Town of Arlington
Beer Board Meeting
April 7, 2014
6:30 P.M.

MEETING MINUTES

I. CALL TO ORDER AND ROLL CALL – ARLINGTON BEER BOARD

Present
Mike Wissman, Mayor
Harry McKee, Vice Mayor
Glen Bascom, Alderman
Oscar Brooks, Alderman
Gerald McGee, Alderman
Jeff McKee, Alderman
Brian Thompson, Alderman

Others Present
Gerald Lawson, Attorney
Steve Hill, Engineer
Heather Sparkes, Planner
Catherine Durant, Recorder
See List

II. APPROVAL OF THE MINUTES FROM MARCH 10, 2014.

Motion: Alderman McGee made a motion to approve the minutes from the March 10, 2014, Beer Board Meeting. Alderman Brooks seconded the motion. The motion carried unanimously.

III. OLD BUSINESS

There was no old business brought forward.

IV. NEW BUSINESS

A. On-premise Beer Permit Violation – Gametime Sports Grill, 11695 Highway 70, Suite 101, Arlington, TN.

Mayor Wissman recognized Gerald Lawson, Town Attorney, who advised that this is for an on-premise beer violation per Arlington Municipal Code Title 8, Chapter 2, Section 8-212, Prohibited Conduct or activities by a beer permit holder Section C, “Make or allow any sale of beer to a person under twenty-one (21) years of age.” Mayor Wissman recognized Lt. John Mills, Shelby County Sheriff’s Department. Mr. Lawson noted that Officer Vowell, who was a participant in the sting, was unable to attend and requested Lt. Mills recount the events that occurred on the night of February 5, 2014, (citation on file). Lt. Mills stated that the underage operant, Gammon, ordered a draft beer and was served. Operant’s ID was not checked. He stated that the incident was witnessed by
Officer Vowell. Lt. Mills advised that following the violation, he entered the premises and photographed and cited the waitress. Mayor Wissman called for questions. Hearing none, Mr. Lawson advised that the defendants for Gametime Sports Grill were present and recognized Teresa Cochran, owner of Gametime Sports. Ms. Cochran stated that the beer permit is in her son’s name. Mr. Lawson recognized Cody Cochran. He asked the defendants if they disputed the testimony by Lt. Mills. Ms. Cochran responded no. Mr. Lawson stated that this is the first violation for Gametime Sports Grill under the current regulations and called for deliberation. Mayor Wissman commented that he met with Mr. Lawson and Cathy Durant, Town Recorder/Treasurer, to discuss the beer ordinance. He asked Mr. Lawson if he had any recommendations as a result of that discussion. Mr. Lawson stated that previously first violations have been a fine of $1,000 and no suspension of permit. He advised that a fine can be issued with or without a suspension of permit. He noted that Gametime Sports Grill is not in the Responsible Vendor Program. Ms. Cochran stated that this is their first offense in the six years they have been in business. Mr. Lawson recommended that the Beer Board levy the standard first violation fine.

Mayor Wissman called for a motion.

**Motion:** Alderman Thompson made a motion to impose a $1,000 fine for a first violation. Alderman Brooks seconded the motion.

Mayor Wissman called for discussion, and hearing no reply, he called for a vote.

**Vote on Motion:** The motion carried unanimously.

**B. On-premise Beer Permit Violation – Vinegar Jim’s, 12062 Forrest Street, Arlington, TN.**

Mayor Wissman recognized Gerald Lawson, Town Attorney, who advised that this is an on-premise beer violation per Arlington Municipal Code Title 8, Chapter 2, Section 8-212, Prohibited Conduct or activities by a beer permit holder Section C, “Make or allow any sale of beer to a person under twenty-one (21) years of age.” Mr. Lawson recognized Officer Shelby Beamon, Deputy with the Shelby County Sheriff’s Department, who was assigned to this undercover sting operation. Mr. Lawson asked Officer Beamon to recount the events of February 18, 2014, (citation on file). Officer Beamon advised that he witnessed the waitress serve a bottle of Blue Moon Beer to the underage operant, Gammon, without checking ID. Officer Beamon advised that a citation was issued. Mr. Lawson called for questions from the Board. Mayor Wissman asked if the defendant was present and recognized Brandon Nelson, the owner of Vinegar Jim’s and beer permit owner. Mr. Lawson asked Mr. Nelson if he disputes any of Officer Beamon’s testimony, and Mr. Nelson responded that he does not dispute the testimony. Mr. Lawson asked if Vinegar Jim’s is a member of the Responsible Vendor Program. Mr. Nelson responded not that he is aware of. Mr.
Lawson noted that this is the first violation under this beer permit. Mayor Wissman asked for clarification, noting that the name on the beer permit at the time of the violation is Kirk Wise. Mr. Lawson requested clarification that Mr. Wise is aware that his name is on the permit since the fine will be issued in his name. Mr. Nelson responded that he thought the permit was in the corporation’s name and stated that since Mr. Wise is a corporate member, he is aware that the permit is in his name.

Mayor Wissman called for a motion.

**Motion:** Alderman Thompson made a motion to impose a $1,000 fine for a first violation. Alderman Brooks seconded the motion.

Mayor Wissman called for discussion, and hearing no reply, he called for a vote.

