

# City of Crossville

392 N. Main  
Crossville, TN 38555



## Minutes

Thursday, October 29, 2015

5:00 PM

Council Chambers

**Beer Board**

### Regular Meeting

*The Beer Board for the City of Crossville met in special session on Thursday, October 29, 2015, at Crossville City Hall.*

**Present** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Jesse Kerley, Council Member Danny Wyatt, and Tom Isham

*Others present were City Manager David Rutherford, City Attorney Will Ridley, City Clerk Sally Oglesby, Police Chief Rodney Shoap, Jim Young, Andy Vaughn, Antonio Fuentes, Junior Hixson, Lisa Norris, Joseph Stubblefield, Aimee Murphy, Zack Tarver, Mike Renfro, Viralkumar Patel, Ramesh Patel, Jay M. Patel, Jimmy Patel, Rakesh Patel, and Sam Patel.*

### Call to Order

*Mayor James Mayberry was present and presiding. He called the Beer Board to order at 5:04 p.m.*

#### 1. Circle K Store #2707749

*Patrolman Rodolfo Estrada explained that, on September 18, 2015 and September 19, 2015, a 20-year old male was sent in to businesses to attempt to purchase beer. At this location, they were successful in purchasing beer.*

*A representative of Circle K explained that they have an automatic termination for employees who violate the laws. They also have an ID computerized check. The employee did not wait for the process to complete and overrode the system. They are not a certified responsible vendor; however, they do require yearly training. City Attorney Will Ridley explained the process for a suspension and that a maximum fine of \$2,500 can be offered in lieu of a suspension if paid within 7 days. The employees were also cited to court and were given a 6 month trial for no new violations plus the payment of court costs.*

*Councilmember Kerley stated that he was not in favor of a fine because of an employee, but that an owner selling to underage would be a different situation. Tom Isham said that he is also on the County Beer Board and prefers a \$2,500 fine or 90 day suspension because there were 18 cases throughout the county.*

*City Attorney Will Ridley stated that the law caps the fine at \$2,500, but a lesser fine could be assessed. Patrolman Estrada stated that none of them were owners.*

*Councilmember Wyatt stated he has been on both sides and knows that it can easily happen when you get busy. He thought a \$2,500 fine was too steep.*

*Councilmember Kerley commented that it would probably take 3 months to re-coup \$2500. Tom Isham stated he didn't see the difference between an employee or the owner.*

**A motion was made by Tom Isham, seconded by Mayor Pro-tem Pamala Harris, that the license be suspended for 90 days or, in lieu of the suspension, the permittee may choose to pay a civil penalty of \$2,500, if paid within seven (7) days. The motion failed by the following vote:**

**Aye:** 2 - Mayor Mayberry and Isham

**Nay:** 3 - Mayor Pro-tem Harris, Council Member Kerley and Council Member Wyatt

*Police Chief Rodney Shoap informed the Beer Board and those present that these sting operations will be running all the time and they and their employees need to be prepared.*

**A motion was made by Mayor Pro-Tem Pamala Harris, seconded by Council Member Danny Wyatt, that the license be suspended for 90 days or, in lieu of the suspension, the permittee may choose to pay a civil penalty of \$500, if paid within seven (7) days. The motion carried by the following vote:**

**Aye:** 3 - Mayor Mayberry, Mayor Pro-tem Harris and Council Member Wyatt

**Nay:** 2 - Council Member Kerley and Isham

**2. 127 Shell**

*Patrolman Rodolfo Estrada explained that, on September 18, 2015 and September 19, 2015, a 20-year old male was sent in to businesses to attempt to purchase beer. At this location, they were successful in purchasing beer. The representative stated that the employee checked the ID, but didn't check the year.*

**A motion was made by Mayor James Mayberry, seconded by Mayor Pro-tem Pamala Harris, that the license be suspended for 90 days or, in lieu of the suspension, the permittee may choose to pay a civil penalty of \$500, if paid within seven (7) days. The motion carried by the following vote:**

**Aye:** 3 - Mayor Mayberry, Mayor Pro-tem Harris and Council Member Wyatt

**Nay:** 2 - Council Member Kerley and Isham

**3. Elite Market III**

*Patrolman Rodolfo Estrada explained that, on September 18, 2015 and September 19, 2015, a 20-year old male was sent in to businesses to attempt to purchase beer. At this location, they were successful in purchasing beer. Mr. Junior Hixson said the employees are trained multiple times. He has 4 stores and they passed in January and 3 stores passed this time. Councilmember Kerley expressed concern that the Beer Board was fining the business owners more than the courts fined the employees. Mr. Hixson also stated that the sale occurred during the busiest time of the week.*

**A motion was made by Mayor Pro-Tem Pamala Harris, seconded by Mayor James Mayberry, that the license be suspended for 90 days or, in lieu of the suspension, the permittee may choose to pay a civil penalty of \$500, if paid within seven (7) days. The motion carried by the following vote:**

**Aye:** 3 - Mayor Mayberry, Mayor Pro-tem Harris and Council Member Wyatt

**Nay:** 2 - Council Member Kerley and Isham

**4. Krishna Enterprise, Inc.**

*Patrolman Rodolfo Estrada explained that, on September 18, 2015 and September 19, 2015, a 20-year old male was sent in to businesses to attempt to purchase beer. At this location, they were successful in purchasing beer. No representative from the store was present.*

**A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Danny Wyatt, that the license be suspended for 90 days or, in lieu of the suspension, the permittee may choose to pay a civil penalty of \$500, if paid within seven (7) days.. The motion carried by the following vote:**

