MINUTES OF REGULAR MEETING
GOODLETTSVILLE BEER BOARD

Date: July 27, 2004
Time: 4:00 PM
Place: City Hall
Present:
Walter Slater, Roy Duncan, Karl Nixon, Jim Thomas, Richard Pope, Claudia Davis, Jeff Duncan, John Chak, Carlos Romero, Mark Borns, Becky Bybee, Mike Heslin, Margie Cantrell, Jimmy Cantrell, Dan Pyle, Freddie Brown, Melanie Houston, Mark Briggs

The meeting was called to order by Chairman Walter Slater.

The meeting was called to consider violations of the beer ordinance by seven permit holders. Thomas reviewed the Ordinance regarding penalties for violations and questioned the past practice of the board. Slater stated that in the past, the board has typically imposed a $500 fine and a three day suspension. Because the board has been somewhat inactive in the last few years, Slater recommended that the board consider the violations in 2004 as first offenses, impose a penalty of $300 or a three day weekend license suspension, dismiss prior year offenses, and impress that going forward this board will not be as lenient. Nixon questioned if all permit holders know what the penalties are for violations and understand all the rules. Slater answered that applicants are told what the consequences are for violations at the time their permit is granted. Nixon noted that the one meeting he has attended where a permit was approved, the applicant was not told what the penalties and expectations are from this board. He expressed that he would not want to impose harsh penalties if the permit holders do not understand the rules. Thomas agreed that the board has to be fair and recommended that each case be reviewed individually. He added that the City has a responsibility to inform, however the ultimate responsibility to know and understand the law is on the shoulders of the permit holder.

Consider violation at Coco's Restaurant, 801 Rivergate Parkway on July 8, 2004, selling beer to a person less than twenty-one years of age. Thomas explained to John Chak and Carlos Romero that the beer ordinance requires that they be given the opportunity to address the board regarding their violation. Chak stated the employee who committed the violation looked at the wrong number. Her Mom was hospitalized, she was flustered and made a serious mistake. She is no longer employed at the restaurant. He pleaded for forgiveness and stated the situation was a good thing as it made him aware that he needed to enforce more strictness with his employees. He stated that in the evening they have an employee at the door to check identification as patrons enter, but that is not the case at lunch. He does not condone the error in any fashion and takes pride in the assurance that there are no violations to the rules. He added that it has been an ongoing struggle financially to stay in business since day one. Slater made a motion to impose a $300.00 civil penalty or a three day weekend beer permit suspension. The motion was seconded by Duncan. The motion was approved with Slater and Duncan in favor and Nixon opposed. Chak chose the $300 fine and thanked the board for their fairness. Slater noted that this fine is substantially less than they are authorized to impose and the board will be

much more harsh if there are any future violations. Thomas instructed Chak that the fine is due at City Hall before 4:30 p.m. on Monday, August 2, 2004.

Consider violation of Expressway Market, 937 Louisville Highway on July 8, 2004, for selling beer to a person less than twenty-one years of age. Thomas explained to Mark Borns that the beer ordinance requires that they be given the opportunity to address the board regarding their violation. Borns stated this is the first offense he has had in his twenty seven years at this market. The clerk that made the sale is also very upset. She looked at the birth date and just momentarily got confused between the cigarette and beer eligibility dates. She was having a very stressful day from home and her mind was somewhere else. She has always been a very dependable employee. Slater made a motion to impose a $300.00 civil penalty or a three day weekend beer permit suspension. The motion was seconded by Duncan. The motion was approved with Slater and Duncan in favor and Nixon opposed. Borns chose the $300 fine and assured the board it won't happen again. Slater noted that this fine is substantially less than they are authorized to impose and the board will be much more harsh if there are any future violations. Thomas instructed Borns that the fine is due at City Hall before 4:30 p.m. on Monday, August 2, 2004.

Consider violation of El Alteno Mexican Restaurant, 900 Conference Drive Suite F14 on July 8, 2004, for selling beer to a person less than twenty-one years of age. There was no representative present from El Alteno. Slater made a motion to impose a $500.00 civil penalty, and if the fine is not paid in full within seven days, their license is to be revoked. The motion was seconded by Nixon. The motion was unanimously approved.

