STREET CITY STATE

DID COMMIT THE FOLLOWING OFFENSE, NAMELY: Sales to a minor Prohibited- Beer

AT (LOCATION) 8374 Old Townsville - Exxon

IN VIOLATION OF TCA: 39-5-301

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

On 5/8/15 at 2006 hours the above named defendant,
Jill Ann Briggs, who is employed at Exxon (8374 Old Townsville),
did sell/serve a 6 pack of Coors Light Beer to an under
age individual.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 11th DAY OF May 2015
Dyasha Jones
CLERK/MAGISTRATE/OFFICIAL

WB
SIGNATURE OF AFFIANT
B Stevens | 459 | 01 | 10/2
OFFICER IBM # CAR # AGENCY
W Jester | 436 | 615 | 10/2
OFFICER IBM # 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.

KJB BARTLETT POLICE DEPARTMENT, R & I SECTION, 3730 APPLING ROAD, BARTLETT, TENNESSEE 38133 ON THE 12th DAY OF May
15 AT 1000 PM, THERE TO BE PROCESSED.
KJB BARTLETT CITY COURT, 3730 APPLING ROAD, BARTLETT, TENNESSEE 38133, ON THE 17th DAY OF June 2015 AT 700 AM
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.

DOCKET NUMBER #

PROPERTY RECEIPT #

[Signature]
SIGNATURE OF DEFENDANT

Attachment: Tugwell misdemeanor citation May 2015 (1779 : Tugwell Oil)