

than they are authorized to impose which is \$1,500 and ten days suspension, and the board will be much more harsh if there are any future violations. Thomas instructed Briggs that the fine is due at City Hall before 4:30 p.m. on Monday, August 2, 2004.

Pope recommended and the board agreed to consider establishing a fine schedule for first, second, etc. violations and take into consideration the time between offenses. Thomas suggested that this schedule be discussed at the end of the next meeting

The meeting was adjourned at 5:20 p.m.



Claudia Davis, Recording Secretary

Walter Slater, Chairman

MINUTES OF REGULAR MEETING GOODLETTSVILLE BEER BOARD

Date: August 3, 2004

Time: 4:00 PM

Place: City Hall

Present:

Walter Slater, Roy Duncan, Karl Nixon, Jim Thomas, Richard Pope, Claudia Davis, Sunil Patel, Wally Folad, Serhan Al-Nemri, Misuk Yi, Mr. Kudo, Juan Angel, Mark Oeser

The meeting was called to order by Chairman Walter Slater.

The meeting was called to consider violations of the beer ordinance by eight permit holders. Thomas noted that a copy of the beer ordinance will be given to all permit applicants when they pick up an application. All fines imposed from the July 27, 2004 meeting have been paid. A document detailing the proceedings and action taken by the board for violations will be signed by the permit holders or their representative before they leave the meeting. They will be given that written documentation and the city will retain a copy. Slater inquired about establishing a written schedule of penalties. Thomas stated that he and Pope are not prepared to make a recommendation to the board at this time.

Consider violation at Swift Stop Market, 667 North Main Street on March 15, 2004 and June 3, 2004 selling beer to a person less than twenty-one years of age. Thomas explained to Sunil Patel that the beer ordinance requires that he be given the opportunity to address the board regarding this violation. Patel stated he made a mistake. He was looking at the I.D. and questioned the purchaser's height which he felt was more than what was on the I.D. even though her picture was a good match. He stated he was distracted by the height issue and got confused. Nixon made a motion to impose a \$500.00 civil penalty, seconded by Duncan. The motion passed unanimously 3-0.

Nixon and Slater added that this fine is substantially less than they are authorized to impose which could be \$1,500.00 fine and ten days permit suspension per offense, and that any future offense will result in suspension. Thomas instructed Patel that the fine is due at City Hall before 4:30 p.m. on Wednesday, August 11, 2004.

Consider violation of Two Mile Parkway, 106 Rivergate Parkway, on June 3, 2004, for selling beer to a person less than twenty-one years of age. Thomas explained to Wally Folad that the beer ordinance requires that he be given the opportunity to address the board regarding this violation. Folad stated the clerk's uncle had passed away and he was very busy, confused and made an honest mistake, even though he did check the I.D. Slater instructed Folad that they must be as diligent about who they are selling beer to as they are in cashing a check. Duncan made a motion to impose a \$300.00 civil penalty, seconded by Nixon. The motion passed unanimously 3-0. Thomas instructed Folad that the fine is due at City Hall before 4:30 p.m. on Wednesday, August 11, 2004.

Consider violation of Rivergate Shell, 703 Rivergate Parkway, on March 15, 2004 and June 13, 2004, for selling beer to a person less than twenty-one years of age. Thomas explained to Serhan Al-Nemri that the beer ordinance requires that he be given the opportunity to address the board regarding the violation. Al-Nemri stated he is the father of five and has two grandchildren and he is very opposed to selling beer to a minor. He stated he has been cheated by his employee who made the sale. He discovered after the citation that the clerk could speak English but he could not read and Mr. Al-Nemri did not know that. He was very good with customers and always checked for I.D., he just couldn't read what he was looking at. He was working for the previous owner and at the time Mr. Al-Nemri purchased the business, he kept the employee because he needed workers. He was terminated on June 15. He has been checked by the police eight times since the last citation and there have been no sales to minors. Nixon made a motion to impose a \$500.00 civil penalty fine, seconded by Duncan. The motion passed unanimously 3-0. Thomas instructed Folad that the fine is due at City Hall before 4:30 p.m. on Wednesday, August 11, 2004.

