



FARRAGUT BEER BOARD

August 11, 2022

6:30 PM

I. Approval of Minutes

A. July 28, 2022

II. Beer Permit Hearing

A. Hearing to address Casey's #4037, 13061 Kingston Pike, beer permit violation(s) of Town of Farragut Code of Ordinances § 4-1 et seq.

11408 MUNICIPAL CENTER DRIVE | FARRAGUT, TN 37934 | 865.966.7057
WWW.TOWNOFFARRAGUT.ORG

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, national origin, age, sex, or disability pursuant to Title VI of the civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting.



FARRAGUT BEER BOARD

July 28, 2022

MINUTES

Approval of Minutes

Motion was made to approve the minutes of June 23, 2022, as presented. Moved by Mayor Williams, seconded by Alderman Povlin; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Beer Permit Request

Approval of Class 1, on-premise beer permit for the Top Golf, 11400 Outlet Drive

Motion was made to approve a Class 1, On-Premise Beer permit for Top Golf, 11400 Outlet Drive. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Ron Pinchok, Chairman

Allison Myers, Town Recorder

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REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Hearing to address Casey's #4037, 13061 Kingston Pike, beer permit violation(s) of Town of Farragut Code of Ordinances § 4-1 et seq.

INTRODUCTION:

The purpose of this agenda item is to address the Casey's #4037, 13061 Kingston Pike, violation(s) of the Town of Farragut Code of Ordinance §4-1 et seq. This is Casey's first violation.

DISCUSSION:

The Knox County Sheriff's Department performed a beer sting on various businesses within the Town of Farragut May 26, 2022. During the operation, an employee of Casey's sold alcohol to a minor. A copy of the Knox County Citation is attached.

The Farragut Beer Board, per section 4-161, has the power to revoke or suspend Casey's beer permit or per section 4-162, can offer a civil penalty as an alternative to revocation or suspension. With respect to such permittee, the beer board may, at the time it imposes a revocation or suspension, offer the permittee the alternative of paying a civil penalty not to exceed \$2,500 for each offense of making or permitting to be made any sales to minors. The permit holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is not received within seven (7) days, the revocation or suspension shall begin eight (8) days after the beer board hearing. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

1. Motion to find Casey's #4037 guilty OR not guilty of the violation of selling beer to a minor.

If found guilty:

2. Motion to give a penalty of _____ for violation for selling beer to a minor at Casey's #4037.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>POVLIN</u>	<u>WHITE</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

TOWN OF FARRAGUT, TENNESSEE)
BEER BOARD,)
)
v.)
)
GAYLE BEGALSKE)

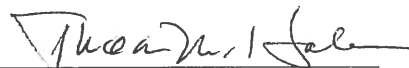
NOTICE OF HEARING

**TO: CASEY'S #4037
c/o Gayle Begalske
13061 Kingston Pike
Farragut, TN 37934**

You are hereby commanded to appear before the Town of Farragut, Tennessee Beer Board on Thursday, August 11, 2022, at 5:30 P.M. at the Town of Farragut Town Hall located at 11408 Municipal Center Drive, Farragut, Tennessee.

At that place and time, a hearing will take place to address your violation(s) of Town of Farragut Code of Ordinances § 4-1 *et seq.* Specifically, on or about May 26, 2022, an employee of your business was cited for selling alcohol to a minor in violation of Tenn. Code Ann. § 57-4-203(b) and Farragut Code §4-1 and 4-96(6). A copy of the citation evidencing this violation is attached as Exhibit A to this Notice. The Town of Farragut, Tennessee Beer Board shall at that time review the facts of this matter and determine what penalty, if any, is appropriate under the circumstances including, but not limited, revocation or suspension of your beer permit, Permit No. 0118, as provided by Town of Farragut Code of Ordinances § 4-161 and/or levying a civil penalty as provided by Town of Farragut Code of Ordinances § 4-162.

This 26th day of July 2022.


