

**OAK RIDGE BEER PERMIT BOARD
REGULAR MEETING**

Municipal Building Training Room – Room 104
Monday, January 13, 2014
12:00 Noon

AGENDA

1. ATTENDANCE
2. INTRODUCTION OF NEW MEMBER – Darren Osborne
3. ELECTION OF OFFICERS
 - A. Chairperson
 - B. Secretary
4. APPROVAL OF MINUTES – December 9, 2013
5. APPLICATIONS FOR NEW BEER PERMITS AND ASSOCIATED MANAGER APPROVAL APPLICATIONS

None
6. NEW MANAGER APPROVAL APPLICATIONS

None
7. NEW / OLD BUSINESS
 - A. Reports from Oak Ridge Police Department (if any)
 - B. Possible Ordinance Amendment – Training Requirements – Item on Hold from November 2013 Meeting Pending Information from Other Municipalities

At the time of publication of the agenda, there was no information to provide to the Board on the costs/benefits of training provided by other municipalities. If information is available by the meeting, it will be reported to the Board at that time.
 - C. Privilege Tax Payments – See Attachment
 - D. Statistical Report Submitted to Tennessee Alcoholic Beverage Commission – See Attachment
8. ADJOURNMENT

**MINUTES OF THE
OAK RIDGE BEER BOARD**
Regular Meeting

Municipal Building Training Room – Room 104
Monday, December 9, 2013
12:00 noon

PRESENT: Secretary Barton Bailey, Theresa Scott, Debra Solmonson, Chairman Randy Tedford, and Wendy Williams

ABSENT: Colin Colverson

ALSO PRESENT: Tammy Dunn, Senior Staff Attorney
Alan Massengill, Deputy Chief of Police

AUDIENCE MEMBERS: Michael Foster, Allies for Substance Abuse Prevention
John Huotari, Oak Ridge Today

ATTENDANCE

Chairman Tedford called the meeting to order at 11:55 a.m. All members were except Mr. Colverson who reported his absence to the Legal Department prior to the meeting.

APPROVAL OF MINUTES

Ms. Williams moved, seconded by Secretary Bailey, to approve the minutes of the November 18, 2013 meeting and the motion carried unanimously.

APPLICATIONS FOR NEW BEER PERMITS AND THEIR ASSOCIATED MANAGER APPROVALS

Application No. 1489,
Gallo Loco, Inc.
Patricia Sanchez, Owner/Manager
80 East Tennessee Avenue
Class C Permit

Ms. Sanchez was present to discuss her application. The Board discussed the upcoming business with Ms. Sanchez. Ms. Sanchez stated she plans to open both outdoor seating locations, the servers will have a good view of the outside to make sure beer is not handed off to persons other than the purchaser, ten employees will be working at the establishment, all employees must be ABC certified even if they are not serving alcohol, and cameras are planned for the establishment. When asked by the Board, Ms. Sanchez also stated she did work at Hidalgo previously but was not there the day an employee sold beer to a minor as part of the ABC's minor compliance check.

Secretary Bailey moved, seconded by Ms. Solmonson, to approve the beer permit application and the manager application conditioned upon passing the life safety inspection and the motion carried unanimously.

NEW MANAGER APPROVAL APPLICATIONS**Pamla Morton****Moose Lodge****103 N. Jefferson Avenue**

Ms. Morton was present to discuss her application. The Board discussed Ms. Morton's managerial plans with her. Ms. Morton stated she was a manager at this establishment two years prior, all current bartenders are TIPS trained, all employees know to ask for the patron's membership card at the door and to ID the patron, and that she only hires employees with an active ABC card. When asked by the Board, Ms. Morton stated she was aware of the problem that occurred in March with an employee allowing a non-member inside the lodge and selling beer to a minor. Chairman Tedford stated to be sure to call the Police Department when needed and for an employee to make the call rather than rely on someone driving by to call.

Secretary Bailey moved, seconded by Ms. Scott, to approve the manager application and the motion carried unanimously.

