

**AGENDA**  
**CITY OF MORRISTOWN, TENNESSEE**  
**BEER BOARD MEETING**  
**November 17, 2020**  
**5:00 P.M.**

**1. CALL TO ORDER**

Mayor Gary Chesney

**2. ROLL CALL**

**3. APPROVAL OF MINUTES**

1. October 6, 2020

**4. CITIZEN COMMENTS ABOUT AGENDA ITEMS ONLY**

**5. OLD BUSINESS**

**6. NEW BUSINESS**

1. Beer Board Sanctions against the following establishment(s) for Failure to Require Presentation of Valid Photo I.D.

a. Gas-n-Go, 1833 Buffalo Trail (First Violation)

b. College Park Raceway, 2355 E. Morris Blvd. (First Violation)

**7. ADJOURN**

**STATE OF TENNESSEE  
COUNTY OF HAMBLLEN  
CORPORATION OF MORRISTOWN  
October 6, 2020**

The Beer Board for the City of Morristown, Hamblen County, Tennessee, met in session at the regular meeting place of the Beer Board in the Morristown City Center at 6:28 p.m., Tuesday, October 6, 2020 with the Honorable Mayor Gary Chesney presiding and the following Councilmembers present: Al A'Hearn, Chris Bivens, Bob Garrett, Kay Senter and Ken Smith. Councilmember Absent: Tommy Pedigo.

Mayor Chesney opened the floor for members of the audience to speak subject to the guidelines provided. No one spoke.

Beer Board member A'Hearn made a motion to approve the September 15, 2020, minutes as circulated. Beer Board member Senter seconded the motion and upon roll call; all voted "aye".

Beer Board member Bivens made a motion to approve the On-premise Permit for Cracker Barrel Old Country Store, Inc. DBA Cracker Barrel Old Country Store #423 located at 133 Cracker Road, Morristown, TN. Senior V.P., General Counsel and Secretary Richard Wolfson and Registered Agent/Manager Robert Whitson. Beer Board member Senter seconded the motion and upon roll call; all voted "aye".

Mayor Chesney adjourned the October 6, 2020, meeting of the City of Morristown, Beer Board at 6:30 p.m.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY ADMINISTRATOR

Lauren A. Carroll +

W. Evan Anderson

Eric B. Foust\*

John R. Foust\*

Kent M. Carringer\*



CARROLL ANDERSON & FOUST, LLP

ATTORNEYS AT LAW

caflp.law

+ Rule 31 Listed Mediator

\* Of Counsel

To: Beer Board

From: Lauren Carroll

Re: Off-Premise Beer Permit Violations

### **AGENDA ITEM SUMMARY**

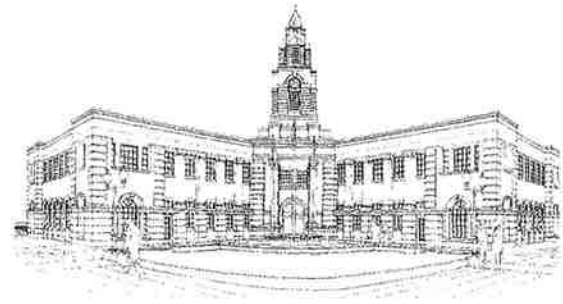
Presented to the Beer Board at the November 17, 2020 Beer Board Meeting are two businesses that have violated the City of Morristown's Beer Ordinance. Specifically, each business, Gas-N-Go and College Park Raceway, has been cited before the Beer Board for failing to require the presentation of a valid photo ID for the purchase of beer. *Tennessee Code Annotated §57-5-301 & City Ordinance 8-211*. The employee of each business has pled guilty in the Hamblen County General Sessions court for violating *Tennessee Code Annotated §39-17-702*, unlawful sale of an alcoholic beverage.