Thomas M. Hale, Esq.
Attorney, Town of Farragut
Kramer Rayson LLP
P.O. Box 629
Knoxville, TN 37901
(865) 525-5134

Page <u>1</u> of <u>3</u>		Knox County Sheriff's Office				CASE NO <u>220526</u> <u>2034</u> - <u>000</u>			
Report Type		Primary Offense		Location Type		Date Reported		Time Reported	
		<u>5256 UNLAWFUL SALES OF ALCOHOLIC BEVERAGES</u>		<u>07 CONVENIENCE STORE</u>		<u>05/26/2022</u>		<u>18:27</u>	
Other Offense			Other Offense			Other Offense			
Reporting Officer			District/Zone			Case Status			
<u>11683 VANKIRK,RICHARD</u>			<u>400 WEST</u>						
Location of Occurrence			Can Suspect Be Identified		Offense Begin Date		Offense Begin Time		Offense End Date
<u>13061 KINGSTON PK</u>			Yes ☐ No ☐		<u>05/26/2022</u>		<u>18:27</u>		<u>05/26/2022</u>
V I C T I M / C O M P L	Name			Sex	Race	Age	Date of Birth		Social Security Number
	Address			Home Phone		Employer Name / Address			Employer Phone
	Complainant			Sex	Race	Age	Date of Birth		Social Security Number
	Address			Employer Name / Address			Employer Phone		
Narrative									
ON 05/24/2022 AT APPROXIMATELY 1827 HOURS, DETECTIVES WITH THE KNOX COUNTY SHERIFF'S OFFICE ORGANIZED RETAIL CRIME UNIT, CONDUCTED A UNDERAGE BEER SALE INVESTIGATION AT KNOX COUNTY BUSINESS. THE ARRESTEE WAS WORKING THE CASH REGISTER, WHEN THE UNDERAGE PERSON ENTERED THE BUSINESS. THE UNDERAGE PERSON SHOWED HIS IDENTIFICATION AND WAS ABLE TO PURCHASE A 6-PACK OF BUD LIGHT. THE ARRESTEE WAS MISDEMEANOR CITED (#KCO-155339) AND IS TO APPEAR AT THE CITY COUNTY BUILDING AT 0730 HOURS ON THURSDAY, JUNE 9TH. 2022 TO BE FINGER PRINTED AND BOOKED.									
VEHICLE INFORMATION									
Stolen ☐ Recovered ☐ Victimized ☐ Suspect ☐ Towed ☐ ATL ☐									
Year	Make	Model	Style	Color	License Number	License Year	State		
VIN			Value	Towed By / Towed To					
Stolen ☐ Recovered ☐ Victimized ☐ Suspect ☐ Towed ☐ ATL ☐									
Year	Make	Model	Style	Color	License Number	License Year	State		
VIN			Value	Towed By / Towed To					
WITNESSES									
Witness No. 1			Address			Sex	Race	Age	TX
Witness No. 2			Address			Sex	Race	Age	TX
WEATHER/ M.O.									
Lighting			Weather			Means of Entry			
Point of Entry			Point of Exit			Tools used			
Exit Direction			Entry Direction						

Arrestee

Name TRUSTY, JACKIE L				Name			
Address				Address			
Home Phone		Date of Birth		Social Security Number		Home Phone	
Sex M		Race W		Age 054		Build	
Height 511		Weight 165		Hair BRO		Eyes BRO	
Place Employed / School				Place Employed / School			
Weapons				Weapons			
Suspect Arrested Yes ☐ No ☐		Arrest #		Arrest Date		Arrest Time	
Arrest Location		Arrest Location		Arrest Location		Arrest Location	
Arrest Charges				Arrest Charges			
Injury Type				Injury Type			
Name				Name			
Address				Address			
Home Phone		Date of Birth		Social Security Number		Home Phone	
Sex		Race		Age		Build	
Height		Weight		Hair		Eyes	
Place Employed / School				Place Employed / School			
Weapons				Weapons			
Suspect Arrested Yes ☐ No ☐		Arrest #		Arrest Date		Arrest Time	
Arrest Location		Arrest Location		Arrest Location		Arrest Location	
Arrest Charges				Arrest Charges			
Injury Type				Injury Type			

This Report Has Been Approved By: LAWSON, MATTHEW

<i>Knox County Sheriff's Office</i>	Case No. 330526	2024	000
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Report Type

Case No. 220526 2034 -000

Data/Code: F-Found B-Burned C-Counterfeit D-Damaged R-Recovered L-Lost S-Stolen O-Other/Unknown
E-Evidence PP-Personal Property

[illegible]