**Aye:** 4 - Mayor Mayberry, Mayor Pro-tem Harris, Council Member Wyatt and Isham

**Nay:** 1 - Council Member Kerley

**5. Pilot Travel Center #114**

*Patrolman Rodolfo Estrada explained that, on September 18, 2015 and September 19, 2015, a 20-year old male was sent in to businesses to attempt to purchase beer. At this location, they were successful in purchasing beer. The representative stated that the employee looked at the year, but not the day. They were dismissed from employment. They have a prompt on the computer for the birthdate to be entered and, if underage, the transaction is voided. The use of that has now been made mandatory. She also explained that they have training for new hires and are now requiring that all employees have to be re-certified.*

**A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Danny Wyatt, that the license be suspended for 90 days or, in lieu of the suspension, the permittee may choose to pay a civil penalty of \$500, if paid within seven (7) days. The motion carried by the following vote:**

**Aye:** 3 - Mayor Mayberry, Mayor Pro-tem Harris and Council Member Wyatt

**Nay:** 2 - Council Member Kerley and Isham

**6. Route 70 West Market**

*Patrolman Rodolfo Estrada explained that, on September 18, 2015 and September 19, 2015, a 20-year old male was sent in to businesses to attempt to purchase beer. At this location, they were successful in purchasing beer. Mr. Fuentes stated that his employee checked the year, but not the month. He further stated that they are a small store with only himself and one employee to run the business.*

**A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Danny Wyatt, that the license be suspended for 90 days or, in lieu of the suspension, the permittee may choose to pay a civil penalty of \$500, if paid within seven (7) days. The motion carried by the following vote:**

**Aye:** 3 - Mayor Mayberry, Mayor Pro-tem Harris and Council Member Wyatt

**Nay:** 2 - Council Member Kerley and Isham

**7. Tobacco Outlet**

*Patrolman Rodolfo Estrada explained that, on September 18, 2015 and September 19, 2015, a 20-year old male was sent in to businesses to attempt to purchase beer. At this location, they were successful in purchasing beer. The representative said his employee checked the year, but not the month and date.*

**A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Danny Wyatt, that the license be suspended for 90 days or, in lieu of the suspension, the permittee may choose to pay a civil penalty of \$500, if paid within seven (7) days. The motion carried by the following vote:**

**Aye:** 3 - Mayor Mayberry, Mayor Pro-tem Harris and Council Member Wyatt

**Nay:** 2 - Council Member Kerley and Isham

**8. Miller Mart**

*Patrolman Rodolfo Estrada explained that, on September 18, 2015 and September 19, 2015, a 20-year old male was sent in to businesses to attempt to purchase beer. At this location, they were successful in purchasing beer. Sam Patel stated that the employee carded the person and looked at the "we identify" program that is kept updated. The company made a mistake in the printing of the calendar on that particular date. He presented a letter from the company acknowledging the mistake and a proclamation from the Governor recommending using this system. It had 1997 rather than 1994. Their court date was extended to December because their attorney wasn't able to come.*

*Mr. Wyatt stated he felt this was a problem since most stores use this system. Mr. Ridley pointed out it is the store's burden. He also pointed out the beer permit was in the original owner's name. City Clerk Sally Oglesby explained that the original beer permit application showed it as a corporation but only listed the main owner and Miller Mart, not the corporation name of Kiran, Inc. A timeline of the ownership was reviewed by the City Attorney and they were advised to file a new application under Kiran, Inc., which they have done. It is scheduled for the November meeting. Mr. Patel explained the shareholder changes. Mr. Ridley stated they technically had two violations, but the new application has been filed.*

**A motion was made by Mayor James Mayberry, seconded by Tom Isham, that the license be suspended for 90 days or, in lieu of the suspension, the permittee may choose to pay a civil penalty of \$500, if paid within seven (7) days. The motion carried by the following vote:**

**Aye:** 3 - Mayor Mayberry, Mayor Pro-tem Harris and Isham

**Nay:** 2 - Council Member Kerley and Council Member Wyatt

**9. Friendly Market**

*Patrolman Rodolfo Estrada explained that, on September 18, 2015 and September 19, 2015, a 20-year old male was sent in to businesses to attempt to purchase beer. At this location, they were successful in purchasing beer.*

**A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Danny Wyatt, that the license be suspended for 90 days or, in lieu of the suspension, the permittee may choose to pay a civil penalty of \$500, if paid within seven (7) days. The motion carried by the following vote:**

**Aye:** 3 - Mayor Mayberry, Mayor Pro-tem Harris and Council Member Wyatt

**Nay:** 2 - Council Member Kerley and Isham

**10. Genesis Road Travel Plaza**

*Patrolman Rodolfo Estrada explained that, on September 18, 2015 and September 19, 2015, a 20-year old male was sent in to businesses to attempt to purchase beer. At this location, they were successful in purchasing beer. The representative stated they had systems in place, but the cashier looked at him and didn't card him. He stated that he will check into the responsible vendor program.*

*Tom Isham explained that his votes reflect his feeling that he couldn't change to \$500 when he had fined \$2500 for violators in front of the County Beer Board. Councilmember Kerley expressed his concern that the Beer Board assesses the fine against the owner rather than the employee. Mayor Pro-Tem Harris pointed out the need to bring attention to the problem and that the community is trying to do a better job in stopping underage sales.*

**A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Danny Wyatt, that the license be suspended for 90 days or, in lieu of the suspension, the permittee may choose to pay a civil penalty of \$500, if paid within seven (7) days. The motion carried by the following vote:**

**Aye:** 3 - Mayor Mayberry, Mayor Pro-tem Harris and Council Member Wyatt

**Nay:** 2 - Council Member Kerley and Isham

### **Adjournment**

**The meeting was adjourned at 5:56 p.m.**