

**Thursday, July 21, 2016**  
**SHELBY COUNTY BEER BOARD MEETING**

**Attendees:** Kevin McVay  
Merrick Horne, Chairman  
Oretha Anderson  
Doug Ivy  
J. Carter S. Gray, County Attorney & Jessica Hefner, Intern Attorney  
Waylon Winger, Clerk's office  
Shirelle Brown, Assistant Clerk of County Commission

Horne calls meeting to order at 2:02 pm. The Board introduces themselves.  
Brown calls items.

**I. Approval of Minutes**

June 16, 2016

**Moved** by Ivy, 2<sup>nd</sup> by McVay

**II. New Applicants**

**Applicant #1**

DbA- B & B Dining and Entertainment  
6353 Navy Road  
Millington, TN 38053

ON PREMISES

Owner – Benjamin Hayes

**Horne** asks if anyone is present for representation for B&B Dining and swears in Benjamin Hayes.

**Horne** asks Winger from Clerk's Office about the applicant

**Winger** advised that the application for the beer permit was received on June 23, 2016 and the complete packet for the owner, Benjamin Hayes is here. .

**Horne** asks the Board if they have any questions.

**Ivy** asks the owner where the business located and was it on Navy Road.

**Mr. Hayes** asks Ivy if he is familiar with where the Mapco store is located on Bethel and that it is located right before the Mapco in a strip mall.

**McVay** asks the owner what type of business is he running.

**Mr. Hayes** advised McVay that it is a starting out as diner and night club setting selling hot wings and Salisbury steak plates and hot dog specials.

**Ivy** asks the owner has he been in business previously at another location.

**Mr. Hayes** answers no that this is his first business.

**McVay** asks if he is in the area that has been de-annexed by Shelby County

**Mr. Hayes** advised that as far as he knows it's been located in Shelby County.

**Anderson** asks Mr. Hayes if this is a family owned business.

**Ivy** asks who are his employees and if they are getting paid.

**Mr. Hayes** answers yes to Anderson and stated that he has friends and family and no one is getting paid just helping out until the business grows or franchises and then they'll become paid employees.

**Horne** stated that he's hoping that the business grows to that point and asks if this is his first time owning a restaurant

**Mr. Hayes** answers yes.

**Anderson** asks if his friend and family employees know about the rules and regulations on the handling of alcohol.

**Mr. Hayes**

**Horne** asks the owner if he's open for business yet

**Mr. Hayes** answers no and the grand opening is set for the 30<sup>th</sup> of July.

**Horne** advised Mr. Hayes that background checks of anyone handling beer should be turned in to the County Clerk's Office and asked if he understood that.

**Mr. Hayes** advised yes he was clear.

**Anderson motions to approved the permit, Ivy seconds**

**All ayes w/o objection.**

### **III. Misdemeanor Citations**

Twin's Market LLC  
7956 Austin Peay Hwy  
Memphis, TN 38128

**Horne** asks for the representative of Twin's Market to come forward.

**Salam Afanch** proceeds to come forward and is sworn in by Horne.

**Horne** calls forward a representative for the Sheriff's Office

**Patrolman Chris Pearce** proceeds to come forward and explains the citation situation where the under aged, undercover operative officer who purchased a beer in which Officer Pearce witnessed the operative to present to the cashier an ID and the cashier proceeded to sell the under aged operative the beer anyway.

**Horne** refers to the owner and asks his side of the story.

**Mr. Afanch** agreed with the patrolman that the cashier, Shadi Hawari, sold the beer and had been forewarned and he has fired the cashier and is ashamed to be before the Board, but he hope that it will never happen again.

**Horne** advised that he didn't recall this business coming before the Board before and refers to Wininger to ask if it has.

**Wininger** advised that yes the business has been before the Board in May 2015 for a citation for selling beer to a minor and failure to check ID first offense.

**Horne** states to the owner that this is the second time within a year for the same offense.

**McVay** asks owner to clarify what he means by firing the employee and if he went into the store will he still see that same cashier working there.

**Mr. Afanch** advised that he will keep the employee until he finds a replacement.

**McVay** advised to the owner that he didn't understand that definition of firing someone.

**Horne** asks the owner what type of training is he giving his employees to make sure that they don't sell beer to a minor because this incident has happened in his store twice within a year.

**Mr. Afanch** advised that he has a device attached to the register that goes off and tells the cashier to check ID if they ring up beer.

**Horne** asks the owner if the device prompts the clerk to punch in the date of birth or does it just tell them to check ID.

**Mr. Afanch** advised that it just prompts them to check the ID.

**Horne** advised the owner that since his device has failed him twice, then he may want to look into trying something different to avoid violating the law. Horned then proceeds to ask the Sheriff Deputy if the owner's story contradict with anything that he witnessed.

**Deputy Pearce** advised no and that the under aged operatives that the Sheriff's Department use has their own ID because they aren't allowed to lie or mislead and their ID states in bold print that they are under 21 and advised to the owner that the ID says it plain as day and regardless if they have a device or not, the cashiers should simply look at the ID.

**Ivy** asks the owner if there is a device that will prompt the cashier to push in the date of birth and that Commissioner Roland told him about this device last time during his violation just to try and help his clerks to identify an under aged person.

**Mr. Afanch** advised to Ivy that he didn't recall such a device, but that someone told him about a device where you can scan the ID and he is going to purchase that one.

**J Carter S. Gray** advised to Deputy Pearce that in the citation he also noted that the beer license was not displayed as well.

**Deputy Pearce** advised that yes that was correct, it was not displayed correctly, but it was there.

**Horne** asked the owner why the permit was not displayed when the rules and regulations clearly states that the permit is to be properly displayed.

**Mr. Afanch** advised that he honestly didn't know why the permit wasn't up but he went and got it and displayed it after the Sheriff pointed it out.

**McVay motions to fine \$1000 for selling beer to a minor second offense and \$100 for the failure to display permit first offense, Ivy seconds. All ayes w/o objection.**

#### **IV. Permits Void by Operation of Law**

None

#### **V. Other Violations**

None

**VI. Discussion/Announcements**

*Report from County Clerk's Office*

**None**

*Report from County Attorney's Office*

**None**

*Report from Sherriff's Office*

**None**

**VII. Adjournment**

**Motion to adjourn by Ivy; 2<sup>nd</sup> by Anderson.**  
Adjourned at 2:50 p.m. until August 18, 2016.