Consider violation of Sapporo Japanese Steak & Sushi, 707 Rivergate Parkway, on July 8, 2004, for selling beer to a person less than twenty-one years of age. Thomas explained to Misuk Yi, addressing her translator, that the beer ordinance requires that she be given the opportunity to address the board regarding the violation. Speaking for Yi, the translator indicated that their bartender checked the I.D. but she was not wearing her contact lenses or glasses, perhaps because of allergies, and thought that it was the patron's twenty-first birthday. Nixon made a motion to impose a \$300.00 civil penalty fine, seconded by Duncan. The motion passed unanimously 3-0. Thomas instructed Yi that the fine is due at City Hall before 4:30 p.m. on Wednesday, August 11, 2004.

Consider violation of Kabuto Japanese Steak & Sushi, 908 Conference Drive, on July 8, 2004, for selling beer to a person less than twenty-one years of age. Thomas explained to Mr. Kudo, Manager, that the beer ordinance requires that he be given the opportunity to address the board regarding the violation. Kudo stated the server made a mistake. He was a recent graduate of bartender school and had been instructed to check all I.D. He

checked the I.D. but he was careless about the date. Pope noted that the citation states the I.D. was checked. Nixon made a motion to impose a \$300.00 civil penalty fine, seconded by Duncan. The motion passed unanimously 3-0. Thomas instructed Kudo that the fine is due at City Hall before 4:30 p.m. on Wednesday, August 11, 2004.

Consider violation of Kroger #541, 123 Northcreek Boulevard, on June 3, 2004, for selling beer to a person less than twenty one years of age. There was no representative present from Kroger. Slater made a motion to impose a \$500.00 civil penalty fine, seconded by Nixon. The motion passed unanimously 3-0. Thomas stated Kroger will be informed of the penalty in writing.

Consider violation of Pancho Villa Grill, Inc., 233 Long Hollow Pike, on July 8, 2004, for selling beer to a person less than twenty one years of age. Thomas explained to Juan Angel that the beer ordinance requires that he be given the opportunity to address the board regarding the violation. Pope stated that the citation indicates that the clerk did not look at the I.D. of the patron. Angel stated the employee who committed the violation is a good server and is ABC licensed, however he made a mistake. Normally, Angel said he watches the patrons being served beer himself. That evening they were very slow and he was not paying attention either. Duncan made a motion to impose a \$300.00 civil penalty fine, seconded by Nixon. The motion passed unanimously 3-0. Thomas instructed Angel that the fine is due at City Hall before 4:30 p.m. on Wednesday, August 11, 2004. Angel inquired about the age requirement of employees who only operate the cash register and would be accepting payment for beer. Thomas stated he would find out the answer and communicate in writing to Angel.

Consider violation of H. G. Hills #38, 212 Goodlettsville Plaza, on March 15, 2004, June 23, 2004 and July 22, 2004, for selling beer to a person less than twenty-one years of age. Thomas explained to Mark Oeser that the beer ordinance requires that he be given the opportunity to address the board regarding their violation. Oeser stated he was not there to make any excuses but that he simply does not know what else to do. He gave a long explanation of the history of his violations and the circumstances. He described in detail all the procedures and policies that he has adopted and practiced. He would stop selling beer but he is afraid of the amount of business he would lose from regular grocery customers who might go where they can purchase their beer while also shopping for their groceries. Nixon made a motion to impose a \$300.00 civil penalty fine, seconded by Duncan. The motion passed unanimously 3-0. Thomas instructed Oeser that the fine is due at City Hall before 4:30 p.m. on Wednesday, August 11, 2004.

The meeting was adjourned at 5:20 p.m.

Claudia Davis

Claudia Davis, Recording Secretary

Walter Slater, Chairman