Pursuant to the City Beer Ordinances, specifically 8-212 and 8-213, the Beer Board may revoke or suspend a beer permit after holding a public hearing on the same. However, at the time a revocation or suspension is imposed, the Beer Board may offer the permit holder to pay a civil penalty in lieu of the suspension/revocation. In the current violations pending before the Beer Board, these are not violations of making sales to someone under the age of 21, but are instead considered an "other offense" because there was a failure to comply with the law and require the presentation of a valid ID. Therefore, the Beer Board may offer a civil penalty not to exceed \$1,000. It appears that neither permit holder has appeared before the Board within the last 10 years on any violation of its beer permit.

If the civil penalty is offered in lieu of suspension/revocation, that penalty amount must be paid within 7 days.

# Morristown Police Department

---



ROGER OVERHOLT  
Chief of Police

MEMO

TO: Chief Roger D. Overholt  
FROM: Det. Sgt. Gary Bean  
RE: Off-Premise Beer Permit Violations  
DATE: October 20, 2020

---

In recent weeks, The Narcotics/Vice Division has conducted compliance checks at two locations that possess an Off-Premise Beer License issued by the City of Morristown. These compliance checks were conducted due to multiple complaints received on each location. The following list contains violations that occurred as a result:

<u>Location</u>	<u>Violation(s)</u>
Gas-N-Go 1833 Buffalo Trail	Failure to Require Presentment of a Valid Photo ID TCA 57-5-301
College Park Raceway 2355 E. Morris Blvd	Failure to Require Presentment of a Valid Photo ID TCA 57-5-301

The employee involved with each violation was cited into General Sessions Court and has pled to a violation of TCA 39-17-702 (Unlawful Sale of an Alcoholic Beverage).

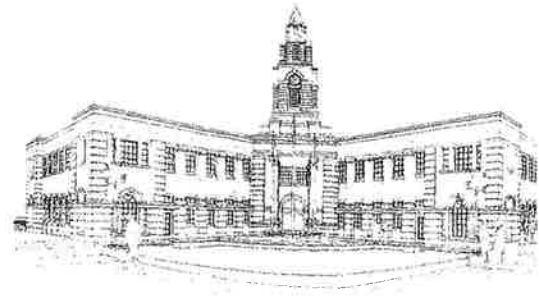
A violation audit was conducted on each of the above listed locations for the prior ten years and there were no violations committed under the names of the current Off-Premise Beer License holders.

If you have any questions, please feel free to contact me.

# Morristown Police Department

---

ROGER OVERHOLT  
Chief of Police



Location: COLLEGE PARK RACEWAY, 2355 E. MORRIS BLVD.

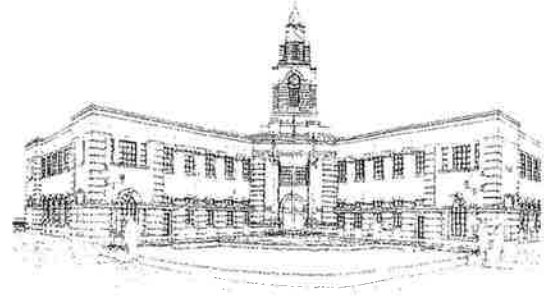
On 10-23-2020, I personally received a letter from Det Sgt Gary Bean regarding the notice of this business being brought to the attention of the Morristown Beer Board for violating a local Beer Ordinance and that this Morristown Beer Board meeting will occur on November 17, 2020 in the Morristown City Council Chambers immediately following the Morristown City Council meeting scheduled for 5:00 pm.

x S.P. Patel  
Signature

S.P. PATEL  
Printed Name

Mauber  
Witness

# Morristown Police Department



ROGER OVERHOLT  
Chief of Police

Location: GAS-N-GO, 1833 BUFFALO TRAIL

On 10-23-2020, I personally received a letter from Det Sgt Gary Bean regarding the notice of this business being brought to the attention of the Morristown Beer Board for violating a local Beer Ordinance and that this Morristown Beer Board meeting will occur on November 17, 2020 in the Morristown City Council Chambers immediately following the Morristown City Council meeting scheduled for 5:00 pm.

x Abdul Kader  
Signature

ABDUL KADER  
Printed Name

Gary Bean  
Witness