

CITY OF BRISTOL TENNESSEE

MINUTES OF THE BEER BOARD MEETING

HELD MARCH 8, 2017

BOARD MEMBERS PRESENT

Mr. Craig Kistner - Chairman
Mr. Mike Ketron - Vice Chairman
Mr. Vince Turner
Mr. Spike Tickle

CITY EMPLOYEES PRESENT

Chief Blaine Wade
Capt. Glenn James
Lt. Brad Tate
Inv. Micah Doty
Ms. Danielle Kiser
Ms. Robin Stedman

Call to Order - At approximately 5:00 pm on March 8, 2017, Mr. Kistner, Chairman of the Beer Board for the City of Bristol, Tennessee, called the meeting to order in the Conference Room of the Ewell L. Easley Municipal Bldg., located at 104 Eighth St., Bristol, Tennessee.

Review of Minutes - Board Members reviewed the minutes from the February 15, 2017 meeting, the minutes were approved as read.

NEW BUSINESS

All American Campground, 251 White Top Rd., Bristol, TN - Mr. A. D. Jones, Attorney, representing Ms. Shirley Carrier, Owner, appeared before the Board to request a renewal of an existing Temporary Permit. Capt. James advised the Application is in order, background checks good, there are no complaints concerning this location on file, and a site map was submitted. Mr. Tickle asked who will be selling at this location, Mr. Jones advised it will be the same person they always use who is a qualified vendor. Mr. Kistner called for questions/comments from the public, there being none he called for a motion. Mr. Turner made a motion to approve, seconded by Mr. Ketron. There being no further discussion Mr. Kistner called for a vote, the motion was approved by unanimous vote.

Scotchman #3402, 2910 W. State St., Bristol, TN - Mr. Steve Brundage, Regional Operations Mgr., Ms. Sheryl Gillis, District Mgr., and Ms. Jennifer Dishner, Store Mgr., appeared before the Board on a Violation of selling alcohol to an underage Confidential Informant (CI). Capt. James advised the violation occurred on January 20, 2017. Mr. Kistner called Inv. Doty to brief the Board on the events of that case. Inv. Doty advised the CI's DOB is July 17, 1998, making him 18 years old, his ID (TN Drivers License) is marked with a red stripe and shows he is under 21, and he passed out a copy of the ID. He related the CI entered the business, got a drink out of the cooler and went to the counter to pay for it, the cashier checked his ID, entered a date in the computer and completed the sale. Inv. Doty stated he then identified himself to the cashier and asked to see the receipt, it showed a DOB of December 30, 1989 had been entered in the computer to allow the sale to go through, so it was not simply a case of entering the correct day and month and wrong year. Mr. Kistner asked if it was the cashier's

birthday, Inv. Doty said no. Mr. Kistner asked him to explain exactly what happened again, Inv. Doty related the CI put the drink on the counter and the cashier swiped it, the computer showed a DOB was required to complete the sale so she asked for his ID, she looked at it and entered the incorrect date. Mr. Kistner asked Ms. Gillis if she had any questions for Inv. Doty, she did not. He asked if she had anything to say about the incident, she related she did go back and review the video of the transaction and it was as Inv. Doty described, the cashier did ask for the ID, the CI showed it to her and she accidentally got the last two numbers backwards was what the cashier claimed. Mr. Kistner related that he would believe that if the correct month and day were entered, but the whole date was wrong, indicating it was deliberate. Mr. Brundage advised the cashier has been with them 2 years and has passed many sting operations, however, they take this very seriously and terminated her employment. He advised that managers routinely review tapes of transactions and have caught employees doing the same thing, the first time it's documented and if it happens again they are let go. Mr. Tickle asked if the red stripe on the ID helps, Mr. Brundage said it does. Mr. Kistner asked if the ID was scanned, Ms. Gillis said they do not have a scanner and Mr. Brundage advised they are in the process of converting all stores to a scanner system. Ms. Gillis said they do put their employees through extensive training before allowing them to run the cash register, and this employee had been through it and passed stings in the past, both in house and by the police. Mr. Kistner asked if they had any documentation that they are a Certified Vendor, Mr. Brundage said they are but did not bring the documentation with them to this meeting. Mr. Kistner called for any further questions, there being one he briefly explained the Board's history of penalty's on a first violation. Mr. Turner made a motion for a 10 day Suspension with the option of a \$1500 Civil Penalty, seconded by Mr. Tickle. There being no further discussion Mr. Kistner called for a vote, the motion was approved by unanimous vote. While waiting for Capt. James to finish paperwork Mr. Turner asked if, once the scanners are installed, the cashier can override the register. Mr. Brundage said no, the beverage must be scanned first and then the ID. If the ID shows the customer is under 21 it stops the sale. Lt. Tate also advised that TN Dept. of Safety is considering changing the underage Drivers License/ID to a vertical design, versus the horizontal design they now use for everyone, making it even easier to immediately identify an underage customer.

