

CITY OF BRISTOL, TENNESSEE
MINUTES OF THE BEER BOARD MEETING
HELD MAY 18, 2016

BOARD MEMBERS PRESENT

Mr. Craig Kistner – Chairman
Mr. Walt Vernon
Mr. Vince Turner

CITY EMPLOYEES PRESENT

Chief Blaine Wade
Capt. Glenn James
Inv. Mike Carlson
Ms. Danielle Kiser
Ms. Robin Stedman

Call to Order – At approximately 5:00 pm on May 18, 2016, 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 of the April 6, 2016 meeting, the minutes were approved as read.

NEW BUSINESS

Johnny Brusco’s Pizza, 529 Pinnacle Pkwy., Bristol, TN – Mr. Shauki Adel Richani appeared before the Board to request a Temporary On-Premises Permit. Mr. Kistner asked if there have been any problems/violations with this business, Capt. James advised none noted by the Bristol TN Police Dept. Mr. Kistner called for comments/questions from the public, there being none he called for a motion. Mr. Turner made a Motion to approve the Application, seconded by Mr. Vernon. There being no further discussion Mr. Kistner called for a vote. The Motion was approved by unanimous vote.

Uncle Buck’s Fishbowl & Grill, 529 Pinnacle Pkwy., Bristol, TN – Mr. Josh W. Miller, Representative, appeared before the Board to request a Temporary On-Premises permit. Mr. Kistner asked if there have been any problems/violations with this business, Capt. James advised none noted by the Bristol TN Police Dept., but two or three by the Tennessee ABC, however, none of these resulted in revocation or suspension of their ABC Permit. Mr. Kistner called for comments/questions from the public, there being none he called for a motion. Mr. Turner made a Motion to approve the Application, seconded by Mr. Turner. There being no further discussion Mr. Kistner called for a vote. The Motion was approved by unanimous vote.

Hassan Brothers d/b/a Plaza Exxon, 1385 Volunteer Pkwy., Bristol, TN – Mr. Jamaj UL Hassan, Owner, appeared before the Board for the violation of selling alcohol to an underage Confidential Informant (CI) during an Alcohol Enforcement Check conducted by the Bristol TN Police Street Crimes Unit (SCU). Mr. Kistner asked Mr. Hassan if he understands the charge, Mr. Hassan replied he does. Mr. Kistner called Inv. Carlson, BTPD/SCU to brief the Board on the violation. Inv. Carlson related on March 30, 2016, the SCU conducted an Alcohol Enforcement Operation using a CI with a DOB of March 5, 1996, making her under 21 years of age. The CI was instructed to use her legally issued Tennessee Drivers License, and to tell the

truth if asked her age. He and the CI entered the business where she got a Budweiser beverage out of the cooler, she approached the cashier who did not check her ID and sold her the beverage. He then identified himself to the cashier and issued a State Citation. Mr. Kistner asked to see a copy of the CI's ID, Inv. Carlson passed out a copy of the CI's valid Tennessee Drivers License, the license has "Under 21 until March 5, 2017" printed in red on the side. Capt. James advised this is the first violation for this business, their Permit was issued October 2015. Mr. Turner asked if the cash register requires a DOB be entered before the sale can be made, Mr. Hassan says it does, and that the cashier entered his own DOB to speed things up since they were busy. Mr. Kistner explained the Board's history of penalties for a first violation, a 10 day Suspension with the option of a \$1500 Civil Penalty to be paid in lieu of the Suspension, and asked if Mr. Hassan had any questions, he did not. Mr. Turner made a Motion to Suspend the Permit for 10 days, with the option of a \$1500 Civil Penalty, seconded by Mr. Vernon. There being no further discussion Mr. Kistner called for a vote. The Motion was approved by unanimous vote. Mr. Kistner explained when the suspension would begin should he choose that instead of paying the Civil Penalty. Mr. Hassan asked if it would be possible to change the dates of the suspension due to the upcoming Memorial Day Holiday weekend. Mr. Kistner asked the Board Members, Mr. Turner made a Motion to begin the Suspension June 4, 2016, after the holiday weekend, seconded by Mr. Vernon. The Motion was approved by unanimous vote.

Scotchman #3403, 1290 Volunteer Pkwy., Bristol, TN – Mr. William Thorne, Store Manager, appeared before the Board for the violation of selling alcohol to an underage CI during an Alcohol Enforcement Check conducted by the Bristol TN Police Dept. SCU. Capt. James advised their Permit was issued in July 2013, and this is their first violation. Mr. Kistner asked Mr. Thorne if he understands the charge, he said he does. Inv. Carlson advised on March 30, 2016 he and the same CI entered the business, she took a Budweiser beverage from the cooler and approached the cashier, he checked her ID and sold her the drink. Inv. Carlson identified himself to the cashier and issued a State Citation. Mr. Kistner verified the cashier looked at the ID, Inv. Carlson said he did and keyed a date into the cash register to make the sale. Mr. Turner asked Mr. Thorne what happened, he related the cashier entered his own DOB in the register so the sale would go through. He said he was on there, and the cashier was immediately fired for intentionally selling to an underage customer. Mr. Kistner again gave a brief history of the usual penalty for a first violation. Mr. Vernon made a motion to Suspend the Permit for 10 days, with the option of a \$1500 Civil Penalty in lieu of the Suspension. Mr. Turner asked if the Suspension would begin after the Memorial Day holiday weekend. Mr. Kistner asked Mr. Thorne if he would like the same arrangement and he advised he does. Mr. Vernon amended his Motion to include the Suspension not begin until June 4, 2016, the Motion was seconded by Mr. Turner. There being no further discussion Mr. Kistner called for a vote. The Motion was approved by unanimous vote.