This Report Has Been Approved By: LAWSON, MATTHEW

BEER BOARD HEARING PROCEDURES FOR VIOLATIONS

- 1) Chairman asks staff to introduce the Agenda item
 - a. Staff will explain charges and the basis for the hearing
- 2) Town Clerk swears in all witnesses
 - a. Anyone expected to give testimony will be sworn in
- 3) Opening Statements
 - a. Town's Opening Statement
 - b. Permit Holders Opening Statement
- 4) Permit Holder is asked to enter a Plea
 - a. If plea is guilty, hearing will move to step 10 below
- 5) Town presets its case
 - a. Town presents its proof
 - b. Permit holder's cross examination
 - c. Questions of witnesses by the Beer Board as to facts relative to the instant case
 - d. Town's proof closes
- 6) Permit Holder Presents Case
 - a. Permit Holder's Proof
 - b. Town's cross examination
 - c. Questions of witnesses by the Beer Board
 - d. Permit holder's proof closed
- 7) Town's Rebuttal (if any)
 - a. Town's rebuttal proof
 - b. Permit holders cross examination of rebuttal witnesses
 - c. Questions of witnesses by the Beer Board
 - d. Town's proof closed
- 8) Final Arguments of Parties
 - a. Town's closing statement
 - b. Permit Holder's closing statement
 - c. Town's rebuttal/final argument
- 9) Deliberations of the Beer Board as to Guilt or Innocence
 - a. Motion and vote on whether permit holder is found innocent or guilty of a violation
- 10) Punishment Phase (if found guilty)
 - a. Town staff restates circumstances and penalty provisions provided for the Beer Ordinance
 - b. Permit holder's mitigation
 - c. Board deliberates among themselves
 - d. Board motion and vote on penalty

ARTICLE 1. IN GENERAL

Sec. 4-1. Sale or purchase to persons under age 21 years and certain other persons.

- (a) It shall be unlawful for any licensee, or for any agent or employee of any licensee, to sell, furnish or give away any alcoholic beverage to any person under 21 years of age, unless otherwise permitted pursuant to applicable state law, or to a person visibly intoxicated.
- (b) It shall be unlawful for any person under 21 years of age, unless otherwise permitted pursuant to applicable state law, to purchase or attempt to purchase alcoholic beverages as defined in this chapter; and it is further declared to be unlawful for any person under the age of 21 years to exhibit false or forged identification to a licensee or his agent for the purpose of purchasing or attempting to purchase alcoholic beverages under this chapter.

(Code 1985, § 2-125; Code 2007, § 8-116; Ord. No. 99-33, 7-1999)

State law reference(s)—Similar provisions, T.C.A. § 57-4-203, 57-3-406.

Sec. 4-94. Violations.

Any violation of this article shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this Code. Each day a violation shall be allowed to continue shall constitute a separate offense.

(Code 2007, § 8-224; Ord. No. 14-05, § 1, 5-22-2014)

Sec. 4-96. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer.

The following acts or conduct on licensed premises are deemed contrary to public policy, safety, health and morals and it shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

- (1) Employ any person convicted of a crime related to the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten years.
- (2) Employ any minor under 18 years of age in the sale, storage, distribution or manufacture of beer.
- (3) Make or allow the sale of beer between the hours of 3:00 a.m. and 10:00 a.m. on Sundays, and between 3:00 a.m. and 5:00 a.m. on all other days of the week.
- (4) Allow any loud, unusual, or obnoxious noises to emanate from the premises of the beer permit holder.
- (5) Allow any person under 21 years of age to loiter in or about the place of business of the beer permit holder.
- (6) Make or allow the sale of beer to a minor under 21 years of age.
- (7) Operate or permit any employee or any other person to operate any gambling device or game of chance whatsoever.

-
- (8) Bring, cause or allow to be brought onto the premises of any permittee any prohibited drugs under the provisions and within the meaning of the Tennessee Code Annotated.
 - (9) Fail to provide and maintain separate sanitary toilet facilities for men and women or fail to comply with any state, county or local health laws and regulations.
 - (10) Exhibit any motion pictures for which a fee for entrance to the theater is charged.
 - (11) Allow the sale of beer in any establishment where adult entertainment occurs or adult materials, novelty or other adult items are sold or stored.
 - (12) Employ, use or allow any person in the sale or service of alcoholic beverages or malt beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
 - (13) Employ, use or allow the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in subsection (12) of this section.
 - (14) Encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.
 - (15) Permit any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.
 - (16) Allow any person on the licensed premises under the guise of entertainment to perform acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any other sexual acts prohibited by law; engage in the actual or simulated touching, caressing, or fondling of the breasts, buttocks, anus or genitals; engage in the actual or simulated displaying of the pubic hair, anus, buttocks, vulva, genitals, or breasts below the top of the areola of any person; wear or use any device or covering exposed to public view which simulates the human breasts, genitals, anus, pubic hair, or any portion thereof.