**Vote on Motion:** The motion carried unanimously.

C. **Off-premise Beer Permit Violation – Arlington Market & Deli, 11017 Highway 70, Arlington, TN.**

Mayor Wissman recognized Gerald Lawson, Town Attorney, who advised that this is an off-premise beer violation per Arlington Municipal Code Title 8, Chapter 2, Section 8-212, Prohibited Conduct or activities by a beer permit holder Section C, “Make or allow any sale of beer to a person under twenty-one (21) years of age.”. Mr. Lawson advised that Undercover Officer Reed was not present and Lt. John Mills, Shelby County Sheriff’s Department, would testify on his behalf (citation on file). Lt. Mills confirmed the undercover sting occurred on February 5, 2014, at the Arlington Market & Deli. Lt. Mills stated that Officer Reed witnessed the under age operator, Gammon, purchase a 25 oz. Busch Ice Beer. Lt. Mills advised that according to Officer Reed’s notes the defendant checked the operant’s ID prior to the sale and the ID clearly indicated that the operant was under the age of 21. The defendant proceeded with the sale. Lt. Mills stated that the operant tendered a $20 bill, which was photographed and the serial number recorded prior to the sting. He received a receipt. The $20 bill was retrieved from the defendant, and the product and change returned to the defendant. It was noted that a citation was issued to the clerk in violation. Mayor Wissman called for questions and asked if the owner was present. Mr. Lawson called for a representative of the Arlington Market and Deli to come forward. There was no response. Mayor Wissman called for a motion.

**Motion:** Alderman McGee made a motion to impose a $1,000 fine for a first violation. Alderman McKee seconded the motion.

Mayor Wissman called for discussion, and hearing no reply, he called for a vote.

**Vote on Motion:** The motion carried unanimously.
D. Off-premise Beer Permit Violation – Forty Airline (Airline Shell), 5055 Airline Road, Arlington, TN.

Mayor Wissman recognized Gerald Lawson, Town Attorney, who advised that this is an off-premise beer violation per Arlington Municipal Code Title 8, Chapter 2, Section 8-212, Prohibited Conduct or activities by a beer permit holder Section C, “Make or allow any sale of beer to a person under twenty-one (21) years of age.”. Mr. Lawson recognized Deputy Russell Duvall, Shelby County Sheriff’s Department, who conducted the undercover sting operation. Mr. Lawson asked Deputy Duvall to recount the events of February 5, 2014, (citation on file). Deputy Duvall advised that an underage operant purchased Mike’s Hard Lemonade. He stated that the defendant did not check the operant’s ID. Mr. Lawson advised that the same procedures were followed with regard to the tender of a $20 bill by the operant to make the purchase and receive a receipt, and subsequently the retrieval of the bill and return of the merchandise and change to the defendant. It was noted that a citation was issued. Mr. Lawson called for questions from the Board. Hearing no reply, Mr. Lawson recognized Terry Dycus, attorney from Somerville, and advised that he is representing Shimmy Meghani, the beer permit holder. Mr. Dycus advised that they are willing to cooperate with the officer and advised that the employee completely violated all employee instructions and manuals. He submitted as an exhibit a copy of the Employee Rules and Regulations (on file). Mr. Dycus advised that the defendant was terminated when his client found out about the violation and noted that the exhibit will also be available to the officer in the prosecution of this employee who jeopardized his client’s business. Mr. Dycus advised that his client will be applying for the Responsible Vendor Program and that Mr. Meghani held one of these cards when he went through the training to become a Shell franchisee holder and thought that it was the Responsible Vendor Program. Mr. Dycus noted that it is his understanding that the employee also held a vendor card from another work location not associated with his client. He then explained how the system used by the Shell station works by allowing the register to make a sale by swiping an ID. He noted that the clerk can also manually enter the information to allow the sale. He pointed out that the system has a flaw that cannot be changed in that an employee can hit enter and bypass the system altogether. Mayor Wissman called for questions from the Board. Vice Mayor McKee requested clarification that the employee has been terminated and asked if this was the second offense. Mr. Lawson replied yes the employee has been terminated and this is the second violation within the last twelve months. He explained that the maximum fine for a second violation is $2500. He noted that in the past, the Board had imposed 30-day suspensions for third violations. Mr. Lawson clarified that currently the Board can either impose a fine or a suspension, not both. Mr. Dycus suggested that after his client completes the Responsible Vendor Program they would be willing to come back before the Board. Mr. Lawson was asked about the amount of the fines imposed on members of the Responsible Vendor Program. He responded that the fine for a first violation is different for vendors in the program and the
second violation is irrelevant because the vendor loses accreditation through the program and has to repeat the application process. There was a brief discussion about the fines levied for a first and second violation. Mayor Wissman called for a motion.

Motion: Alderman Thompson made a motion to impose the maximum fine for second offense of $2,500 in lieu of suspension of permit. Vice Mayor McKee seconded the motion.

Mayor Wissman called for discussion, and hearing no reply, he called for a vote.

Vote on Motion: The motion carried unanimously.

E. Other as Properly Presented

1. Mayor Wissman advised that he has asked Mr. Lawson and Ms. Durant to look at some issues regarding the policy.

2. There was no other business to come before the Board.

V. ADJOURNMENT

Motion: Alderman Brooks made a motion to adjourn.

Beer Board Meeting was adjourned.

Mike Wissman, Mayor

Catherine D. Durant, Recorder

Submitted By: Theresa Smith