Quick Stop Marker #35, 101 Bluff City Hwy., Bristol, TN – Mr. Tim Pinkston, District Supervisor, and Ms. Maria Tabor, Store Manager, appeared before the Board for the violation of selling alcohol to an underage CI during an Alcohol Enforcement Check conducted by the Bristol TN Police Dept., SCU. Capt James advised their Permit was issued in August 2003 and this is their first violation. Mr. Kistner asked if they understand the charges, they both said they do. Inv. Carlson advised on March 30, 2016 he and the CI entered the business, she got a Budweiser beverage and took it to the cashier who did not check her ID before selling the drink.

Inv. Carlson then identified himself to the cashier and issued a State Citation. Mr. Kistner verified the cashier did not ask for ID and Inv. Carlson said she did not. Mr. Kistner then asked Mr. Pinkston what happened. Mr. Pinkston related they are registered with the Tennessee Responsible Vendor Act, and showed a copy of the cashier's Certificate as an employee of a member business of the Responsible Vendor Act. He related they take several precautions to prevent this very thing from happening, to include training and the use of a cash register that requires a customer's DOB be entered before the sale can be made. The cashier has a history of poor job performance, and this was the final incident leading to her termination. Mr. Turner advised he has visited this business on several occasions, and observed they always check ID when it is called for. Ms. Kiser advised the Board that as a Member of the Responsible Vendor Act, the maximum penalty the Board can issue is \$1000 for a first violation. Mr. Turner made a Motion to issue a \$1000 Civil Penalty to be paid, seconded by Mr. Vernon. Mr. Kistner asked what would happen if they did not pay, Ms. Kiser said she would have to research that. There being no further discussion Mr. Kistner called for a vote. The Motion was approved by unanimous vote.

Carl's Food and Beverage Shop, 410 Hazelwood St., Bristol, TN – Mr. Donnie Tuck, Owner, appeared before the Board for a violation of selling alcohol to an underage CI during an Alcohol Enforcement Check conducted by the Bristol TN Police Dept., SCU. Capt. James advised the Permit was issued January 2007, this is the second violation during the past 5 years. Mr. Kistner asked Mr. Tuck if he understands the charge, Mr. Tuck said he does. Inv. Carlson advised on April 6, 2016 he and the same CI used on March 30, 2016 entered the business, she got a Budweiser beverage and went to the counter. The store was rather busy, but the cashier checked her ID, entered something into the cash register, and sold her the drink. Inv. Carlson then identified himself to the cashier and issued a State Citation. Mr. Kistner asked Mr. Tuck what happened, he related he does have a good training program, they take it very seriously and always ask for ID. The cashier in question is a new hire and was still in training, his trainer was accepting an order and not right with him, he accidentally entered 3/5/1986 as the DOB instead of 3/5/1996. Mr. Tuck related the store was fairly busy and the cashier was feeling pressured to get customers checked out in a timely manner, so made a mistake. Since then Mr. Tuck has placed a walkie-talkie at the cash register so the cashier can call for help if it's needed, he has also reinforced training with an emphasis on making sure the correct date is entered. Mr. Kistner briefed Board Members on the historical penalty for a second violation within 5 years, a 20 day Suspension with the option of a \$2000 Civil Penalty in lieu of Suspension. Mr. Vernon advised he has been in the business on various occasions and not seen anything to make him believe there is a problem. Mr. Turner advised he believes Mr. Tuck is doing everything right, and making every attempt to ensure his employees obey the law. Mr. Turner made a motion to issue a 10 day Suspension with the option of a \$1500 Civil Penalty in lieu of the Suspension, seconded by Mr. Vernon. There being no further discussion Mr. Kistner called for a vote. The Motion was approved by unanimous vote.

Dollar General Store #2464, 1109 Bluff City Hwy., Bristol, TN – Capt. James advised there was no representative present for this business, the Summons was signed for by Mr. David Vermillion on April 21, 2016. Mr. Kistner, after conferring with Board Members, decided they would hear the case without a representative present. Capt. James advised the Permit was issued in November, 2010 and this is the first violation. Inv. Carlson advised he and the CI entered the

business on March 30, 2016, the CI got a three pack of beer and went to the counter, the cashier checked her ID and sold her the beer. Inv. Carlson then identified himself to the cashier and issued a State Citation for the violation. Mr. Turner verified the cashier checked the ID, Inv. Carlson said he did and keyed something into the cash register. Mr. Turner made a Motion for a 10 day Suspension with the option of a \$1500 Civil Penalty in lieu of Suspension, with no accommodation for the Memorial Day holiday weekend, seconded by Mr. Vernon. There being no further discussion Mr. Kistner called for a vote. The Motion was approved by unanimous vote.

PENDING BUSINESS

Capt. James requested Mr. Kistner schedule a meeting for June 15, 2016, as he has one Application to be heard, Mr. Kistner scheduled the meeting. There being no further business to conduct the meeting was adjourned.