(Code 2007, § 8-219; Ord. No. 14-05, § 1, 5-22-2014)

DIVISION 3. PERMIT¹

Sec. 4-161. Revocation or suspension of beer permits.

The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this article when the holder thereof is guilty of making a false statement or misrepresentation in his application for failing to take actions required by this article or of violating any of the provisions of this article, including, but not limited to, the provisions of section 4-158. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the town administrator or member of the beer board. No suspension of a beer permit shall be contrary to the provisions of T.C.A. title 57, ch. 5, pt. 6 (T.C.A. § 57-5-601 et seq.).

¹State law reference(s)—Permits, T.C.A. § 57-5-103 et seq.

Sec. 4-162. Civil penalty in lieu of revocation or suspension.

- (a) *Responsible vendor.* The beer board shall not, pursuant to T.C.A. § 57-5-608, revoke or suspend the permit of a responsible vendor for a clerk's illegal sale of beer to a minor, if the vendor and the clerk making the sale have complied with the requirements of T.C.A. § 57-5-606 as a responsible vendor under that part, but may impose upon the responsible vendor a civil penalty not to exceed \$1,000.00 for each offense of making or permitting to be made any sales to minors or for any violation of this article or state law. Permanent revocation of beer permits issued to responsible vendors may only be applied when a responsible vendor permittee commits at least two violations within a 12-month period and then only after the state alcoholic beverage commission revokes the permittee's status as a responsible vendor.
- (b) *Non-responsible vendor.* The prohibition of subsection (a) of this section concerning the revocation or suspension of the vendor's permit shall not apply to any vendor who is not a responsible vendor under the Tennessee Responsible Vendor Act of 2006 (T.C.A. § 57-5-601 et seq.), or to a participating vendor, if the vendor or clerk making a sale to a minor fails to comply with the requirements of T.C.A. § 57-5-606. With respect to such permittee, the beer board may, at the time it imposes a revocation or suspension, offer the permittee the alternative of paying a civil penalty not to exceed \$2,500.00 for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed \$1,000.00 for any other offense.
- (c) *Civil penalty as alternative.* If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is not received within seven days, the revocation or suspension shall begin eight days after the beer board hearing. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.
- (d) *Payment of civil penalty admission of violation.* Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose.

(Code 2007, § 8-223; Ord. No. 14-05, § 1, 5-22-2014)

Town of Farragut Beer Board-VIOLATIONS

Sting operated by the Knox County Sherriff's Office	Address	Year	Fine	Permit type	Responsible Vendor
2014					
Dixie Lee Shell		2014	\$500	Off-Premise	No
Farragut Market (later changed ownership)		2014	\$1,000	Off-Premise	No
2015					
La Cabana		2015	15 day suspension	On-Premise	No
Little Joes		2015	\$500	On-Premise	No
Meksiko		2015	60 Day Suspension	On-Premise	No
Taco Boy		2015	\$500	On-Premise	No
2016					
Big Kahuna Wings	12828 Kingston Pike	2016	\$100	On-Premise	No
Casual Pint	143 Brooklawn Street	2016	\$200	On/Off Premise	No
Hana Sushi	11145 Kingston Pike	2016	\$200	On-Premise	No
El Paraiso	11110 Kingston Pike Suite 140	2016	\$500	Off-Premise	No
Snappy Tomato Pizza	11507 Kingston Pike	2016	\$100	On-Premise	No
Mind Yer P's & Q's	12744 Kingston Pike, Suite 104	2016	\$100	On-Premise	No
China Pearl	115 Brooklawn Street	2016	\$200	On-Premise	No
2017					
Dollar General	11809 Kingston Pike	2017	\$500	Off-Premise	No
2018					
Smart Serve	800 N. Campbell Station Road	2018	\$500	On-Premise	No
Little Joes Pizza	13100 Kingston Pike	2018	\$1,000	On-Premise	No
2021					
Smart Serv	800 N. Campbell Station Road	2021	\$2,500	Off-Premise	No
Fairfield Inn	11763 Snyder Road	2021	\$3	On-Premise	No
Hampton Inn	11340 Campbel Lakes Drive	2021	\$500	On-Premise	No
2022					
Casey's #4037	13061 Kingston Pike	2022		Off-Premise	No