Consider violation of Dailey's #6635, 750 Rivergate Parkway on July 2, 2004, for selling beer to a person less than twenty-one years of age. Thomas explained to Becky Bybee, Store Manager, and Mike Heslin, District Manager, that the beer ordinance requires that they be given the opportunity to address the board regarding their violation. Heslin described how vigilant and serious Dailey's training is from the first day of employment. He distributed to the board members a package including their policies, training, testing, visual aids and electronic safeguards. Each employee attends a four day training class and then must pass an exam. Then they spend two days at a training store. Each employee must sign that they have reviewed and understand all the rules regarding alcohol and tobacco sales. Their computers are programmed so that the cashier is required to enter the customer's birth date. They are constantly seeking ways to make it perfect. They require identification if the customer appears to be thirty or younger. Heslin stated that even with all their attempts to ensure this doesn't ever happen, this employee chose to disregard it all. Slater made a motion to impose a $300.00 civil penalty. The motion was seconded by Duncan and unanimously approved. Slater noted that this fine is substantially less than they are authorized to impose and the board will be much more harsh if there are any future violations. Thomas instructed Heslin that the fine is due at City Hall before 4:30 p.m. on Monday, August 2, 2004.

Consider violation of Cantrell's Market, 600 Rivergate Parkway on June 11, 2004, for selling beer to a person less than twenty-one years of age. Thomas explained to Margie

Cantrell and Jimmy Cantrell, that the beer ordinance requires that they be given the opportunity to address the board regarding their violation. Jimmy Cantrell stated that since the violation, they have installed software on their register that requires the cashier to enter a birth date to ring up cigarettes or beer. They have also installed signs and prompts for both their customers and employees. The lady who made the mistake no longer works for them. Jimmy and Margie run the business themselves with only two other employees. Jimmy stated he always works Friday evening, their busiest time, and that he or his Mother are there most of the time, seven days a week but they cannot be there twenty four hours a day. Both ladies who work for them are very reliable and dedicated. One is a dispatcher for White House and the other works for Oshkosh. Margie stated they have been in business for twenty four years and she has been vigilant against selling alcohol to minors. This is their first time before the beer board in all the years they have been in business. Slater made a motion to impose a $300.00 civil penalty or a three day weekend beer permit suspension. The motion was seconded by Duncan. The motion was approved with Slater and Duncan in favor and Nixon opposed. Margie chose the $300 fine and thanked the board for their fairness. Slater noted that this fine is substantially less than they are authorized to impose and the board will be much more harsh if there are any future violations. Thomas instructed Margie that the fine is due at City Hall before 4:30 p.m. on Monday, August 2, 2004.

Consider violation of Exxon #57428, 243 Long Hollow Pike on March 15, 2004, for selling beer to a person less than twenty-one years of age. Thomas explained to Dan Pyle, Manager, and Freddie Brown, Territory Manager, that the beer ordinance requires that they be given the opportunity to address the board regarding their violation. Pyle stated this is his first appearance before the beer board in twenty years in this business. The lady who committed the violation was terminated. Their employees undergo very stringent training and must sign a form every ninety days renewing their commitment and that they understand the guidelines. Slater made a motion to impose a $300.00 civil penalty or a three day weekend beer permit suspension. The motion was seconded by Duncan and approved unanimously. Pyle chose the $300 fine and assured the board they do not ever want to appear before the board again. Slater noted that this fine is substantially less 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 Pyle that the fine is due at City Hall before 4:30 p.m. on Monday, August 2, 2004.

Consider violation of Eckerd Corporation, 116 South Main Street on March 15, 2004, for selling beer to a person less than twenty-one years of age. Thomas explained to Melanie Houston, Store Manager, and mark Briggs, District Manager, that the beer ordinance requires that they be given the opportunity to address the board regarding the violation. Briggs stated Eckerd has a zero tolerance to associates who violate the requirements of selling beer and tobacco. The employee who committed the violation was terminated. Their cash registers are programmed to require the cashier to enter a birth date for beer sales. Slater made a motion to impose a $300.00 civil penalty or a three day weekend beer permit suspension. The motion was seconded by Duncan and approved unanimously. Briggs chose the $300 fine. Slater noted that this fine is substantially less

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

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.