SHOW CAUSE HEARING**Show Cause Hearing # 2013-11****Lincoln's Sports Grille****119 S. Illinois Avenue****Class "C" Permit #1406, Approved 8/9/10****Class "B" Permit #1439, Approved 11/14/11 (for catering only)****Owners: Edward Scott Green, Lendon Aaron Hart, Mike Lincoln, and Vander J. Murray****Manager: Lisa Green (4/8/13)**

Chairman Tedford swore in all witnesses and explained the hearing process. Deputy Chief Alan Massengill was present for the City. Scott Green, owner; Lisa Green, Roy McKinnon, consultant; manager; Corey Taack, employee; and Brad Julian, employee, were present for Lincoln's.

Deputy Chief Massengill detailed the police report arising out of the physical disturbance at Lincoln's on November 2, 2013 where a patron was arrested for public intoxication and theft of services (failure to pay bar tab). During this discussion, a copy of the patron's bar tab was presented to the Board which contained mostly liquor and one pitcher of beer.

Mrs. Green explained the order on the bar tab and that the order was placed for two guests. Mrs. Green also stated the patron was a regular customer and there were no problems in the past. Ms. Williams inquired how the patron became intoxicated based upon the bar tab. Mrs. Green stated the patron was fine until he left the bar area and returned. At that point, the patron appeared under the influence and soon thereafter began a fight with an acquaintance. Mrs. Green said it would be speculation but the patron appeared to be under the influence when he returned. Mrs. Green stated the patron's actions were uncharacteristic and, in hindsight, the bartender should have called the police immediately when the patron refused to pay his bar tab. Ms. Taack, bartender, stated she had an employee call the police when the fight began. Mrs. Green also stated they had called the patron a cab to take him home prior to the disturbance. Deputy Chief Massengill also reported there were no subsequent problems at Lincoln's that he was aware of after this incident.

Secretary Bailey moved, seconded by Ms. Scott, that Lincoln's had shown sufficient cause as to why the Board should not take any negative action and the motion carried unanimously.

Ms. Williams stated to Lincoln's that she did not want to see them again for a show cause hearing. Ms. Scott commented that the intoxication of the patron appeared to occur prior to consumption of any beer. Secretary Bailey commented that it would be a good idea to call the police quicker in the future. Mr. Green stated he felt the bartender handled the matter well, but should have called the police immediately. He also stated they have hired a consultant and plan to be proactive.

NEW / OLD BUSINESS

A. Reports from Oak Ridge Police Department (if any)

None

B. Possible Ordinance Amendment –Training Requirements

No information on cost/benefit was available from other cities with training requirements in place. This item will be continued to a subsequent meeting.

ADJOURNMENT

Upon motion of Chairman Tedford, seconded by Secretary Bailey, and unanimous consent, the meeting adjourned at 12:35 p.m.

Respectfully submitted,

Barton Bailey, Secretary

**NEW / OLD BUSINESS
ITEM C**

Privilege Tax Payments

By City Code §8-708, all beer permit holders are required to pay an annual \$100.00 privilege tax payment by January 1. However notices were mailed late and; therefore, permittees were given additional time to pay in order to give them thirty (30) days' prior notice of payment. Permittees have until January 15, 2014 to pay the required privilege tax.

If payment is not received by the deadline, the City is required by ordinance to send a past due notice by certified mail giving an additional ten (10) days (from receipt of notice) to pay *prior to* the Board being able to take action against the beer permit (civil penalty, suspension, or revocation) for failure to pay the privilege tax. In the event payments are not received by the initial deadline, the Legal Department will send certified letters giving the required additional time. The names of those permittees who have not paid by the new deadline will be given to the Board at the February meeting.

