

Thursday, October 20, 2016
SHELBY COUNTY BEER BOARD MEETING

Attendees: Kevin McVay
Merrick Horne, Chairman
Oretha Anderson
Mike Miller
Hallie Biggs (Newest Member)
Terry Roland- County Commissioner's Office
Marline Iverson, County Attorney
Waylon Wininger, Clerk's office
Shirelle Brown, Assistant Clerk of County Commission

Horne calls meeting to order at 2:05 pm. The Board introduces themselves.
Brown calls items.

I. Approval of Minutes

August 18, 2016

Moved by McVay, **2nd** by Miller

Approval of Addendum July 21, 2016 **Moved** by McVay **2nd** by Anderson

II. New Applicants

Applicant #1

Mapco Express, Inc.
Dba Mapco Express #3247
6379 Navy Rd.
Millington, TN 38053

OFF PREMISES

Owner – David Deserio

Horne asks if anyone is present for representation for Mapco Express, Inc., and swears in Matthew Hamilton who is the District Manager, Ameta Delbaga who is also a District Manager, and McCauley Williams who is the attorney with Baker and Donelson Firm.

Horne asks Wininger from Clerk's Office about the applicant

Wininger advised that Mapco Express, Inc. currently holds the current beer permit and 100% of the shares in stock have exchanged hands if he understands it correctly and therefore they've had to reapply. Everything else in the file is the same and they can still use the same sales tax numbers and permits and everything looks good and is ready to go.

Horne defers to counsel, McCauley Williams who advised that the stock exchanged hands and he actually represents Copec Inc., which will be the new parent company to Mapco Express Inc. Currently Delec US Holdings Inc. owns all of Mapco Express in all of the 350+ stores that make up their portfolio. Delec is selling 100% of Mapco Express Inc., stock to my client Copec, which at the end of this month should assume control of Mapco Express, Inc. But at the Mapco level, not much has changed and the Mapco Express Inc., will maintain its FEIN number and its sells and use numbers for each one of the different stores and a lot of the Mapco personnel, like these two gentlemen will remain after the transaction; but, because 100% or 50% or more of the stock is exchanging, I believe that triggered the need to reapply and to make sure the County is aware of the new controlling party of Mapco Express, Inc.

Horne asks Counsel Williams if all of the personnel that are currently at the Mapco Express going to be retained after the corporate exchange of the business.

McCauley Williams answers yes.

Horne asks if all the personnel members that are currently at the Mapco Express, are going to be retained after the corporate sale of the business and asks the date of business sale.

Mr. Williams answer yes that is his understanding that all personnel will remain, and he stated that the date is not certain but it should be around October 31, 2016.

Horne advised Counsel Williams that the beer permit would only be granted when the expectation of the sale of the business takes place and defers to Counsel Iverson that should the permit be approved it would be approved pending the sale of the business because it wouldn't be effective now because the sale hasn't been taken place and they wouldn't be allowed to sell beer until they have taken ownership.

Iverson advises yes that is correct.

Counsel Williams advised that is perfectly acceptable on their end and it sounds reasonable.

Horne asks the Commissioners of the Board if they had any questions and defers to Clerk Wininger as to how it would work for the employees after the sale is complete Oct 31st to get a background check in order to start selling beer.

Wininger advises that normally once the permit has been approved by the Board, the Clerk's Office starts accepting employees and everything happens on that day.

Horne advises that the approval is contingent upon the sale of the business and technically is not approved for the sale of beer and the current permit is still intact until Oct 31st in which the closing sell documents should be submitted to the County Clerk's Office so that the permit will be issued. He expresses that this is an approval with a contingency upon sale and not an actual approval.

Miller motions to approved the permit, McVay seconds

Horne advises that a motion has been made to approve the permit with a contingency upon the sale of the business which should take place on or around

October 31, 2016, and until that sale, the existing beer permit shall remain in effect. .

All ayes w/o objection.

III. **Misdemeanor Citations**

OMSHREE, Inc.
Dba OM Food Mart
6347 Navy Road,
Millington, TN. 380053

Representative: Mr....***Patel

Horne swears in Mr. Patel and asks Sheriff's Officer for a brief description of the incident.

Officer Blake advised that they entered into the business at 6347 Navy Road and went in with an under aged operant who gave the clerk a 20 dollar bill to pay for an alcoholic beverage. The clerk did not ask the operant for her ID and went on to sale the beverage. The operant left out of the store and that's when officers advised the clerk that he had been in violation of selling alcohol to an under aged minor.

Horne asks the representative if he agreed to the statements relayed by Officer Blake and asked him to explain what happened.

Mr. Patel advised that he was in Jersey and was not at the location and he was actually at the airport when his employee called him to tell him what happened soon after the Sheriff's left the store and he has nothing to say in accordance to what the Sheriff's relayed.

McVay asks Mr. Patel to explain the training that his employees undergo as it relates to checking ID and the selling of beer and other than training are there any other measures in place for the employees to check IDs.

Mr. Patel explains that he gives the employees the policy and rules as it relates to Shelby County, and he doesn't understand how the employee forgot to check the ID because he's usually really good at it but he was confused this time. He advised that the beer company gave them a clock and there is a screen and monitor when you scan the beer a message pops up to tell you if you can sell the beer according to the date you put in.

Anderson asks Mr. Patel if he terminated the clerk immediately.

Mr. Patel advised that he gave him a warning and another chance; however, a couple of months later he was caught stealing from the store and was fired after that particular offense.

Horne asks Clerk Wininger if this store has been in violation in the past for similar charges.

Wininger advised that May 16, 2013 meeting he was seen and fined for the same charges, selling beer to a minor and failure to check ID. So this is the second offense for the same charges.

Anderson asks Mr. Patel if this is the same employee from 2013 that was in violation.

Mr. Patel answers no.

McVay asks the Chairman if when considering sanctions in this case, there is a reset at a certain point.

Horne advises that there has not been an official forgiveness period granted; however, three years would still fall within a period being considered a second offense. If it was something like 15 to 20 years, then yes forgiveness would be in question; but not in this case. This case is a second offense of the same two charges in which in the past there has been a \$1000 fine for selling beer to a minor and \$500 for failure to check ID on the second offense.

Miller makes a motion to fine \$1000 for selling beer to a minor and \$500 for failure to check ID; totaling \$1500 **Seconded by Biggs**

All ayes w/o objection

Horne advises Mr. Patel that the fine is due before the third Thursday in November, which is November 16, 2016 at the close of business, payable to the Shelby County Clerk's Office.

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

Officer Blake advised the Commission that there is going to be a 30-45 day turnaround in issuing Misdemeanor Citations being that all of their operants are now 21 years of age and they are in the process of recruiting for new operants.

VII. Adjournment

Motion to adjourn by McVay; 2nd by Anderson.

Adjourned at 2:34 p.m. until November 17, 2016.