

**MINUTES  
CITY OF SPRINGFIELD  
BEER BOARD  
JUNE 10, 2021**

1.0 Call to Order 5:30 P.M.

The Beer Board of the City of Springfield met in regular session on June 10, 2021 at City Hall.

Board members present: Chairman Joe Donald King, Mike Wilhoit, Gina Holt, and Deann Pigott

Board members absent: Dontez Huskey, Walt Hannabass, and Tereasa Taylor

Staff present: City Recorder Lisa Crockett, City Attorney Christy Bartee

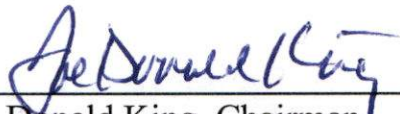
1.1 Approval of minutes from the regular meeting held on May 13, 2021.

Ms. Holt moved to approve the minutes as written and ordered filed. The motion was seconded by Ms. Pigott and passed unanimously.

2.0 Administrative

2.1 Mr. Wilhoit moved to amend Title 8, Chapter 2 of the Springfield Municipal Code with regards to suspension and revocation of beer permits as presented. The motion was seconded by Ms. Pigott and passed by a 4-0 roll call vote.

3.0 Adjournment

  
\_\_\_\_\_  
Joe Donald King, Chairman

Attest:

  
\_\_\_\_\_  
Lisa H. Crockett, City Recorder

**8-215. Suspension and revocation of beer permits.** The Beer Board is hereby authorized and empowered to temporarily suspend or permanently revoke any beer permit issued under the provisions of this chapter when the holder thereof has made any false statement or misrepresentation in the application made pursuant to § 8-208 and/or § 8-213 above, or has committed or allowed to be committed by such holder's agent or employee any act prohibited by this chapter or when the holder thereof suffers the loss or suspension of its license issued by the State of Tennessee Alcoholic Beverage Commission authorizing the sale of liquor by the drink, subject to the provisions of Tennessee Code Annotated, §57-1-214, or whenever it shall satisfactorily appear that the premises of any beer permit holder is being maintained and operated in such manner as to be detrimental to the public health, safety and welfare.

In addition, the Beer Board is authorized and empowered to suspend or revoke such permit holder's beer permit (or offer a civil penalty in accordance with Tennessee Code Annotated, § 57-5-108 unless the permit holder is a "Responsible Vendor" as set forth by Tennessee Code Annotated, § 57-5-601 et seq (Tennessee Responsible Vendor Act) in accordance with the following:

(1) If the permit holder is not a "Responsible Vendor" and permit holder, permit holder's agent or employee is determined to have sold or otherwise dispensed beer to any person under the age of twenty-one (21) years, or to have violated any other provision of this chapter, the beer board shall invoke the following suspensions, revocation and fines:

- 1<sup>st</sup> violation: Suspension of the beer permit for fifteen (15) days. The Beer Board shall be empowered, but not required, to offer the imposition of a civil penalty of two thousand five hundred dollars (\$2,500.00) in lieu of a suspension.
- 2<sup>nd</sup> violation: Mandatory suspension of the beer permit for a period of thirty (30) days. The Beer Board hereby denies itself the power and/or authority to offer the imposition of any civil penalty in lieu of a suspension, the discretionary authority of Tennessee Code Annotated, § 57-5-108 notwithstanding.
- 3<sup>rd</sup> violation: Mandatory suspension of the beer permit for a period of ninety (90) days. The Beer Board hereby denies the power and/or authority to offer the imposition of any civil penalty, in lieu of a suspension, the discretionary authority of Tennessee Code Annotated, § 57-5-108 notwithstanding
- 4<sup>th</sup> violation: Revocation of the beer permit for a period of one year. Permit Holder may apply for a new permit after one year from the date of revocation. Said permit shall be considered a new permit, subject to all fees and permit requirements as set forth in Title 8. Chapter 2 of the Springfield Municipal Code.

- (2) For violations of this chapter other than having sold or dispensed beer to a minor, permit holder shall be subject to a civil penalty not to exceed one-thousand dollars (\$1,000.00) as set forth in Tennessee Code Annotated, § 57-5-108.
- (3) If a permit holder is a “Responsible Vendor” and permit holder, permit holder's agent or employee is determined to have sold or otherwise dispensed beer to any person under the age of twenty-one (21) years, said permit holder shall be subject to all penalties as set forth in Tennessee Code Annotated, § 57-5-108.

In order to be considered a subsequent violation under this chapter, the violation must occur within three (3) years of any prior violation determined by the Beer Board.

Any civil penalty imposed in lieu of a suspension of the holder's permit, must be paid in full within seven (7) days from the date the Beer Board assesses said penalty. Any civil penalty that remains unpaid for seven (7) days from the date of assessment by the Beer Board shall result in the automatic suspension of the beer permit unless or until the fine is paid in full.

The suspension, revocations and civil penalties herein created shall be decided by the board of Beer Board after a public hearing. The permit holder shall be notified of said proceedings in writing by the chief of police at least fourteen (14) days prior to the meeting of the Beer Board at which that public hearing shall be conducted. Notice of the public hearing shall be by publication in a newspaper of general circulation within the City of Springfield not less than ten (10) days prior to said hearing. Notice of the public hearing shall include the name of the permit holder, the address of the permit holder's business, the nature of the alleged offense and the date, time and location of the hearing.

At the hearing, the board shall consider evidence of the violation and the circumstances surrounding the alleged violation. The board shall also hear and consider the statements of the permit holder and any relevant evidence concerning the alleged violation, statements and arguments of his or her legal counsel, and any other person desiring to be heard on the matter. The Beer Board shall then determine:

- (a) Whether a violation of this chapter has occurred; and
- (b) The appropriate sanction considering all the facts and circumstances, and in strict accordance with this chapter, if a violation is found to have occurred.

Any resulting decision of the Beer Board may be appealed to the Chancery Court of Robertson County in accordance with the standards set forth in Tennessee Code Annotated, §57-5-108.