**NEW / OLD BUSINESS
ITEM D**

Statistical Report Submitted to Tennessee Alcoholic Beverage Commission

Pursuant to Tennessee Code Annotated §57-5-605(e)(2), the Board is required to submit a statistical report by February 1 of each year to the Tennessee Alcoholic Beverage Commission detailing the following information for the previous calendar year:

- The total number of beer permits issued by the beer board for off-premises consumption;
- The number of violations for the sale of beer for off-premises consumption to a person under the age of twenty-one that resulted from a “sting” operation and arrests made under conditions not related to a “sting” operation;
- Whether the above mentioned violations occurred at an establishment participating in the Responsible Vendor Program (RVP);
- Whether the underage purchaser in a sting conducted at an establishment participating in the RVP was unsuccessful in making the purchase;
- The type and number of violations (other than for sales of beer for off-premises consumption to a person under the age of twenty-one) that occurred at establishments selling beer for off-premises consumption;
- The name of the license/permit holder at the location where the violation occurred; and
- The specific penalty imposed by the beer board for each violation upon a finding that a violation occurred.

Once provided to the Tennessee Alcoholic Beverage Commission, the Commission has until March 15 to compile the statistical data and submit a report to the State and Local Government Committee of the Senate and the State Government Committee of the House of Representatives along with recommendations for legislative change to the RVP, if any changes are recommended by the Commission. As you can see from the information above, the statistical data is only for off-premises consumption beer permits.

The Board had eleven (11) show cause hearings during calendar year 2013, however, most of those pertained to establishments with on-premises beer permits. The only ones that pertained to off-premises beer permits were the three (3) for Lincoln's Sports Grille who possesses both an on-premises beer permit and an off-premises beer permit. Of these three (3), only one (1) resulted in the Board finding a violation and taking action.

The attached is a report that will be submitted to the Commission on behalf of the Board. The cover letter to the Commission will explain that Lincoln's Sports Grille is not a “traditional” off-premises beer permit like a convenience or grocery store but instead possesses this type of permit because the City does not have a catering classification of permit.

If there are any questions concerning this information, please make them known by the January 13, 2014 meeting as the report will be mailed following the meeting.

ANNUAL STATISTICAL REPORT FOR CALENDAR YEAR 2013

OAK RIDGE BEER PERMIT BOARD OAK RIDGE, TENNESSEE

Tennessee Code Annotated §57-5-605(e)(2) requires all local beer boards to submit a statistical report to the Alcoholic Beverage Commission (ABC) by February 1 of each year for the prior calendar year. Below is the required information for off-premises consumption beer permits during Calendar Year 2013 for the Oak Ridge Beer Permit Board for the City of Oak Ridge, Tennessee.

Off-Premises Consumption Beer Permits – Violation Statistics for CY2013

Total Number of Off-Premises Consumption Beer Permits Issued for CY2013*	Number of Violations for Sales to Underage Persons (Under 21)	Number of Unsuccessful Underage Sales During Sting Operation	Number of Other Violations																
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Off-Premises Consumption Beer Permits – Violations Specifics for CY2013

Name of Permit Holder	Responsible Vendor Establishment (RVPE)?	Type of Violation	Penalty Imposed
Lincoln’s Sports Grille 119 S. Illinois Avenue Oak Ridge, TN 37830 Owners: Scott Green, Lendon Hart, Mike Lincoln, and Vander Murray	No	Sale of beer to a person under the age of twenty-one during an ABC Minor Compliance Check (“sting operation”) conducted on 3/18/13)	One Week Suspension (9/22/13-9/28/13); Suspension was lifted upon documentation that all servers received ABC certification

Note: RVPE = Responsible Vendor Program Establishment, Establishment Participating in the State’s Responsible Vendor Program

* The total number of beer permit holders in Oak Ridge as of December 31, 2013 was sixty-six (66). Of this number, thirty (30) are for off-premises consumption; however, only five (5) of those were issued during Calendar Year 2013. Three (3) other permits for off-premises consumption were issued during Calendar Year 2013, however, those businesses have since changed ownership or closed within the calendar year. Therefore, a total of eight (8) permits were issued during Calendar Year 2013 for off-premises consumption of beer.