Carl's Food and Beverage Store, 410 Hazelwood St., Bristol, TN - Mr. Don Tuck and Ms. Karen Tuck, Owners, appeared before the Board on a Violation of selling alcohol to an underage CI. Capt. James advised the Violation occurred on January 20, 2017, with the same CI. Inv. Doty advised the CI entered the store, got a drink from the cooler and went to the counter, the clerk asked for ID and keyed in the date July 17, 1988, which Inv. Doty says he believes was actually a mistake. After the sale was completed he identified himself to the clerk and issued a citation. Mr. Turner asked if he saw the clerk look at the ID, he related he was not close enough to see, he stayed on the other side of the store. Mr. Kistner asked what the CI purchased, Inv. Doty advised it was a Hard Cherry Cola, 5.5% alcohol by volume. Mr. Kistner asked if she keyed the date in or if they had a scanner, he stated it was keyed in, he did not see a scanner, and it was the same ID that he passed out earlier. Mr. Kistner called on Mr. and Ms. Tuck, Mr. Tuck apologized for the violation that brought them before the Board and stated Inv. Doty's description of events is accurate. He related they try very hard to make sure this does

not happen, but unfortunately recent stings would not support that. Mr. Tuck said he believes the clerk did make an honest mistake when she entered the date. In the past failures the clerk on duty has entered the wrong date on the ID and overlooked the red stripe. He advised they are not a destination store for underage customers, that their usual customers are older regulars. Ms. Tuck advised they are a mom and pop store and they work hard to keep everything in order, and good employees are hard to find when you pay minimum wage. She related they just ordered a scanner because they realize they have to take steps to stop this from happening, and new policy requires everyone to have their ID scanned before purchasing alcohol. Mr. Tickle asked if the scanner will be connected to the register, she said it will not but will set next to it. Mr. Tuck said they will require the ID be scanned and the DOB be entered in the register, this will add a second line of defense. Ms. Tuck advised the clerk made the mistake of talking to another customer instead of focusing on the customer she was serving. The scanner they've ordered is fast, accurate, and covers ID's from every state and Canada, and detects fake ID's. She doesn't know why the clerks are overlooking the red stripe on the ID, they have a copy of one right on the register to remind them to look. Mr. Tuck also advised that for some reason the clerks seem to have the most trouble with the year 1998, entering 1989 or 1988. Ms. Tuck advised they did not fire the clerk, she has been an exceptional employee and they want to give her another chance since they believe it was completely a mistake. Mr. Tuck asked if it would be possible to consider the money spent on the scanner towards any civil penalty assessed against them. Mr. Tickle asked if they are a Certified Vendor, they are not. Mr. Kistner observed that in the past five years this is their third violation, and that is unacceptable. He gave a history of penalties issued for a third violation and called for a motion. Mr. Tickle asked about lowering the civil penalty to cover for the scanner, Mr. Kistner advised the Board has been asked before and would not lower the penalty to subsidize the purchase of equipment in the past, they did not want to set a precedent for such requests. Mr. Ketron made a motion for a 30 day Suspension, with the option of a \$2500 Civil Penalty, there was no second. Mr. Tickle made a motion for a 30 day Suspension with the option of a \$1500 Civil Penalty. Mr. Turner asked Mr. Tickle if he would be willing to amend his motion. Mr. Ketron pointed out it is their third violation, and Mr. Kistner advised they were given a break on the second violation last year. Mr. Tickle advised he will amend his motion to 30 days with the option of a \$2000 Civil Penalty, Mr. Turner seconded the amended motion. There being no further discussion Mr. Kistner called for a vote, Mr. Kistner - No, Mr. Ketron - No, Mr. Turner -Yes, Mr. Tickle - Yes. Mr. Kistner advised these are good people, but if the Board reduces the civil penalty to allow them to buy equipment then other businesses will expect the same treatment, and he does not want to set a precedent. Mr. Turner made a motion for a 30 day Suspension, with the option of a \$2500 Civil Penalty, seconded by Mr. Tickle. There being no further discussion Mr. Kistner called for a vote. The motion was approved by unanimous vote.

PENDING

Capt. James requested a meeting be scheduled for April 12, 2017 to prevent holding it during race week. He advised he has four Applications pending. Mr. Turner asked if they are new Applications, Capt. James advised they are due to a corporate takeover, so new ownership will need to be listed on the Permits, however, the stores, managers,

and employees will remain the same. Mr. Turner stated hopefully the City Council will have selected a new Board Member. Mr. Kistner advised if it is not possible to have a quorum on that date, he will try to everything possible to get the meeting in before race week.

There being no further business to conduct the meeting was adjourned.